

# Local Court of New South Wales Annual Review 2010



**Local Court**  
of New South Wales



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## Foreword by Chief Magistrate of New South Wales

It is with pleasure that I present the Local Court Annual Review for 2010, a year which marked the 25th anniversary of the establishment of the Local Courts of New South Wales.

On 1 January 1985, upon the commencement of the *Local Courts Act* 1982, the Local Courts assumed the jurisdiction previously exercised by the Courts of Petty Sessions and magistrates were for the first time afforded the status of independent judicial officers. Since then, the jurisdiction and workload of what is now a single Local Court of New South Wales has shifted dramatically and warrants a moment of reflection.

At the beginning of 1985, the Local Courts' summary criminal jurisdiction was concerned in large part with traffic notice infringements. Almost 44 percent of the summary criminal workload involved the imposition of fines for traffic infringements. In the indictable sphere, the now repealed section 476 of the *Crimes Act* 1900 enabled magistrates to decide whether to summarily determine charges for a limited number of indictable offences or to refer them to the District Court.

Over successive years, the jurisdiction of the Local Courts changed considerably. The development of the self-enforcing infringement notice scheme throughout the 1980s removed almost 450,000 traffic matters from court lists. The same decade also saw the birth of domestic and personal violence legislation, which brought judicial scrutiny of conduct that had previously largely remained behind the closed doors of society. It is an area in which the law has continued to develop and change in the decades since.

In 1995, section 476 of the *Crimes Act* was abolished and replaced with what has come to be known as the Table offences scheme, bringing significant change in how more serious criminal offences are dealt with. The prosecutor, or in some cases the defence, became responsible for the decision as to whether certain indictable offences should be dealt with to finality in the Local Court or the District Court. The range of indictable offences that could be determined summarily in the Local Court was expanded, and has continued to grow. Committals for trial or sentence to the District Court fell by about

20 percent in the first year of the new scheme's operation. To this day, an increasingly large number of indictable offences continue to be determined to finality in the Local Court.

As the jurisdiction of the Local Court has developed, so too has the magistracy. Unlike the stipendiary magistrates of the Courts of Petty Sessions, who were public servants whose remuneration was set under the *Public Servants Act* 1979, magistrates of the new Local Courts had their remuneration independently determined. Their independence was bolstered in 1986 when magistrates were recognised as judicial officers in the *Judicial Officers Act*, which provided security of tenure.

The same Act also established the Judicial Commission of New South Wales, which has played a pivotal role in the professional development of the magistracy. Emphasis on the quality of justice within the Court has seen the development, through an ongoing partnership between the Court and the Judicial Commission, of sophisticated and focused orientation and continuing judicial education programs. The Judicial Commission also provides the magistracy with valuable research tools such as the sentencing information database.

The diversity of the magistracy has also significantly developed. At the formation of the Local Courts, 103 of the 112 magistrates were drawn from the ranks of the courts administration. Only 4 were women. The current bench comprises magistrates from private legal practice, the State and Commonwealth DPPs, Legal Aid, Crown prosecutors, the Law Society, Local Courts Administration, government departments, and academia. Over 40 percent of magistrates are now women. The increasing diversity of magistrates' backgrounds and experience and the growing representation of women on the bench has ensured a breadth of perspective that has benefited the Local Court as its jurisdiction has grown and changed since 1985.

Another significant development in the work of the Local Court has been the establishment and expansion of therapeutic and restorative justice programs, such as the Magistrate's Early Referral Into Treatment (MERIT) program, Circle

Sentencing, Forum Sentencing and the Traffic Offender Intervention Program. While each program has discrete objectives and targets a variety of participants and circumstances, these programs have at their core the common objective of a more holistic approach in dealing with offender management.

Of these programs, in July MERIT celebrated the 10<sup>th</sup> anniversary of its commencement. The program, which operates pre-plea to offer drug treatment to defendants in the Local Court, has expanded in the past decade from a pilot program operating at Lismore Local Court to now be available at 65 Local Court locations across the State. In that time, almost 8,500 defendants have successfully completed MERIT, and the program has been shown in various studies to have positive effects on the health and welfare of defendants, while also reducing the rate of re-offending.

A number of challenges remain for the Court, particularly in the area of resourcing. The rise in caseloads coupled with increased complexity that invariably accompanies an expanded jurisdiction places significant additional responsibility on the magistracy. Disappointingly, the investment by the Court in the professional and strategic development of the magistracy has not been matched by the administrative support within the Department of Justice and Attorney General. Unlike the higher jurisdictions, the magistracy has no professional or direct administrative support. Against this reality, the trend in reducing support services and the failure to recognise the shift in the needs of the magistracy continues to hamper the capacity of the Court to make the best of its abilities.

At a registry level, the transition to the new JusticeLink computerised case management facility, which expanded in 2010 to the Local Court's civil jurisdiction, has initially resulted in delays. Difficulties have also been experienced in the extraction and analysis of statistical data to enable the Court to properly evaluate its workload and performance. These problems have lessened over time but are yet to be completely resolved. For instance, for a second year running, JusticeLink has not been able to provide reliable data on the Court's pending criminal caseload.

Individual jurisdictions of the Court have also been affected by specific concerns, with a lack of resources in external agencies hampering the ability of the Court to achieve its goals. For instance, lengthy delays within the forensic pathology services upon which the coronial jurisdiction depends for expeditious completion of inquests continues to constrain the capacity of the Court to finalise inquests in this sensitive area. In the criminal jurisdiction, ongoing delays in relation to DNA analysis, drug analysis, ballistics reports and fingerprint analysis all combine to frustrate the ability of the Court to bring serious criminal prosecutions to finality in a more timely fashion.

These challenges aside, 2010 was also marked by new developments in the Court. The growth of several diversionary programs continued, with the MERIT program expanded to encompass the availability of alcohol treatment at Wollongong Local Court. New locations are planned for future expansion. Similarly, both the Forum Sentencing program, which enables victims and offenders to come together at a meeting and develop an intervention plan for an offender that is taken into account at sentencing, and Circle Sentencing, which facilitates the input of the community and elders into the sentencing of indigenous offenders, also expanded to new Local Court locations.

The past year also saw the Court continue to perform strongly in meeting its commitment to the just and timely determination of the hundreds of thousands of criminal and civil proceedings that came before it. For the eighth year running, the Local Court recorded the lowest level of backlogs of any magistrates' court in its criminal jurisdiction in the Australian Productivity Commission's Report on Government Services. This is testament to the hard work of the Court's magistrates and support staff whose dedication is integral to the work of the Local Court.

This Review provides a brief overview of the Court's operations in 2010.

**Judge Graeme Henson**  
**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 has broad criminal and civil jurisdictions.

The Court deals with the vast majority of summary and criminal prosecutions in New South Wales, including 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.

The Court also deals with numerous civil matters. The Small Claims Division deals with claims with a monetary value of up to \$10,000. In December 2010, the jurisdiction of the General Division was increased so that it may now deal with claims between the amounts of \$10,000 and \$100,000, except in claims relating to personal injury or death, where the jurisdictional limit remains at \$60,000.

As at 31 December 2010, there were 134 Magistrates (128 full time Magistrates and 6 part time) who preside at 148 locations throughout New South Wales.

### 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 that 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 New South Wales.

### Industrial jurisdiction

An Industrial jurisdiction is conferred on specific Magistrates (Industrial Magistrates) under the *Industrial Relations Act 1996* (NSW). Industrial Magistrates may exercise civil and criminal jurisdiction under a broad range of State and Commonwealth legislation.

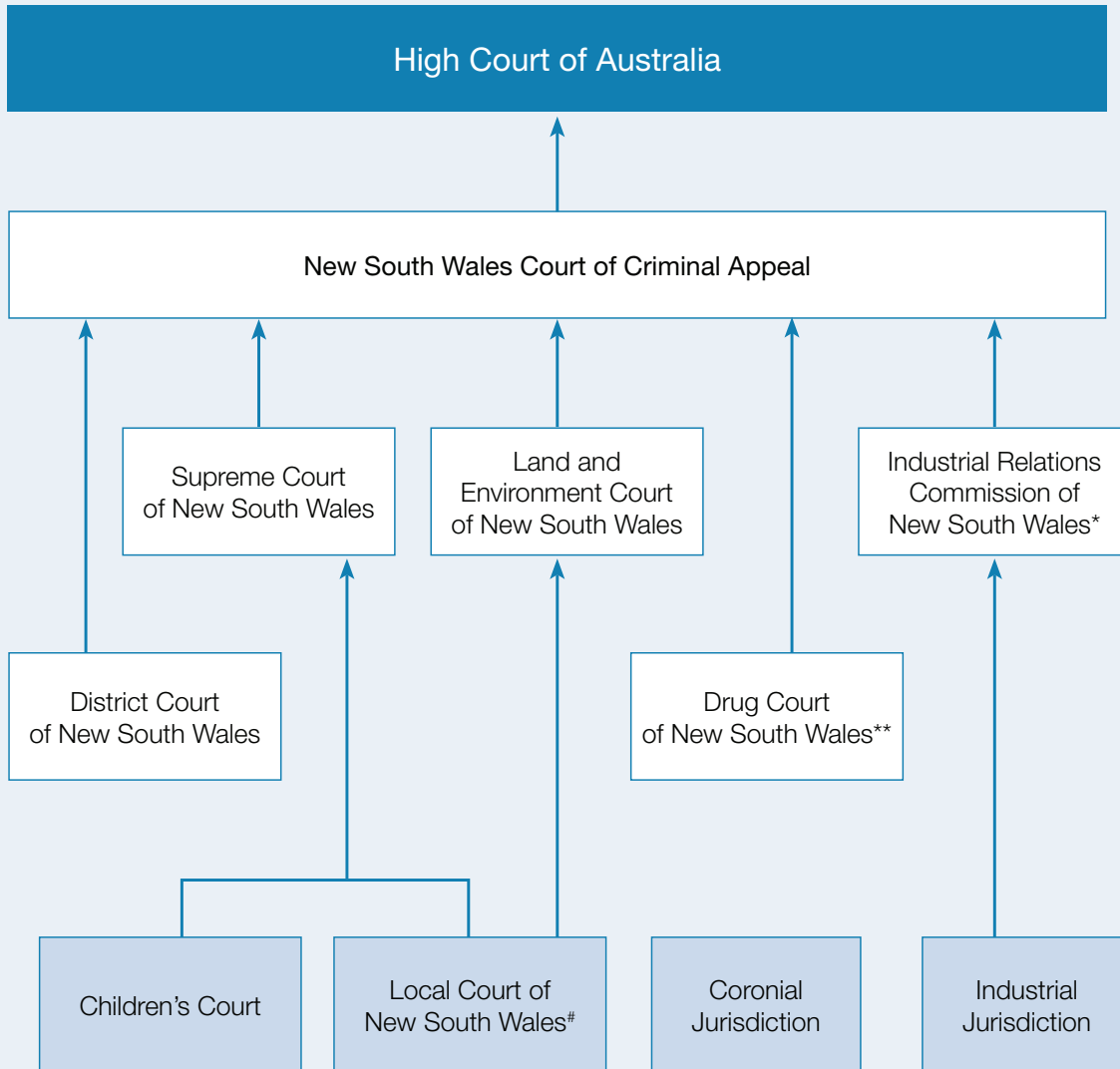
The Industrial jurisdiction deals with such matters as:

- Recovery of money owing under Industrial Instruments, for example, Awards, Enterprise Agreements and Statutory Entitlements;
- Prosecutions for breach of industrial instruments;
- Appeals from various administrative decisions; and
- Prosecutions for statutory breaches.

### Mental health

In late June 2010, legislation commenced which transferred magistrates' jurisdiction under the *Mental Health Act 2007* to the Mental Health Review Tribunal. From that time, the Tribunal assumed the responsibilities under that Act formerly carried out by magistrates. These include the review of the need for continued detention of any person involuntarily admitted to a hospital for psychiatric treatment and approval of the discharge of persons subject to a community treatment order.

## New South Wales Court System – Criminal Jurisdiction



Note: the above is a simplified diagram. Actual appeal rights are determined by the relevant legislation.

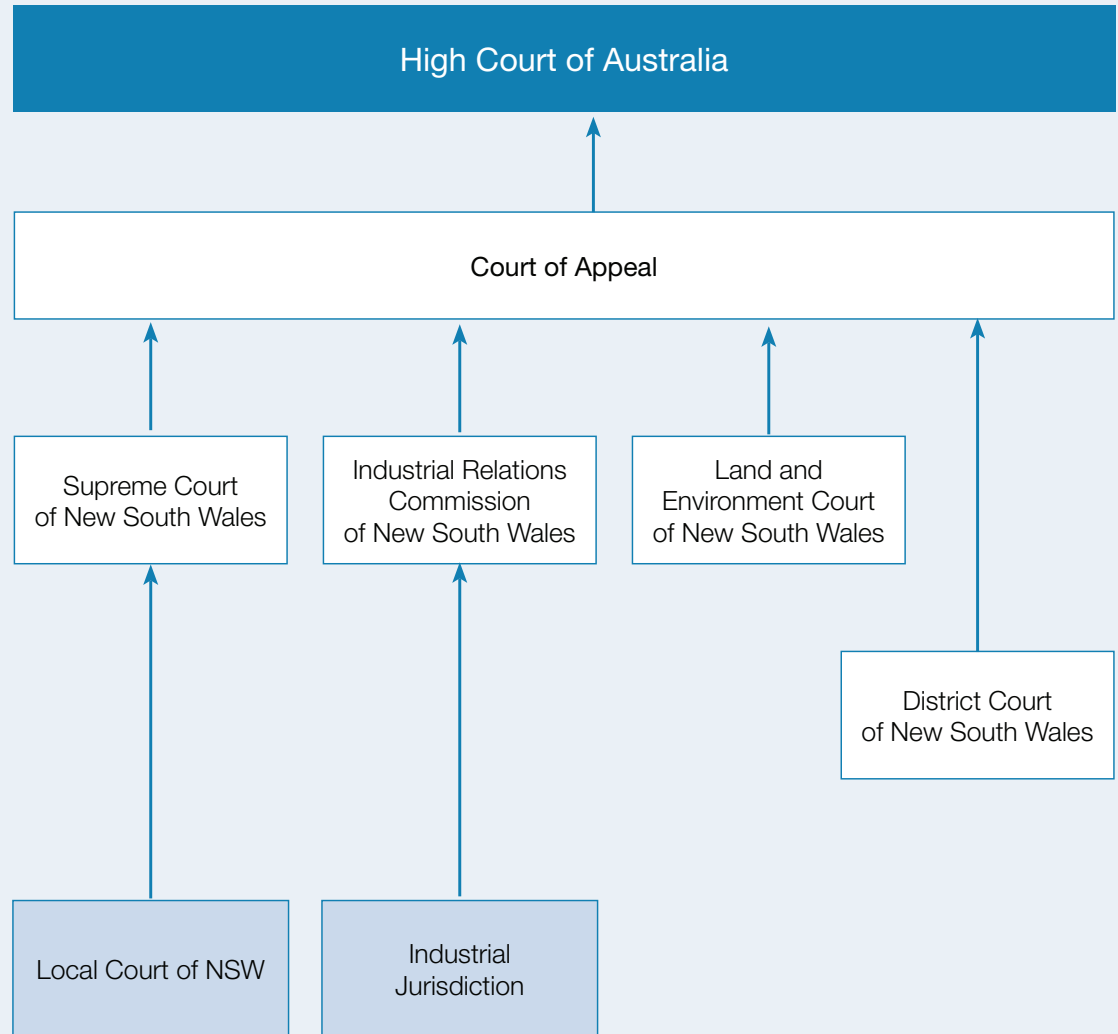
\* The Court of Criminal Appeal may hear appeals in matters relating to section 32A of the Occupational Health and Safety Act 2000.

\*\* Some appeals are made to the District Court of New South Wales. There is no automatic right for a person to enter a Drug Court program. A Local Court (or District Court) may refer offenders to the Drug Court who meet relevant eligibility criteria.

# Some appeals from committal proceedings may be made to the Court of Criminal Appeal.



## New South Wales Court System – Civil Jurisdiction



*Note: the above is a simplified diagram. Actual appeal rights are determined by the relevant legislation.*

## 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.

In 2010, the Judicial Officers of the Court were as follows:

### Chief Magistrate

His Honour Judge Graeme Leslie Henson

### Deputy Chief Magistrates

His Honour Magistrate Paul Stanislaus Cloran  
(until 2 July 2010)

Her Honour Magistrate Jane Ellen Mottley

Her Honour Magistrate Jane Ariane Culver  
(from 12 July 2010)

Her Honour Magistrate Mary Stella Jerram  
(State Coroner)

### Chief Industrial Magistrate

His Honour Magistrate Gregory James Tulk Hart

### Magistrates

His Honour Magistrate Richard Peter Miszalski

His Honour Magistrate Darryl John Pearce

His Honour Magistrate David Bruce Armati

His Honour Magistrate Christopher James Bone

His Honour Magistrate William Grenville Pierce

Her Honour Magistrate Dr Patricia O'Shane AM

His Honour Magistrate Ian Duncan McRae

His Honour Magistrate Paul Anthony Sloane  
(until 30 April 2010)

His Honour Magistrate Wayne Henry Evans

His Honour Magistrate Jeffrey Alan Linden

His Honour Magistrate Bernard Joseph Kennedy

His Honour Magistrate Paul Patrick Falzon  
(until 3 September 2010)

His Honour Magistrate Allan Darroll Moore  
(until 31 December 2010)

His Honour Magistrate Thomas Hugh Hodgson

His Honour Magistrate Gary John Cocks  
(until 16 March 2010)

Her Honour Magistrate Janet Christina Ruth  
Stevenson

His Honour Magistrate Nicholas Gustav Ernest  
Reimer (until 22 March 2010)

His Honour Magistrate Malcolm Ian MacPherson

His Honour Magistrate Christopher Wayne  
McRobert

Her Honour Magistrate Daphne Anne Kok

His Honour Magistrate Geoffrey Edward Bradd

His Honour Magistrate Dennis Harvey Burdett

His Honour Magistrate Scott Mitchell

Her Honour Magistrate Carolyn Jane Barkell

His Honour Magistrate Allan Wilson Railton

His Honour Magistrate Dr Roger Alasdair Brown

His Honour Magistrate Ross Kim Pogson  
(until 4 November 2010)

Her Honour Magistrate Jennifer Ethel Betts

His Honour Magistrate Stephen Vaughan  
Jackson

His Honour Magistrate Douglas Raymond Dick

Her Honour Magistrate Judith Mary Fleming

His Honour Magistrate Shaughan McCosker

Her Honour Magistrate Sharron Maree Crews

His Honour Magistrate Hugh Christopher Bryant  
Dillon

Her Honour Magistrate Julie Anne Huber

His Honour Magistrate Michael Stoddart

His Honour Magistrate Brian Vincent Maloney

Her Honour Magistrate Jacqueline Mary Milledge

Her Honour Magistrate Lee Anne Gilmour

His Honour Magistrate Phillip Alan Moon

Her Honour Magistrate Janet Wahlquist

Her Honour Magistrate Jennifer Anne Giles

His Honour Magistrate Christopher Longley

Her Honour Magistrate Gail Frances Madgwick  
(until 17 September 2010)

His Honour Magistrate Anthony Kevin Murray

His Honour Magistrate Garry James Still

His Honour Magistrate William John Brydon

Her Honour Magistrate Christine Mary Haskett  
 Her Honour Magistrate Jayeann Carney  
 His Honour Magistrate Robert Scott Rabbidge  
 Her Honour Magistrate Beverley Anne Schurr  
 His Honour Magistrate David Michael Heilpern  
 His Honour Magistrate Roger David Prowse  
 Her Honour Magistrate Suzanne Gaye Seagrave  
 Her Honour Magistrate Eve Wynhausen  
 His Honour Magistrate Ian James Guy  
 Her Honour Magistrate Hilary Rae Hannam  
 (until 13 August 2010)  
 His Honour Magistrate Daniel Reiss  
 Her Honour Magistrate Joanne Keogh  
 His Honour Magistrate Paul Raymond Mulroney  
 His Honour Magistrate Terence Timothy Lucas  
 His Honour Magistrate Terence Murphy PSM  
 Her Honour Magistrate Elaine Truscott  
 Her Honour Magistrate Paula Mary Russell  
 Her Honour Magistrate Helen Gay Barry  
 Her Honour Magistrate Georgia Knight  
 Her Honour Magistrate Carmel Ann Forbes  
 Her Honour Magistrate Lisa Veronica Stapleton  
 His Honour Magistrate Robert Allen Walker  
 Her Honour Magistrate Margaret Quinn PSM  
 His Honour Magistrate John Andrews  
 His Honour Magistrate Howard Charles Hamilton  
 His Honour Magistrate Anthony Joseph Marsden  
 His Honour Magistrate James Coombs  
 Her Honour Magistrate Fiona Toose  
 His Honour Magistrate Graeme Curran  
 Her Honour Magistrate Joan Margaret Baptie  
 Her Honour Magistrate Elizabeth Anne Ellis  
 Her Honour Magistrate Clare Farnan  
 Her Honour Magistrate Nancy Louise Hennessy  
 Her Honour Magistrate Dorelle Pinch  
 His Honour Magistrate Paul Anthony MacMahon  
 His Honour Magistrate Jeffrey Raymond Hogg  
 His Honour Magistrate Ronald John Maiden  
 Her Honour Magistrate Jane Ariane Culver  
 (until 11 July 2010)  
 His Honour Magistrate Michael North Holmes  
 His Honour Magistrate Gordon Bruce Lerve  
 Her Honour Magistrate Vivien Margaret Swain  
 His Honour Magistrate Graham Thomas Blewitt  
 AM  
 His Honour Magistrate Timothy Bernard Keady  
 His Honour Magistrate Peter Sampson Dare SC  
 Her Honour Magistrate Annette Christine Sinclair  
 Her Honour Magistrate Robyn Eva Denes  
 Her Honour Magistrate Sharon Claire Freund  
 Her Honour Magistrate Geraldine Beattie  
 Her Honour Magistrate Jacqueline Maree Trad  
 His Honour Magistrate Glenn James Bartley  
 His Honour Magistrate Antony Edward Townsden  
 His Honour Magistrate Leslie William Mabbutt  
 His Honour Magistrate John Daniel Favretto  
 Her Honour Magistrate Dr Gabriel Catherine  
 Fleming  
 Her Honour Magistrate Alison Mary Viney  
 His Honour Magistrate Christopher Gerard  
 O'Brien  
 His Honour Magistrate Mark Richardson  
 His Honour Magistrate Robert Hilary Williams  
 His Honour Magistrate Geoffrey James Dunlevy  
 Her Honour Magistrate Sharon Lee Holdsworth  
 His Honour Magistrate Michael John Connell  
 His Honour Magistrate Geoffrey Graeme Hiatt  
 His Honour Magistrate Brian van Zuylen  
 His Honour Magistrate Peter Bugden  
 Her Honour Magistrate Margot Gai Stubbs  
 His Honour Magistrate Roger James Clisdell  
 His Honour Magistrate Michael Gary Dakin  
 Her Honour Magistrate Michelle Norma Goodwin  
 His Honour Magistrate Stephen Corry  
 Her Honour Magistrate Susan McIntyre  
 His Honour Magistrate Michael Gerard Allen  
 Her Honour Magistrate Elizabeth Ryan

His Honour Magistrate Glenn Walsh  
Her Honour Magistrate Ellen Skinner  
His Honour Magistrate Mark Buscombe  
His Honour Magistrate Ian Cheetham  
His Honour Magistrate John Chicken  
His Honour Magistrate Bruce Williams  
Her Honour Magistrate Teresa O'Sullivan  
His Honour Magistrate Gregory Grogin  
Her Honour Magistrate Estelle Hawdon  
Her Honour Magistrate Sue Duncombe  
His Honour Magistrate Andrew Eckhold  
His Honour Magistrate David Degnan  
His Honour Magistrate Alexander Mijovich  
Her Honour Magistrate Harriet Grahame  
Her Honour Magistrate Jennifer Atkinson  
Her Honour Magistrate Megan Greenwood  
His Honour Magistrate Caleb Franklin  
His Honour Magistrate David Day

### **Judicial appointments in 2010**

#### **Gregory Grogin**

Mr Grogin was sworn in as a magistrate of the Local Court on 22 January 2010. Appointed a barrister in 1990, Mr Grogin practised mainly in the criminal jurisdictions of the Local and District Courts. He also has significant experience in the civil jurisdiction of the District Court, appearing primarily in personal injury matters.

#### **Estelle Hawdon**

Ms Hawdon was sworn in as a magistrate of the Local Court on 22 January 2010. Prior to her appointment, Ms Hawdon had worked at Legal Aid for the majority of her 27 year career, occupying senior positions, including manager of Legal Aid's Supreme Court section. Ms Hawdon was also part of the Children's Evidence Taskforce whose recommendations led to the NSW Government allowing children to testify by video link to make their experience less traumatic.

#### **Sue Duncombe**

Ms Duncombe was sworn in as a magistrate of the Local Court on 8 February 2010. Ms Duncombe practised as a solicitor since 1987

and has lectured at the University of NSW in Property and Equity, Conveyancing and Alternative Dispute Resolution. In 1995, Ms Duncombe became one of the first women in NSW to be accredited as a specialist mediator by the Law Society. Over the past seven years, she has worked as an arbitrator or mediator at the Workers Compensation Commission. Ms Duncombe has helped codify alternative dispute resolution for the legal profession, worked with Aboriginal elders on cross cultural mediation projects in Arnhem Land, and trained mediators in Australia, India, New Zealand and South East Asia.

#### **Alexander Mijovich**

Mr Mijovich was sworn in as a magistrate of the Local Court of New South Wales on 9 April 2010. Prior to being admitted as a solicitor, Mr Mijovich spent 17 years in the administration of the Local Court, working at more than 70 courts across NSW. Immediately prior to his appointment, Mr Mijovich was a sole practitioner in the law firm, Alex Mijovich & Associates, and frequently appeared as a defence advocate in criminal matters before the Local, Children's and District Courts.

#### **Harriet Grahame**

Ms Grahame was sworn in as a part time magistrate of the Local Court of New South Wales on 9 April 2010. Prior to her appointment, Ms Grahame practised as a barrister, primarily in criminal law in all levels from the Local Court to the Court of Criminal Appeal, as well as in a variety of specialist jurisdictions, such as the NSW Parole Authority. During her 17 years as a legal practitioner, Ms Grahame worked for Legal Aid NSW, the Western Aboriginal Legal Service in Walgett and the Redfern Legal Centre. Ms Grahame has also lectured in criminal law at the University of NSW.

#### **Andrew Eckhold**

Mr Eckhold was sworn in as a magistrate of the Local Court of New South Wales on 19 April 2010. Prior to his appointment, Mr Eckhold was employed as a Solicitor Advocate with the New South Wales Crown Solicitor's Office specialising in criminal matters, and was also a part-time Legal Officer with the Royal Australian

Navy studying military law. He has also served as Counsel Assisting the Coroner and as a member of the NSW Law Society Criminal Law Committee.

#### **David Degnan**

Mr Degnan was sworn in as a magistrate of the Local Court of New South Wales on 19 April 2010. With more than 30 years experience in the criminal justice system, Mr Degnan has previously worked within the NSW Police Force, where he served as a prosecutor, legal educator and legal advisor. He became a barrister in 1989 and was admitted as a solicitor in 1990. In the same year, he began working for the Office of the Director of Public Prosecutions where he remained until his appointment as a crown prosecutor in 2001. Just prior to his appointment, Mr Degnan was based at Wollongong, reviewing matters from the Local Court, finding bills of indictment and conducting trials.

#### **Jennifer Atkinson**

Ms Atkinson was sworn in as a magistrate of the Local Court of New South Wales on 19 July 2010. A graduate from the Queensland Institute of Technology with a Bachelor of Laws, Ms Atkinson practiced law in Queensland and was the Manager of Court Services and Prothonotary at the Supreme Court of New South Wales just prior to her appointment. Ms Atkinson managed the project that resulted in the enactment of the *Civil Procedure Act 2005* and the adoption of uniform civil procedure rules across most New South Wales courts, including the Local Court, Supreme Court, District Court, Land and Environment Court and the Industrial Relations Commission.

#### **Megan Greenwood**

Ms Greenwood was sworn in as a Magistrate of the Local Court of New South Wales on 27 September 2010. Ms Greenwood graduated with a Diploma in Law from Sydney University's College of Law in 2000 and also holds a Masters of Business Administration and a Bachelor of Arts, both from Monash University. Early in her career Ms Greenwood held a number of positions within the Department of Justice and

Attorney General including Acting Director of Community Justice Centres and Acting Director of the Crime Prevention Division. From 2003 until her appointment, Ms Greenwood was the Chief Executive Officer and Principal Registrar of the Supreme Court and was previously a registrar with the Supreme and Land and Environment Courts.

#### **Caleb Franklin**

Mr Franklin was sworn in as a magistrate of the Local Court of New South Wales on 11 October 2010. Prior to his appointment, Mr Franklin was the Principal Solicitor for the largest zone of the Aboriginal Legal Service in NSW and the ACT, supervising its operations in Sydney, Canberra, Wollongong, Nowra and Moruya. From 2000, Mr Franklin worked as a criminal lawyer with the ALS and appeared frequently in courts in the Sydney metropolitan region, including the Local Court, the Children's Court, the District Court, the Supreme Court, the Coroner's Court, and the Parole Authority. Mr Franklin has a Bachelor of Laws (Hons) and a Bachelor of Economics from Sydney University.

#### **David Day**

Mr Day was sworn in as a magistrate of the Local Court of New South Wales on 11 October 2010. A graduate of the University of Sydney with a BA (Hons) History in 1974, he went on to graduate with a Bachelor of Laws in 1983. Mr Day practised as a solicitor from 1985 to 1997 when he was called to the bar. From 1989, Mr Day was based in Orange and practised primarily in the State's Central West and other parts of regional NSW in areas including criminal, civil, family and care matters. Mr Day appeared in most courts in NSW, including the Local, District and Supreme Courts. Immediately prior to his appointment, Mr Day was also on the New South Wales Bar Association Bar Exam marking panel.

### Judicial retirements and resignations during 2010

Mr Gary John Cocks (retired 16 March 2010)

Mr Nicholas Gustav Ernest Reimer (retired 22 March 2010)

Mr Paul Anthony Sloane (retired 30 April 2010)

Mr Paul Stanislaus Cloran (retired 2 July 2010)

Mr Paul Patrick Falzon (retired 3 September 2010)

Ms Gail Frances Madgwick (retired 17 September 2010)

Mr Allan Darroll Moore (retired 31 December 2010)

Her Honour Hilary Rae Hannam resigned as a Magistrate of the Local Court on 13 August 2010 in order to take up an appointment as the Chief Magistrate of the Northern Territory.

The Court was also saddened by the death of Magistrate Ross Kim Pogson in November 2010. Magistrate Pogson, a member of the Local Court bench since 1994, was highly respected and is greatly missed.

### Chief Magistrate receives dual commission as Judge of the District Court

His Honour Chief Magistrate Graeme Leslie Henson was sworn in as a Judge of the District Court on 20 August 2010 upon receiving a dual commission under section 13 of the *District Court Act* 1973. Judge Henson continues to oversee the Local Court.

### Acting Magistrates in 2010

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 section 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 2010 were:

Mr Robert Joseph Abood

Mr Peter Frederick Ashton

Mr John Anthony Bailey

Mr Leslie Brennan

Mr Gary Cocks

Ms Elizabeth Corbett

Mr John Ormonde Crawford

Mr Colin Alan Elliot

Mr Kevin Charles Flack

Mr James Garbett

Mr Andrew John Benson George

Mr Graham Johnson

Mr Brian Anthony Lulham

Mr Paul Lyon

Mr Michael Joseph Mahony

Mr John McIntosh

Mr Carl Milovanovich

Mr Michael Morahan

Mr David Patrick O'Connor

Mr Michael Kevin Price

Mr Mark Robert Shepherd

Mr George Zdenkowski

### Small Claims Assessors in 2010

Small Claims Assessors sit at various Local Court locations in the Sydney metropolitan area in the Small Claims division. The Small Claims division deals with claims that are less than \$10,000. The hearing is generally an informal process where the Assessor considers the statements and documents provided by the parties. The parties are also given the opportunity to comment upon the evidence. In other locations Small Claims matters are dealt with by the Magistrate.

Small Claims Assessors in 2010 were:

Ms Danae Harvey

Ms Janice Connelly

Mr Steven Olischlager

## Chief Magistrate's executive office

In 2010, the Executive Office consisted of seven staff:

### **Executive Officer**

Jacinta Haywood

### **Policy Officer**

Alison Passé-de Silva

### **Listing and Rostering Co-ordinator**

Helena Potter

### **Courts Co-ordinator**

Phillip Suitor

### **Executive Assistant to the Chief Magistrate**

Theresa Lamp

### **Judicial Support Officer**

Linda Lalin

### **Administrative Assistant**

Emily Davis/Lance Andrews

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 statewide administrative support to 134 Magistrates (128 full time Magistrates and 6 part time Magistrates) and 22 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 148 locations throughout the State. The Executive Office is responsible for the publication of sittings schedules, rosters, Chief Magistrate's circulars, Local Court Practice Directions/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, including for example, the use and installation of Audio Visual and other technology relating to the Court. The members of the Office also 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 on Lawlink, at [http://www.lawlink.nsw.gov.au/lawlink/local\\_Courts/ll\\_localCourts.nsf/pages/lc\\_index](http://www.lawlink.nsw.gov.au/lawlink/local_Courts/ll_localCourts.nsf/pages/lc_index)



## The work of the Local Court registries

The Local Courts 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 Courts users are not legally represented and therefore, it 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 2010

- Criminal jurisdiction
- Civil jurisdiction
- Coronial jurisdiction
- Industrial jurisdiction
- Mental health

## Criminal jurisdiction

### Criminal matters in 2009

In the 2009 Annual Review, it was reported that, due to the transition to the new JusticeLink case management system, data in relation to the Local Court's workload was only available for the period 1 January 2009 to 30 June 2009.

It can now be reported that between 1 January 2009 and 31 December 2009:

- 289,395 criminal matters were commenced in the Local Court.
- 290,776 criminal matters were finalised, giving a clearance ratio for the period of 100.48%.
- 9,620 defended trials were finalised by the Local Court.

*The data used to prepare these figures was obtained from the GLC and JusticeLink case management systems. No direct comparison can therefore be made to figures for previous years reported in previous annual reviews.*

### Criminal matters in 2010

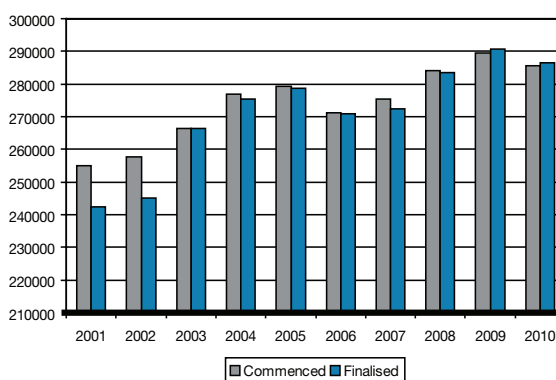
Between 1 January 2010 and 31 December 2010:

- 285,458 criminal matters were commenced in the Local Court.
- 286,426 criminal matters were finalised, giving a clearance ratio for the period of 100.34%
- 27.35% of finalised matters involved the entry of a not guilty plea by the defendant.

*The data used to prepare these figures was obtained from the JusticeLink case management system. No direct comparison can therefore be made to figures for previous years reported in previous annual reviews.*

In previous years, the Court has reported on its pending criminal caseload. Since the transition to the JusticeLink case management system, reliable pending caseload data for 2009 and 2010 has not been available. It is hoped that this will be resolved to allow a more complete appraisal of the Court's workload in 2011.

### Criminal matters commenced and finalised



Despite a small drop in its recorded criminal caseload in 2010, the Local Court has continued to manage difficult resource issues as the complexity of many cases has increased. More serious matters that would once have been heard on indictment are being dealt with summarily in the Local Court, requiring more time to hear and/or sentence. In addition, the introduction and expansion of various diversionary programs, outlined in Chapter 3, has seen magistrates take on an active role in overseeing the progress of defendants through many of the programs and has required an increase in the time in court needed to finalise a matter. It is a credit to the dedication and commitment of the magistracy that the Court continues to lead the way in the delivery of justice within the criminal jurisdiction.

According to the Productivity Commission's Report on Government Services 2011, which measures performance across the Commonwealth, the Local Court of NSW has again outperformed other states and territories in the criminal jurisdiction, recording the lowest level of case backlogs across Australia's magistrates courts.<sup>1</sup> This is despite the proportion of magisterial resources allocated to the Court being significantly less than the comparative allocation to other states and territories.<sup>2</sup>

<sup>1</sup> Productivity Commission, Report on Government Services 2011 at 7.28 (Table 7.9)

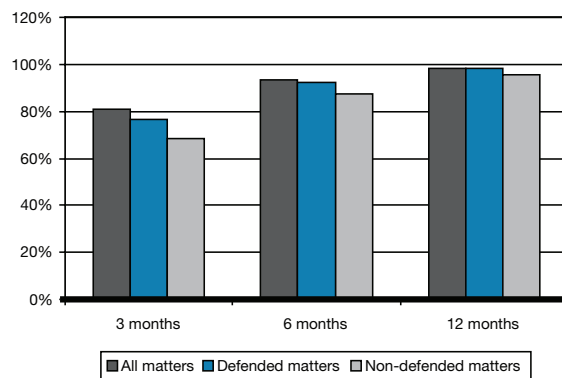
<sup>2</sup> Based on number of full-time equivalent Judicial Officers per 100,000 people, in Productivity Commission, Report on Government Services 2011 at 7.34 (Table 7.12)

### 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.

Data relating to the timeliness of the finalisation of matters in 2009 remains unavailable. However, in 2010:

- 81.15% of matters were completed within 3 months of commencement.
- 93.45% of matters were completed within 6 months of commencement.
- 98.3% of matters were completed within 12 months of commencement.



### Developments in 2010

In October 2010, amendments to the *Crimes (Sentencing Procedure) Act 1999* commenced, introducing a new sentencing option to replace Periodic Detention. The Intensive Correction Order (ICO) is a sentence of imprisonment that is served by the offender within the community but with a range of restrictive and treatment conditions attached. It is available for offenders over the age of 18 years who are assessed as suitable where the sentence is for a period of no more than two years' duration.

In late 2010, legislation was passed to facilitate the trial of an online court for the preliminary stages of committal proceedings involving legally represented defendants. The 12-month trial, which commenced at the Downing Centre in February 2011, is the first online court for criminal proceedings in Australia.

### Domestic and personal violence

At the time of publication of the Court's 2009 Annual Review, data on the caseload of the Court in the area of domestic and personal violence was not available due to the transition to the JusticeLink case management system.

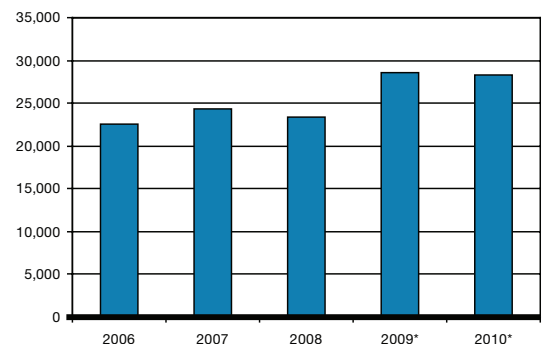
It can now be reported that the caseload of the Court in the area of domestic and personal violence increased in 2009. Final domestic violence orders made by the Court increased to 22,691 (from 18,476 in 2008). Final personal violence orders made by the Court increased from 4,892 in 2008 to 5,896 in 2009.

In 2010, final domestic violence orders dropped slightly to 21,744 while final personal violence orders increased to 6,514.

The Local Court acknowledges the important work of, and the assistance the Court received in 2010 from:

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

### Final domestic and personal violence orders



\* Due to source differences, no direct comparison can be made between figures for 2009-2010 and previous years.

## Civil jurisdiction

### Domestic Violence Intervention Court Model

The Domestic Violence Intervention Court Model (DVICM) continued to operate in the Local Court during 2010 at two locations, Wagga Wagga and Campbelltown. The DVICM aims to apply good practice in the criminal justice process for domestic violence matters and improve the coordination of services to victims and defendants.

By agreement with Magistrates, the victim is only required to attend Court on the first mention. There are regular, although not specialist, police prosecutors at both locations. Police are being encouraged and supported to submit high quality briefs to the Court at the earliest stage possible, preferably on the first mention.

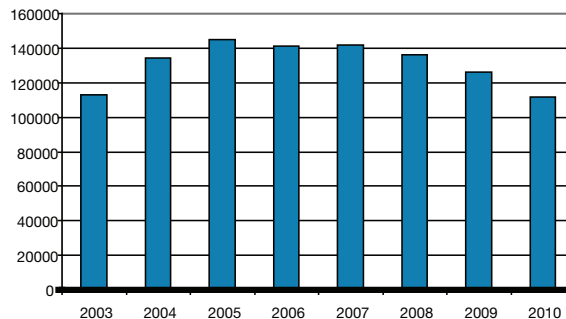
### Civil matters

As with the criminal jurisdiction, at the time of publication of the 2009 Annual Review, the available data on the caseload of the Local Court's civil jurisdiction was limited to the first 6 months of 2009.

It can now be reported that in the period 1 January 2009 to 31 December 2009, 126,366 civil actions were commenced in the Local Court, with 119,695 finalised. 97,498 of these actions were commenced in the Small Claims division, with 97.97% of these finalised within 12 months. Total civil filings decreased by 7.25% from 2008.

In the period 1 January 2010 to 31 December 2010, 111,642 civil actions were commenced in the Local Court, of which 88,834 were commenced in the Small Claims division. 120,077 matters were finalised. Total civil filings decreased a further 4.98% from 2009.

### Civil actions commenced



## Coronial jurisdiction

### Developments in 2010

The statewide rollout of JusticeLink continued in 2010, with the new case management system being introduced throughout Local Court civil registries in June.

A significant legislative development occurred in November 2010 with the amendment of the *Civil Procedure Act 2005* to increase the Local Court's jurisdiction in its General Division from \$60,000 to \$100,000 in most civil claims. The General Division's jurisdictional limit remains at \$60,000 in respect of claims arising out of personal injury or death.

The increase in jurisdiction represents a vote of confidence in the manner in which Magistrates are applying the Court's mandate in the *Civil Procedure Act* of facilitating the just, quick and cheap resolution of civil proceedings. During consideration of the amending legislation in Parliament, the Court's capacity to provide litigants with a quicker and more accessible forum for the resolution of civil disputes, particularly in rural and remote parts of New South Wales, was recognised.<sup>3</sup>

Her Honour Magistrate Mary Jerram is appointed as State Coroner.

In 2010, the Deputy State Coroners were:

- Magistrate Paul McMahon
- Magistrate Malcolm MacPherson
- Magistrate William Brydon
- Magistrate Hugh Dillon
- Magistrate Scott Mitchell
- Magistrate Elaine Truscott (Newcastle)
- Magistrate Ian Guy (Wollongong)

Magistrate MacPherson returned to the Local Court bench in April 2010 and was replaced by Magistrate Brydon.

Magistrate Brydon returned to the Local Court bench at the end of December 2010. Magistrates Forbes and Freund will replace Magistrate Brydon and share the position in 2011.

### Reduction of delays in coronial jurisdiction

The State Coroner continues to see as a main priority the reduction of delays in the finalisation of coronial files. Although files are completed in good time by Coroners, the Registry is taking up to six months or more to close them.

The Report on Government Services for the financial year 2009/2010 showed a continued reduction of cases older than 12 months, as well as an overall clearance rate of 97.0%, a slight drop from 98.5% in the previous year.

### Legislative change

The *Coroners Act 2009* commenced on January 1 2010.

One of the many objectives of the new Act was to reduce where possible the reporting of unnecessary deaths to the Coroner. In 2010, the number of reported deaths to the Coroner statewide was 795 less than the previous year, which may be attributable to those amendments. These figures will be compared to future years to establish whether this is the case.

As expected, there were some minor "teething problems" with the new Act due to the enormity of the changes, in particular the expansion of the role of Magistrates in rural areas over coronial matters. Some further amendments to the Act

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<sup>3</sup> *The Hon J Hatzistergos (Attorney General, Minister for Citizenship, Minister for Regulatory Reform, and Vice-President of the Executive Council), Legislative Council, Second Reading – Courts and Crimes Legislation Further Amendment Bill 2010, 24/11/2010*

have been identified by the State Coroner and submitted to the NSW Attorney General. It is anticipated that these will be considered by the Parliament in 2011.

### Lectures, talks and conferences

During the year 2010 the State Coroner and some Deputy State Coroners presented numerous lectures and papers to various stakeholders and groups including:

- The NSW Bar Association
- The NSW Law Society
- Barristers Chambers
- NSW Police Women's Conference
- The NSW Police Academy
- Forensic Odontologists Course
- NSW Fire Services
- Forensic Sciences Conference
- NSW Nurses
- NSW Health
- Asia Pacific Coroners Annual Conference  
College of Law
- UTS Students Conference

### Desktop Exercise

In June 2010, the State Coroner participated in a Disaster Victim Identification Desktop exercise involving the NSW State Coroners Office, the Department of Forensic Medicine, NSW Police and other emergency agencies.

The scenario involved the collision of two boats on Sydney Harbour with about 80 deaths. With so many agencies involved in such an incident, it is imperative that each agency is aware of their responsibilities. As chair of the NSW Disaster Victim Identification Committee, it is the ultimate responsibility of the State Coroner to determine the identity of the deceased involved in a disaster. During the exercise random plausible factors were introduced, highlighting the need for quick thinking and decision-making.

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

Section 23 of the *Coroners Act* 2009 stipulates that if a person dies during the course of a police operation or whilst in custody, that death must be reported to the State Coroner or Deputy State Coroner and an inquest must be conducted into the circumstances of the death. A summary of all section 23 deaths is provided to the Attorney General for each twelve-month period.

During 2010, 41 deaths were reported pursuant to the requirement of section 23. This was an increase on the number of deaths reported in 2009, when 30 such deaths were reported.

### Children in care or disability deaths

Under section 24 of the *Coroners Act* 2009 it is mandatory to report to the State Coroner or Deputy State Coroner the following deaths:

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

In 2010, 187 such deaths were reported to the State Coroner, compared to 200 in 2009. Whilst section 24 ensures mandatory reporting, unlike deaths reported pursuant to section 23, there is no mandatory requirement to conduct an inquest. However, should an inquest be necessary, only the State Coroner or a Deputy State Coroner may conduct it.

### **Completion of cases**

The State Coroner has a statutory obligation to ensure all deaths, fires and explosions are properly investigated. The State Coroner should also ensure this is accomplished in a timely manner. A continuing factor impacting on the timely disposition of cases, particularly at Glebe, has been delay by the Department of Forensic Medicine (DOFM) to finalise post mortem reports.

The Department of Forensic Medicine's response continues to be that a critical shortage of Forensic Pathologists has severely affected the ability of Glebe DOFM to deliver timely reports following post mortems.

The State Coroner is concerned that these delays, which can be up to 15 months from the date of death or longer if neuropathology is involved, are unacceptable in terms of finalising coronial and criminal matters as well as causing added distress for next of kin. The State Coroner is to meet with the Director General of Health about this in early 2011.

### **Domestic Violence Homicide Review Team**

In December 2010, the Domestic Violence Homicide Review Team (DVRT) commenced. Ms Anna Butler has been appointed Manager of the unit. The inaugural meeting of the committee will be held in early 2011 and will be chaired by the NSW State Coroner. In July, a Personal Assistant to the State Coroner, who will also work with the Manager of DVRT, was appointed.

The review team will look closely at deaths involving domestic homicide with a view to identifying trends, preventions and possible recommendations. The team will only look at closed coronial cases. Provision has been made for the State Coroner to step down as chair if there is a conflict with a case.

### **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 much less result in an inquiry.

### **Sitting Hours**

In 2010, 625 sitting days were recorded at the State Coroners Court in Glebe. This was an increase of 96 sitting days from 2009, when 539 days were recorded.

The State Coroners Court only has available 2 courts to cater for 5 Magistrates, which presents constant logistical difficulties. In 2010, a courtroom at the Parramatta Local Court complex was used as a third Coroners court. This will continue to be used regularly in 2011.

Increasingly, the facilities at Glebe are overcrowded, outdated and uncomfortable. There is a need for a new location with adequate courtrooms. Inter-departmental talks have been held to consider building at Lidcombe, but currently appear to have halted.

The State Coroner has directed that no inquest be set down for hearing longer than a week without her written permission. Senior Coroners have acknowledged the need to reduce lengthy inquests and keep to identified issues.



## Industrial jurisdiction

The Chief Industrial Magistrate is His Honour Magistrate Gregory James Tulk Hart.

### Case Load

Criminal matters, being prosecutions under Workers Compensation legislation and matters under the *Industrial Relations Act 1996* (NSW), constituted just under half of lodgements in the industrial jurisdiction in 2010, with 182 matters commenced.

Civil matters totalled 212, with 115 matters being NSW jurisdiction claims and 97 matters under the federal *Fair Work Act 2009*.

These figures do not include listings in Newcastle.

### Legislative change

In early 2009, the New South Wales government announced that the Chief Industrial Magistrate's Court is to be abolished and the remaining State industrial jurisdiction is to be assumed by the Industrial Court of New South Wales. This represents part of a rationalisation of industrial tribunals in the State, with the jurisdiction of other tribunals such as the Transport Appeal Boards and the Government and Related Employees Appeal Tribunal also taken over by the Industrial Court.

The relevant legislation to enable the transfer passed through both houses of Parliament in 2009. However, it is yet to be proclaimed. The Court has continued to handle both State and Commonwealth industrial matters, and will continue to do so until the legislative changes are implemented.

### Coroner's Court statistics

	2009	2010
Deaths reported		
Glebe:	3611	3068
Other Statewide:	2632	2380
<b>Total:</b>	<b>6243</b>	<b>5448</b>
Inquests dispensed with*		
Glebe:	2275	3045
Other Statewide:	1904	1940
<b>Total:</b>	<b>4179</b>	<b>4985</b>
Inquests conducted		
Glebe:	94	150**
Other Statewide:	41	46
<b>Total</b>	<b>165</b>	<b>196</b>

\* 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 each and 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.

\*\* This figure represents the number of inquests conducted by the State or Deputy State Coroners and includes inquests conducted by them in regional NSW throughout the year.

Following the closure of Westmead Coroners Court in 2008, there was a substantial increase of the numbers of deaths reported to Glebe with no extra staff being allocated to Glebe to cater for the extra workload.



## Mental health

Until mid-2010, magistrates were responsible for conducting mental health inquiries in accordance with the *Mental Health Act 2007* to review the need for continued detention of any person who has been involuntarily admitted to a hospital for psychiatric treatment.

As reported in Chapter 1, on 21 June 2010 the jurisdiction exercised by magistrates in this area was assumed by the Mental Health Review Tribunal.

Up to the transfer of jurisdiction, 4,890 mental health inquiries were conducted by Magistrates in 2010.\*

### Mental Health inquiries – outcome

Adjourned	2,595
Discharge or deferred discharge	55
Reclassify from Involuntary to informal	142
Involuntary Patient Order	1,739
Community Treatment Order	359
<b>TOTAL</b>	<b>4,890</b>

\* The figures included this year, as in previous years, are provided by the Mental Health Review Tribunal, based on Hospitals' completion of form 19B in compliance with the Mental Health Act 1990. This is due to a concern that figures in previous years underreported the number of inquiries conducted by Magistrates. In previous years figures have been provided by the Mental Health Advocacy Service, therefore, the figures included above are not directly comparable to 2005 and previous years.

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

- Diversionary programs
- Technology in the Local Court

## Diversiónary programs

### Magistrate's Early Referral Into Treatment Program

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

The MERIT 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 closely 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 committed staff at NSW Health and the Local Court remains committed to this partnership.

During 2010, 3015 defendants were referred to MERIT, 1,883 were accepted with 1,032 successfully completing the program. As at 31 December 2010, there were 74 referrals still under assessment and 377 still participating in treatment.

MERIT is a Commonwealth and State initiative. Funding is provided through the Australian HealthCare Agreement. The Court works in partnership with the NSW Department of Justice and Attorney General, the NSW Police Force, NSW Health, Legal Aid Commission, a network of drug and alcohol agencies and the Probation and Parole Service in the expansion and development of MERIT.

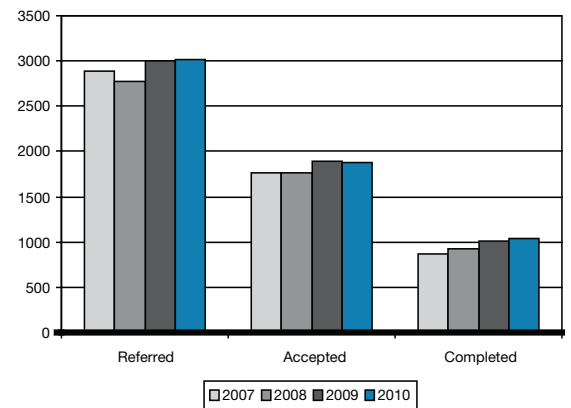
During 2010 the program was available in 65 Local Courts, within all of the State's Area Health Services. Evaluations of MERIT have been consistently positive. In 2009, the NSW Bureau of Crime Statistics and Research found that *completing the MERIT program significantly reduced the number of defendants committing any type of offence by an estimated 12 percent.*<sup>4</sup>

### Alcohol MERIT

At eight of the 65 courts currently offering MERIT (namely Orange, Bathurst, Wellington, Dubbo, Broken Hill, Wilcannia, Manly and Wollongong), resources are provided such that defendants whose primary concern is alcohol are also eligible for the program.

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

### MERIT Program Statistics



It is important to note when interpreting these statistics that the annual number of program completions is not proportional to the annual number of program referrals.

The MERIT program is of 3 months duration. As such, some persons referred to the program after September 2010 will still be on the program at 31 December 2010 and therefore,

<sup>4</sup> Crime and Justice Bulletin No. 131 (July 2009), *The Magistrates Early Referral Into Treatment Program*

not accounted for in the completion figures. Similarly, the completion figures include persons who commenced MERIT from September to December 2009 and completed their contact with the program in 2010.

### Circle Sentencing (Circle Courts)

Circle Sentencing is an alternative sentencing Court for adult Aboriginal offenders. Based on traditional indigenous forms of dispute resolution and customary law, Circle Courts are designed for more serious repeat Aboriginal offenders and are aimed at achieving full community involvement in the sentencing process. It directly involves local Aboriginal people in the process of sentencing offenders, with the aims of making the sentencing process more meaningful and improving confidence in the criminal justice system. It also empowers Aboriginal people to address criminal behaviour within their local communities.

As set out in the Criminal Procedure Amendment (Circle Sentencing Program) Regulation 2005, the aims of Circle Sentencing include:

- To include members of Aboriginal communities in the sentencing process
- Increasing the confidence of Aboriginal communities in the sentencing process
- Reducing barriers between Aboriginal communities and the Courts
- Providing more appropriate sentencing options for Aboriginal offenders
- Providing effective support to victims of offences by Aboriginal offenders
- Greater participation of Aboriginal offenders and the victims in the process
- Raising awareness of the consequences of offences on victims and communities
- Reducing recidivism, or habitual relapse into crime, in Aboriginal communities

During 2009, 129 circles were conducted at the following locations:

	<b>Circles held</b>
Armidale	13
Bourke	11
Brewarrina	1
Dubbo	11
Kempsey	12
Lismore	18
Moree*	3
Mt Druitt	11
Nambucca	17
Nowra	17
Walgett	16

\* Circle sentencing was introduced to Moree in 2010, with the first circle held there in October.

In 2011, Circle sentencing will expand to Blacktown, Coonamble, Ulladulla and Wellington.

### Forum Sentencing

The Forum Sentencing Program is managed by the Crime Prevention Division of the Department of Justice and Attorney General and currently operates at 19 Local Court locations across the State.

The Forum Sentencing program is open to all adults who have committed offences that expose them to the likely prospect of imprisonment. Certain offences, including domestic violence offences and some regulatory driving offences, are excluded.

Forum Sentencing brings an offender and victim together with a facilitator, police officer and support people to discuss what happened and the harm caused by an offence, and to prepare an intervention plan for the offender. The program is available post-plea and provides Magistrates with another sentencing option, with the intervention plan being taken into account by the Court at the time of sentencing.

The intervention plan may include the making of an apology, cash payments, work or other reparation to the victim, participation in an appropriate program, such as drug and alcohol rehabilitation and other measures aimed to repair the harm caused and help offenders address their offending behaviour and integrate into the community.

A number of refinements were introduced to the program in December 2010, including:

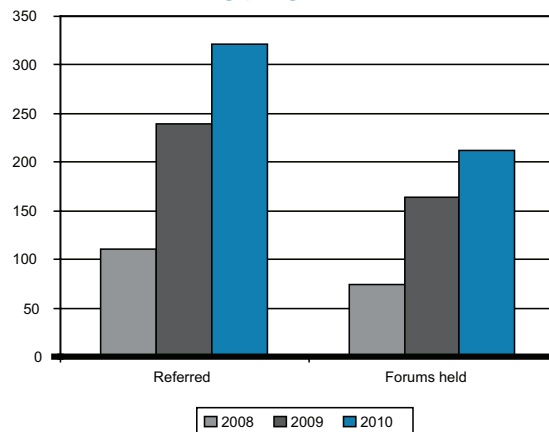
- An eligibility criterion that excluded from the program offenders who have previously been sentenced to imprisonment (including a suspended sentence of imprisonment) has been removed.
- The Court is now required to consider the victim's wishes when determining whether to order that a forum be conducted.
- In addition to the existing excluded offences, some other offences that have no direct victim have been removed from eligibility for the program.
- Some more serious offences have been made eligible for referral to the program, including affray.

Expansion to all Local Court locations is being staged over the next three years. In 2010, the program expanded to include Newcastle, Toronto, Belmont, Gosford, Wyong, and Woy Woy. It also continued to operate at:

- |                |             |
|----------------|-------------|
| • Liverpool    | • Camden    |
| • Tweed Heads  | • Picton    |
| • Byron Bay    | • Moss Vale |
| • Murwillumbah | • Burwood   |
| • Mullumbimby  | • Newtown   |
| • Campbelltown | • Balmain   |

In 2010, 322 offenders were referred to the program and 212 forums took place.

### Forum Sentencing program statistics



### Mental Health Liaison Service

The Mental Health Liaison Service assists the Local Court to appropriately manage people with psychiatric illnesses by providing full time mental health nurses at a number of Local Court locations to enable early diagnosis of defendants and facilitate treatment in conjunction with progress through the criminal justice system.

The Mental Health Liaison Service continued in 2010, operating in 17 Local Court locations.

- |                 |                  |
|-----------------|------------------|
| • Blacktown     | • Nowra          |
| • Burwood       | • Parramatta     |
| • Campbelltown  | • Penrith        |
| • Coffs Harbour | • Sydney Central |
| • Dubbo         | • Sutherland     |
| • Gosford       | • Tamworth       |
| • Lismore       | • Wagga Wagga    |
| • Liverpool     | • Wyong          |
| • Manly         |                  |

In the 2009/10 financial year, 14,401 people were screened for mental health problems in Court cells. Of this number, 2,362 received a comprehensive mental health assessment, of which 1,920 were found to have a mental illness.<sup>5</sup>

<sup>5</sup> Figures obtained from Justice Health

### Traffic Offender Intervention Program

The Traffic Offender Intervention Program 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, Part 8 of the Regulations made pursuant to the *Criminal Procedure Act* 1986 now provides for the referral of offenders to the Traffic Offender Intervention Program. Magistrates commenced referring defendants on 28 March 2008.

There are currently 5 traffic course providers operating in 56 locations across the State to whom referrals may be made.

Due to the relatively recent formalisation of the Traffic Offender Intervention Program, data collection and reporting for the program was not available at the time of reporting in the 2009 Annual Review but has been under development.

Data has now been made available for 2009. In that calendar year, 9,768 individuals participated in a program, with 8,387 (86%) successfully completing a program. Driving with a prescribed concentration of alcohol (61%) and speeding related charges (12%) were the most frequent charge types. 79.2 percent of participants were male. The most frequent age group for participants was 20-29 years (42.8%).

In 2010, 9,362 individuals participated in a program, of whom 8,046 (86%) were reported to have completed it. Like the previous year, driving with a prescribed concentration of alcohol was the most frequent charge type, at 57% of cases, with the next most frequent being speeding related charges (14%). Males constituted a sizeable majority of participants at 80.2%, with the most frequent age group being those aged 20-29 years (42.1%).

### Court Referral of Eligible Defendants Into Treatment

The Court Referral of Eligible Defendants Into Treatment (CREDIT) program commenced as a trial program in Tamworth and Burwood Local Courts in August 2009.

CREDIT aims to provide Local Court defendants with access to a wide range of treatment options and services to assist them to reduce their chance of re-offending. These may include assistance in areas such as accommodation, financial counselling, mental health assessment or drug and alcohol treatment.

The program is a pre-plea program with defendants being referred to the program prior to entering a plea, unless referred by a magistrate.

For the period 1 January 2010 until 31 December 2010:

- 337 referrals were made to the program at Burwood and Tamworth.
- Of the referrals, 244 defendants met CREDIT's eligibility criteria and entered into the program.
- 307 assessments were undertaken.
- 152 case management plans were agreed upon by the participant and the CREDIT officer and signed by both parties.
- 115 participants successfully completed their case management plan.

## 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 Court, 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 2009, AVL was used to conduct over 34,000 appearances in the Local and Children's Courts. It is estimated that approximately 80% of those appearances were bail hearings.

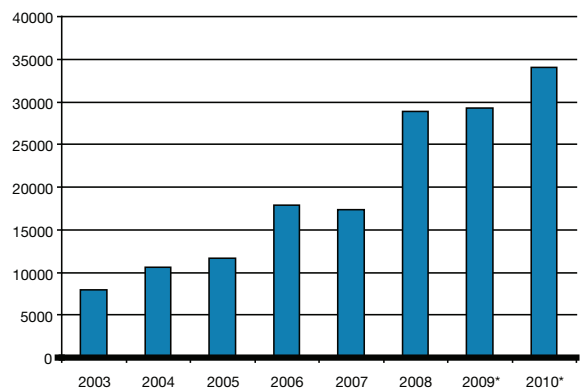
Two practice notes regarding the use of AVL facilities continue to apply. Practice Note 7 of 2008 outlines arrangements for the use of AVL in criminal and certain civil matters and sets out priorities for the use of AVL. Practice Note 5 of 2007 provides for the use of AVL wherever practical and for courts without AVL facilities to adjourn all matters (other than matters for hearing or sentence) where accused persons are in custody to the nearest or appropriate allocated court with AVL facilities.

In 2010, AVL facilities were available at 255 locations across the State, including the following Local Court locations:

- Albury
- Armidale
- Bankstown
- Bathurst
- Bateman's Bay
- Blacktown
- Bourke
- Broken Hill
- Burwood
- Campbelltown
- Central
- Coffs Harbour
- Downing Centre
- Dubbo
- Gosford
- Goulburn
- Grafton
- Griffith
- Lismore
- Liverpool
- Moree
- Mount Druitt
- Newcastle
- Orange

- Parramatta
- Penrith
- Port Macquarie
- Sutherland
- Tamworth
- Tweed Heads
- Wagga Wagga
- Walgett
- Wentworth
- Wollongong
- Woy Woy
- Wyong

### Use of Audio Visual Link technology



\* 2009-2010 figures indicate number of uses of AVL in the Local and Children's Courts, including bail hearings. Previous years' figures are indicative of number of uses of AVL for bail hearings in the Local and Children's Courts only.

### CCTV – Remote Witnesses

Closed circuit television (CCTV) facilities have also been installed in 83 Courts, allowing vulnerable witnesses to give evidence in sensitive matters such as sexual assault, from a remote location. This facility is highly utilised and provides some measure of comfort and security to victims of crime. In 2010, CCTV was used to allow 438 remote witnesses to give evidence and 207 protected witnesses to give evidence in the Local and Children's Courts.

### **Court lists online**

The provision of online access to daily Court lists for the Local Courts across New South Wales enhances public accessibility to the Court. Court users are able to access the online facility through the Local Court website within Lawlink.

### **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.

### **Electronic lodgement – criminal processes**

NSW Police are able to interface and upload new cases from Police Charge Management System (COPS) to the Court's criminal case management system. 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.

### **Local Court website**

The Local Court website on Lawlink provides access to Magistrate's judgments as well as Local Court Practice Notes. This can be found at:

[http://www.lawlink.nsw.gov.au/lawlink/local\\_Courts/ll\\_localCourts.nsf/pages/lc\\_index](http://www.lawlink.nsw.gov.au/lawlink/local_Courts/ll_localCourts.nsf/pages/lc_index)

Local Court judgments continue to be published on the Caselaw NSW website. These decisions can be found at:

<http://www.caselaw.nsw.gov.au/local/index.html>

### **Local Court Bench Book**

In March 2010, the Local Court Bench Book, which provides guidelines on law and practice in the Local Court, became available to the public on the website of the Judicial Commission of New South Wales. It can be found at:

<http://www.judcom.nsw.gov.au/publications/benchbks/local>



## 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 designed to:

- Promote high standards of judicial performance
- Assist in the development of appropriate judicial skills and values
- Keep magistrates up-to-date with current legal developments and emerging trends
- Result in a better informed and more professional judiciary.

Sessions range from orientation programs for new magistrates to specialist seminars on practical matters, social awareness issues and legislative changes. The Local Court offers each magistrate a minimum five days of judicial education each year, with a focus on sentencing, important legal developments, improving knowledge in difficult areas of legal practice and procedure, and the development of judicial skills.

The Local Court Education Committee, composed of magistrates and the Judicial Commission's Education Director, 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 Chair of the Committee is also a member of the Judicial Commission's Standing Advisory Committee on Judicial Education.

### Conferences and Seminars

During 2010:

- Magistrates attended 766 days of face-to-face judicial education, an average of 5.6 days of judicial education per magistrate.
- All 11 newly appointed magistrates attended a pre-bench training session designed to familiarise them with Local Court practice and procedure.
- 16 magistrates attended one of the two Magistrates' Orientation Programs held to accommodate the year's large number of appointments to the Local Court. This five-day residential program, which focuses on court

craft and judicial skills for new magistrates, received a 100% satisfaction rating from participants.

- The Local Court Annual Conference was held over three days in June 2010 for all New South Wales magistrates. Celebrating 25 years of the Local Court, the program included well received interactive sessions on the practical issues involved in being a magistrate, effective court communication, an evidence hypothetical, recent developments in criminal and civil law, cognitive impairment and its implications for magistrates, physical injuries, and the use of DNA evidence.
- Smaller, interactive metropolitan and regional seminars were attended by all magistrates. These sessions structured as discussion and peer-based learning facilitate the development of judicial knowledge and skills. Topics included:
  - Tendency/coincidence evidence;
  - Sentencing;
  - Mediation in the Local Court;
  - Computer skills;
  - Sexual assault offences and privilege under the *Evidence Act*;
  - Non-publication orders;
  - The credibility rule;
  - New fraud provisions in the *Crimes Act*;
  - Intensive Correction Orders;
  - Coronial matters; and
  - Care and crime in the Children's Court.
- Magistrates also attended twilight seminars on such topics as "What Can Witnesses Really Remember?", "Classification and Placement of Prisoners", "Civil Procedure", and "Uses and Abuses of Expert Evidence".
- Continuing a focus on skills development, 5 magistrates attended a cross-jurisdictional judgment writing workshop. These interactive workshops help magistrates develop and refine the ability to write clear, concise, well-structured judgments. Over 40% of magistrates have now attended one of these workshops.

- Magistrates were enthusiastic participants 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 seminar on Indigenous Family Violence and in the visit organised by the Judicial Commission to the Aboriginal communities at Taree and Forster.
- The Court continued to work with the Judicial Commission to ensure the Local Court Bench Book was regularly updated by magistrates to reflect developments in the law and sentencing practice. Previously only available to magistrates, in March 2010 the Bench Book was released on the Judicial Commission's website to provide public access to information about the Court's practice and procedure.
- Two magistrates participated in a faculty development program to develop their capacity to design and develop educationally sound, interactive judicial education programs.
- Two magistrates from the Local Court worked with the Judicial Commission's Education Director to conduct a very successful weeklong orientation program in Papua New Guinea for magistrates from PNG.

## Legal education in the community and participation in external bodies

In 2010, Magistrates continued to be involved in legal education, with a number of Magistrates regularly volunteering their time to preside over College of Law practice hearings and pleas of mitigation.

Magistrate's activities in 2010 are summarised below:

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### His Honour Chief Magistrate Graeme Leslie Henson

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#### Speaking Engagements:

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Mar	NSW Bar Association CPD seminar – “Local Court Diversionary Schemes”
Apr	University of NSW lecture – “Law, Governance & Social Justice”
May, Oct	Bar Readers addresses

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#### Conferences:

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Feb	Australian Institute of Judicial Administration Mental Health Conference
Oct	Judicial Conference of Australia Annual Colloquium

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#### Membership of legal, cultural or benevolent organisations:

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Member, Uniform Rules Committee

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Member, Australian Institute of Judicial Administration

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Member, Judicial Conference of Australia

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Member, University of Wollongong Faculty of Law Advisory Committee

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Director, Uniting Aged Care Sydney North Regional Board

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### Her Honour Deputy Chief Magistrate Jane Ellen Mottley

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#### Membership of legal, cultural or benevolent organisations:

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Member, Ngara Yura Committee

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Member, Uniform Rules Committee

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Member, Standing Advisory Committee on Judicial Education

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Member, JusticeLink Steering Committee

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Chair, Marine Appeals Tribunal

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### Her Honour Magistrate Jane Ariane Culver

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Member, Criminal Law Committee of the Law Society of NSW

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Member, NSW Caselaw Governance Committee

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Member, Standing Advisory Committee on Judicial Education

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Member, John Maddison Tower/Downing Centre Building Committee

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**Her Honour Deputy Chief Magistrate Mary Stella Jerram – State Coroner of New South Wales**

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**Speaking Engagements:**

Asia Pacific Coroners Annual Conference

College of Law

Forensic Odontologists Course

Forensic Sciences Conference

NSW Bar Association

NSW Fire Services

NSW Health

NSW Law Society

NSW Nurses

NSW Police Women's Conference

NSW Police Academy

UTS Students Conference

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**His Honour Magistrate David Bruce Armati**

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**Membership of legal, cultural or benevolent organisations:**

Honorary Life Vice President, Commonwealth Magistrates and Judges Association

Honorary Life Member, Australian Association of Magistrates

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**His Honour Magistrate Malcolm Ian MacPherson**

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**Membership of legal, cultural or benevolent organisations:**

Member, Youth Insearch

Member, Tamworth Rural Fire Service Communications Brigade

Co-ordinator, Tamworth West Public School Breakfast Club

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**Her Honour Magistrate Daphne Anne Kok**

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**Membership of legal, cultural or benevolent organisations:**

Chairperson, University of Sydney Law Extension Committee

Chairperson, Wentworth Annex Limited

Electoral Arbiter, University of Sydney Union

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### His Honour Magistrate Geoffrey Edward Bradd

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#### Conferences:

Feb	National Judicial College of Australia Sentencing Conference
May	NSW Bar Association Practice Course
Oct	Judicial Conference of Australia Annual Colloquium
Dec	College of Law Plea Assessments

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### Her Honour Magistrate Jennifer Anne Giles

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#### Conferences:

May	Queensland Magistrates' Annual Conference
Jun	Australian Magistrates' Annual Conference
Aug	National Judicial College of Australia Phoenix Magistrates' Program Conference

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### His Honour Magistrate Roger David Prowse

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#### Membership of legal, cultural or benevolent organisations:

Life member, New England Football Referees Association
Regional Football Referees Coach, Northern Inland Football 2010
Member, NNSW Referees Standing Committee
Member, Ex Services Hockey Club
Chair Judiciary Hockey New England 2010

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### His Honour Magistrate Paul Raymond Mulroney

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#### Speaking Engagements:

May	Panel member, Children's Legal Service Conference
May	Panel member, Restorative Justice: Moving Forward, Sydney Institute of Criminology
Jul	Address to South Pacific Regional Council of Youth and Children's Courts, "The Cross-Over: Care/Offending Behaviour"
Oct	Panel member, Legal Aid Commission Child Protection Law Conference
Various	CLE presentations to lawyers and Community Services staff, Port Macquarie

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#### Membership of legal, cultural or benevolent organisations:

Chair, Habitat for Humanity New South Wales
Board member, Habitat for Humanity Australia Ltd
Elder and Church Councillor, Uniting Church Bondi Junction
Member, NSW Committee for Discipline, Uniting Church
Children's Court Advisory Committee
Children's Court Education Committee
Chair, Children's Law News Committee

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### **His Honour Magistrate James Coombs**

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#### **Membership of legal, cultural or benevolent organisations:**

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Treasurer, Guthrie House

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Trainer, Community Legal Assistance Network

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### **Her Honour Magistrate Fiona Toose**

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#### **Membership of legal, cultural or benevolent organisations:**

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Vice President, Penrith rowing club

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Member, NSW Rowing

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Member, Lightning Ridge Swimming Pool Association Committee

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Participant, Lightning Ridge Police Bush Safari (SES and charity fundraiser event)

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### **His Honour Magistrate Paul Anthony MacMahon**

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#### **Speaking Engagements:**

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May            Keynote speaker, Australian Water Safety Conference, "Water – Australia's Fatal Attraction"

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### **His Honour Magistrate Gordon Bruce Lerve**

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#### **Speaking Engagements:**

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Riverina Law Society, "Recent Developments in the Criminal Law"

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Riverina Law Society, "Hearsay, Tendency & Co-incidence"

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Forensic Psychologists, "Mental Health, Disability and the Law in the Local Court"

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Armidale ALS, "Identification Evidence"

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Armidale ALS, "Motor Traffic legislation"

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Wagga Wagga ALS, "Aspects of the Evidence Act"

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Finley junior practitioners, "Practical advocacy"

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Orana Law Society, "Practical advocacy in the Local Court"

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Orana Law Society, "Practical aspects of the Evidence Act"

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### **His Honour Magistrate Graham Thomas Blewitt AM**

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#### **Speaking Engagements:**

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May            University of NSW lecture, "Experiences with the United Nations International Criminal Tribunal for the former Yugoslavia"

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Oct            Participant, Festival of Dangerous Ideas – St James Ethics Centre public debate, "If you want peace, forget justice"

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### **Her Honour Magistrate Robyn Eva Denes**

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#### **Membership of legal, cultural or benevolent organisations:**

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Volunteer lifeguard, Lennox Head Surf Lifesaving Club

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### Her Honour Magistrate Elizabeth Ryan

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#### Speaking Engagements:

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Sep	University of NSW lecture, "The work of the Children's Court"
Nov	Address to Parents and Citizens, Hunter School of Performing Arts, "The work of the Children's Court"

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### His Honour Magistrate Gregory Grogin

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#### Membership of legal, cultural or benevolent organisations:

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Instructor, Australian Advocacy Institute
Assistant, NSW Bar Association Reader's Course
Presenter, NSW Bar Association Regional CPD Conference
Honorary Secretary, Newington College Council

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### His Honour Magistrate Andrew Eckhold

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#### Speaking Engagements:

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May	Address to Young Lawyers, "Legal Careers"
Mid-year	Acting Judge, NSW Bar Course



## Appendices

- The Court's time standards
- The Court's committees
- 2010 Court-by-Court statistics

## The Court's time standards

The Court aims to finalise its caseload 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.

### Chief Industrial Magistrate's Time Standards

- 95% of prosecutions – within 6 months.
- 100% of prosecutions – within 12 months.

## The Court's committees

As at 31 December 2010, committee members were:

### Local Court Rule Committee

Chief Magistrate Graeme Henson  
Deputy Chief Magistrate Jane Mottley  
Deputy Chief Magistrate Jane Culver  
Magistrate David Heilpern  
Magistrate Sharon Freund  
Ms Deborah de Fina, Legislation and Policy  
Mr Janis Watson Wood, Office of the Director of Public Prosecutions  
Mr Craig Cooke, Local Courts Administration  
Mr Chris Joyce, Community representative  
Ms Elizabeth Beilby, Bar Association  
Mr Andrew Kostopoulos, Bar Association  
Mr Phil Gibson, Litigation, Criminal Law Committee of the Law Society  
Mr Mark Hodges, Law and Practice Committee of the Law Society  
Mr Brian Sandland, Legal Aid Commission

### Local Court Education Committee

Chair: Deputy Chief Magistrate Jane Culver  
Secretary: Ruth Windeler, Education Director, Judicial Commission of NSW  
Deputy Chief Magistrate Jane Mottley  
Magistrate David Heilpern  
Magistrate Ian Guy  
Magistrate Beverley Schurr  
Magistrate Roger Prowse  
Magistrate Gordon Lerve  
Magistrate Julie Huber  
Magistrate Judith Fleming  
Magistrate Sharon Freund  
Ms Alison Passé-de Silva, Policy Officer, Local Court of NSW

### Strategic Planning Review Council

Chair: Chief Magistrate Graeme Henson  
Secretary: Ms Jacinta Haywood, Executive Officer  
Deputy Chief Magistrate Jane Mottley  
Deputy Chief Magistrate Jane Culver  
State Coroner, Deputy Chief Magistrate Mary Jerram  
Chief Industrial Magistrate Gregory Hart  
Magistrate David Armati  
Magistrate Scott Mitchell  
Magistrate Dennis Burdett  
Magistrate Ian McRae  
Magistrate Anthony Murray  
Magistrate Paul Johnson  
Magistrate James Garbett  
Magistrate Jeffrey Linden  
Magistrate Michael Morahan  
Magistrate Clare Farnan

### Terms and Conditions of Service Committee

Chair: Chief Magistrate Graeme Henson  
Secretary: Ms Jacinta Haywood, Executive Officer  
Deputy Chief Magistrate Jane Mottley  
Deputy Chief Magistrate Jane Culver  
Magistrate Vivien Swain

### Ethics Committee (Ad hoc)

Chair: Chief Magistrate Graeme Henson  
Deputy Chief Magistrate Jane Mottley  
Deputy Chief Magistrate Jane Culver

### Court Management and Technology Committee

Deputy Chief Magistrate Jane Mottley  
Deputy Chief Magistrate Jane Culver  
Magistrate Sharon Freund  
Magistrate Michael Connell  
Magistrate Geoff Hiatt  
Magistrate Terence Lucas  
Magistrate Vivien Swain

### **Asset Management Services Committee**

Chair: Chief Magistrate Graeme Henson

Secretary: Ms Jacinta Haywood, Executive Officer

Magistrate Scott Mitchell

Mr Kerry Marshall, Acting Director Asset Management Services

Ms Kylie Nicholls, Policy Manager, Court Services.

Mr Chris Allen, Sheriff of New South Wales

Mr Blair Foots, Assistant Director Asset Management Services

Mr Simon Smith, Manager Facility Maintenance

### **Local Court Bench Book Committee**

Chair: Deputy Chief Magistrate Jane Culver

Deputy Chief Magistrate Jane Mottley

Magistrate David Heilpern

Magistrate Sharon Freund

Ms Roslyn Cook, Judicial Commission of NSW

Ms Alison Passé-de Silva, Policy Officer, Local Court of NSW

## 2010 Court by Court statistics

	New General Criminal Matters	Finalised General Criminal Matters	New Children Criminal Matters	Finalised Children Criminal Matters
Albion Park	593	554	0	0
Albury	2,674	2,678	326	319
Armidale	1,423	1,449	244	270
Ballina	1,211	1,140	91	98
Balmain	1,852	1,727	0	0
Balranald	289	288	24	25
Bankstown	8,648	8,420	0	0
Batemans Bay	1,354	1,292	177	170
Bathurst	1,961	2,017	202	224
Bega	1,052	1,028	125	117
Bellingen	350	345	26	25
Belmont	2,514	2,467	0	0
Bidura	0	0	2,355	2,353
Blacktown	7,257	7,222	1	1
Blayney	155	154	10	7
Boggabilla	219	247	61	62
Bombala	53	60	2	2
Bourke	819	763	297	270
Brewarrina	344	326	98	97
Broadmeadow	0	0	1,409	1,408
Broken Hill	1,607	1,626	220	212
Burwood	11,862	11,552	0	0
Byron Bay	1,417	1,449	67	64
Camden	1,382	1,317	2	2
Campbelltown	7,892	7,793	1,719	1,744
Casino	1,049	1,093	207	201
Central	5,850	5,274	0	0
Cessnock	1,260	1,259	89	81
Cobar	244	240	18	14


	New General Criminal Matters	Finalised General Criminal Matters	New Children Criminal Matters	Finalised Children Criminal Matters
Coffs Harbour	2,682	2,671	346	367
Condobolin	250	240	76	74
Cooma	625	622	20	17
Coonabarabran	362	371	25	32
Coonamble	424	430	115	102
Cootamundra	629	623	77	66
Corowa	279	289	23	26
Cowra	637	643	55	50
Crookwell	36	32	3	3
Deniliquin	808	805	72	62
Downing Centre Sydney	22,381	23,356	0	0
Dubbo	2,679	2,595	582	567
Dunedoo	148	144	5	5
Dungog	71	65	0	0
Eden	229	263	41	47
Fairfield	5,776	5,851	0	0
Finley	427	419	11	13
Forbes	620	607	71	58
Forster	1,460	1,401	116	124
Gilgandra	230	232	49	40
Glen Innes	494	497	39	36
Gloucester	146	153	12	10
Gosford	5,463	5,395	18	15
Goulburn	2,871	2,695	91	95
Grafton	1,416	1,441	183	176
Grenfell	43	44	2	2
Griffith	2,255	2,116	241	231
Gulgong	117	117	3	3
Gundagai	211	228	0	0
Gunnedah	806	787	122	119
Hay	236	246	6	6

	New General Criminal Matters	Finalised General Criminal Matters	New Children Criminal Matters	Finalised Children Criminal Matters
Hillston	81	90	0	1
Holbrook	257	250	5	4
Hornsby	3,955	3,962	179	182
Inverell	1,245	1,235	248	251
Junee	119	130	6	6
Katoomba	1,502	1,463	134	147
Kempsey	1,593	1,610	188	224
Kiama	270	279	1	1
Kogarah	3,365	3,133	267	132
Kurri Kurri	1,235	1,250	22	14
Kyogle	310	296	32	37
Lake Cargelligo	136	132	18	22
Leeton	685	688	50	53
Lightning Ridge	270	289	25	29
Lismore	3,136	3,286	335	324
Lithgow	1,215	1,169	100	116
Liverpool	11,058	11,191	0	0
Macksville	981	953	130	124
Maclean	486	475	70	67
Maitland	3,377	3,303	291	256
Manly	4,575	4,478	0	0
Milton	714	757	45	39
Moama	245	247	12	11
Moree	1,587	1,748	267	311
Moruya	597	576	77	75
Moss Vale	1,612	1,591	74	101
Mt Druitt	5,613	5,769	1	1
Mudgee	1,037	959	74	59
Mullumbimby	335	354	11	6
Mungindi	94	98	12	14
Murwillumbah	778	747	6	7

	New General Criminal Matters	Finalised General Criminal Matters	New Children Criminal Matters	Finalised Children Criminal Matters
Muswellbrook	1,155	1,121	91	76
Narooma	332	327	42	31
Narrabri	598	619	90	87
Narrandera	469	457	90	83
Narromine	324	312	58	51
Newcastle	7,671	7,946	20	11
Newtown	3,485	3,462	0	1
North Sydney	3,301	3,245	1	1
Nowra	3,120	3,129	525	481
Nyngan	180	170	36	39
Oberon	81	89	1	0
Orange	2,261	2,252	256	292
Parkes	995	995	151	148
Parramatta CC	0	0	6,588	6,207
Parramatta	16,452	15,992	0	0
Peak Hill	165	162	19	13
Penrith	7,574	7,268	0	0
Picton	627	675	11	7
Port Kembla	1,772	1,795	648	706
Port Macquarie	2,354	2,327	259	250
Queanbeyan	1,854	1,902	142	108
Quirindi	269	284	10	11
Raymond Terrace	2,040	2,054	168	184
Ryde	2,382	2,482	0	0
Rylstone	100	88	3	5
Scone	257	244	7	7
Singleton	1,001	941	96	84
Sutherland	7,272	8,700	595	714
Tamworth	3,172	3,185	343	335
Taree	2,652	2,619	315	336
Temora	243	229	24	26



	New General Criminal Matters	Finalised General Criminal Matters	New Children Criminal Matters	Finalised Children Criminal Matters
Tenterfield	327	329	47	41
Toronto	2,773	2,893	84	84
Tumbarumba	79	81	4	1
Tumut	632	647	41	42
Tweed Heads	2,816	2,964	176	157
Wagga Wagga	3,545	3,694	522	514
Walcha	92	91	11	12
Walgett	892	854	157	156
Warialda	78	77	7	6
Warren	174	192	59	51
Wauchope	232	221	20	23
Waverley	7,863	8,098	1	0
Wee Waa	154	174	33	38
Wellington	653	653	90	95
Wentworth	811	928	179	192
West Wyalong	385	414	1	1
Wilcannia	330	327	47	40
Windsor	1,856	1,815	142	138
Wollongong	7,062	7,520	24	26
Woy Woy	1,282	1,300	552	519
Wyong	5,107	4,891	435	396
Yass	508	501	25	26
Young	1,044	1,025	156	153
<b>TOTAL</b>	<b>285,458</b>	<b>286,426</b>	<b>26,256</b>	<b>25,731</b>



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