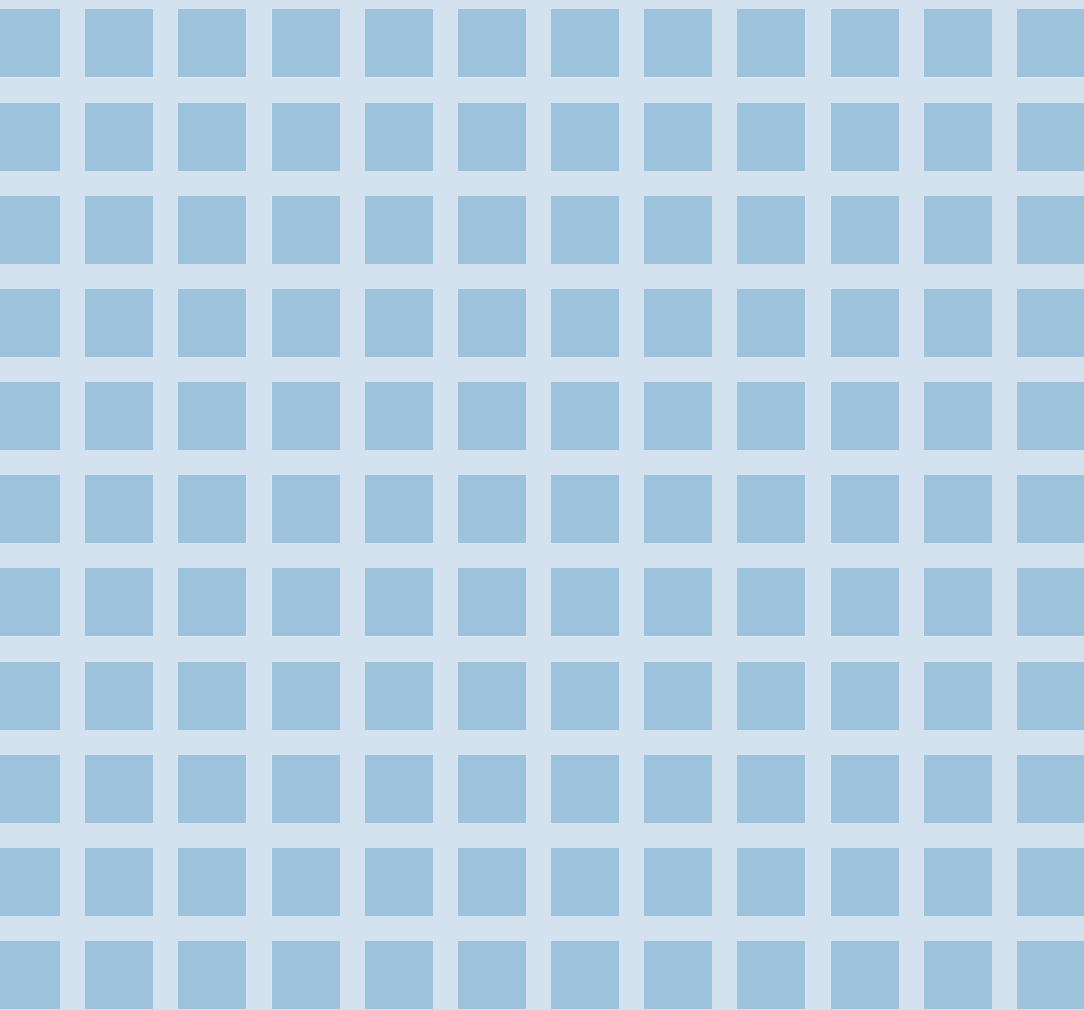


Local Court of New South Wales Annual Review 2008



Local Courts
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 2008. The past year was another busy one for the Court. Against the background of an ever-increasing workload, the Court maintained its commitment to excellence in the area of case management and to alternative sentencing and court based diversionary programmes.

For the sixth consecutive year, the Local Court of New South Wales and Children's Court achieved the lowest criminal case backlog in Australia. As noted in previous years, considering the Court handles more than 95% of the State's criminal matters, this is a significant contribution to the efficient administration of justice in the State. The Court also achieved the lowest backlog of cases older than 12 months in the Coroner's jurisdiction.

Whilst the Court is justly proud of its achievements in efficiently managing its caseload in the face of difficult resource issues, it remains committed to maintaining the fairness and effectiveness of outcomes. As in previous years, the Court in 2008 was a strong supporter of programmes that aim to address aspects of causation of offending and rates of recidivism. The Magistrate's Early Referral into Treatment programme (MERIT) and associated Rural Alcohol Diversion programme (RAD), continued to operate successfully in the Local Court during 2008. Following its successful evaluation in 2007, the Adult Conferencing programme, renamed *Forum Sentencing* expanded in 2008 to a further seven Court locations, with the programme criteria also expanding to include all adult offenders not just those under 25. An evaluation of Circle Sentencing conducted by the Cultural and Indigenous Research Centre found that the programme was successfully meeting all of its qualitative objectives. In particular, confidence in the sentencing process was found to be high and Elders, project officers and offenders all indicated that barriers between Aboriginal people and the Courts have reduced to some extent. This is a positive reflection on the programme and testament to the hard work of Magistrates and project officers involved in coordinating the circle process.

In early 2008 Magistrates also commenced making referrals to approved traffic offenders courses as part of a new Traffic Offender Programme (TOP) with the aim of providing

offenders with the skills necessary to develop safer driving behaviours. A pilot programme of care circles commenced at Nowra Local Court in December. The programme hopes to incorporate the successful principles of circle sentencing into the care division of the Children's Court, by enabling active participation of Aboriginal community members in decisions involving care arrangements for the child or young persons.

Alongside the operation of these formal and legislated intervention and diversionary programmes, the Court also furthered its cooperative working relationship with various government agencies during 2008. In particular, the Mental Health liaison programme continues to operate in 19 Local Courts and the Court involved itself with both Macquarie University, in its training of Allied Health professionals and the Institute of Psychiatry accredited courses for Mental Health professionals. The Court also committed to the criminal case conferencing trial in cooperation with the NSW DPP, which endeavours to finalise plea negotiations before committal hearings take place in the Local Court.

One of the major commitments I made at the beginning of 2008 on behalf of the Court was to develop an enduring improvement in the communication and management of issues involving the Aboriginal community and the Court. To that end an invitation was extended to the Aboriginal project officers from each of the Circle Courts to attend the regional conferences for Magistrates. Following this invitation and participation by the Court, reciprocal invitations from a number of Community Justice Groups were received for the Court to visit and speak with Elders and respected persons about our system of justice and the consequences of involvement in it for victims and offenders. The Local Court also commenced making referrals to the Baland-A programme located at Tabulam. It offers indigenous offenders who are otherwise facing a custodial sentence the opportunity whilst on a section 11 remand to attend a residential centre situated near the Clarence River. There is a strong cultural element to the services offered as well as a full medical and mental health assessment.

Whilst the efforts of Magistrates in the areas outside of traditional Court processes and therapeutic justice in particular, are greatly valued

by the Court and the community, facilitating these alternatives is necessarily time consuming. Caseload indicators do not adequately reflect the additional judicial time involved in the implementation, expansion and creation of these programmes. The impact is felt by way of additional appearances by an offender in Court, additional time taken to sentence an offender and the incorporation of additional material such as MERIT reports, psychiatric reports and intervention plans into the sentencing process. With this in mind the success of the Court in keeping to its published time standards becomes even more impressive. As cautioned in previous years, however, the continually rising workload of the Court has made the exigencies of resource management particularly pressing.

Since the passage in 1995 of the *Criminal Procedure Amendment (Indictable Offences) Act* the Local Courts criminal workload has increased by some 41% whilst the number of Magistrates in the Court increased by only 3%. At the same time the nature of the work undertaken by the Court is of increasing complexity and objective seriousness. As I noted last year, it has become clear that the finalisation of more serious criminal offences within the Local Court has become an important and realistic option for the Office of Director of Public Prosecutions. Statistically the trend in increasing finalisation of matters in the Local Court as opposed to the District Court can be seen across a number of serious offences. Alongside the Court's performance and efficiency, the annual report on Government services (ROGs) also highlighted that New South Wales has the second lowest allocation of Magistrates in the Commonwealth, with only 1.6 per 100,000 people compared to 2.4 per 100,000 people in Victoria. This is particularly exacerbated when comparative workloads are analysed. By way of example, in the important area of children's care and protection, the caseload according to ROGs in New South Wales in the 2007/08-year was 8,404 matters, which is over double most other jurisdictions. In Victoria the number was 5,333 matters, yet the number of Children's Magistrates in New South Wales and Victoria is the same (13). The disparity is manifest.

Some degree of assistance arrived upon the occasion of the closure of the Licensing Court on 1 July, which allowed for the return of

three Magistrates to the Local Court bench. This enabled the Court to focus the use of its resources where they are most needed and to accommodate anticipated demographic changes within the Hunter Valley and North Coast. Two new country circuits were created, headquartered at Kempsey and Cessnock, and commenced sittings at the beginning of the 2009 Court year. As a consequence of the creation of these new circuits, Port Macquarie and Coffs Harbour have become full-time Courts. The third position will be used to target delays in Western Sydney and the Illawarra.

Further changes in the jurisdiction of the Court were occasioned by the transfer of the Mining jurisdiction to the Land and Environment Court. Changes to the *Mental Health Act* enacted last year will transfer the responsibility for conducting Mental Health inquiries away from Magistrates to the Mental Health Review Tribunal in 2009. In regional areas it is hoped that this will offset the additional burden created by Magistrates assuming Coronial responsibilities.

As with last year's review, this review also makes mention of Magistrates' commitment to, and involvement in, educational and other community initiatives. Of particular note in 2008 was the Court's continued involvement with the education programme of Papua New Guinea Magistrates. In November 2008, Deputy Chief Magistrate Paul Cloran and Magistrate David Heilpern travelled to Papua New Guinea to assist in delivering the second orientation programme in Lae for 10 PNG Magistrates. This was followed by a three-day Consistency in Sentencing Workshop for 20 PNG Magistrates.

As the busiest and largest Court in Australia, the New South Wales Local Court is the primary interface between the community and the legal system in this State. The delivering of quality outcomes to stakeholders and the efficient operation of the Local Court system depends on an effective partnership between the Magistrates, the Chief Magistrate's Office and the Local Courts Administration. I would like to acknowledge the hard work of all these bodies and people. This review gives some insight into the outstanding work in each of these areas.

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 criminal and summary prosecutions and civil matters with a monetary value of up to \$60,000. The Small Claims Division deals with claims up to the amount of \$10,000, whilst the General Division deals with claims between \$10,000 and \$60,000.

The Court also conducts committal proceedings to determine whether or not indictable offences are to be committed to the District and Supreme Courts.

There are currently 134 Magistrates (128 full time Magistrates and 6 part time) who preside at 148 locations throughout New South Wales.

Children's Court

The Children's Court deals with criminal cases concerning children and young people, and also matters related to the care and protection of children and young people.

The Children's Court has the power to remove a child from the care of a parent and make emergency care and protection orders, assessment orders and orders for the supervision of parents or carers. The children and young persons who may be the subject of such orders range from newborns to 18 years.

The majority of cases concerning allegations of crime committed by children and young people aged between 10 and 18 years are finalised in the Children's Court. The Court also has responsibility for supervising the grants and revocations of parole.

It is a specialist Court with 13 Children's Magistrates and five Children's Registrars. All Magistrates have Children's Court experience before taking responsibility for a country circuit. Since November 2006, the Children's Court has been headquartered at Parramatta, co-locating a wide range of support services in a modern purpose built complex.

Coronial jurisdiction

All Magistrates, by virtue of their office, are Coroners. Coroners generally have jurisdiction to conduct an inquest if a person died a violent unnatural death, a sudden death cause unknown or died under suspicious or unusual circumstances. Other categories of reportable deaths include deaths within 24 hours of an administration of an anaesthetic, a death within a year and a day of any accident that may have attributed to the death and a death whilst in or temporarily absent from a mental health facility. 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.

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 has sole jurisdiction in relation to deaths of children in care or at risk of harm and certain deaths of people with disabilities.

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.

The Licensing Court

The *Liquor Act 2007* commenced on 1 July 2008 revoking the *Liquor Act 1982* and abolishing the Licensing Court and the Liquor Administration Board. All applications for the grant of new licences, transfer of licences, breaches, complaints and disciplinary proceedings against licensees previously dealt with by Magistrates are now dealt with by the Casino Liquor and Gaming Control Authority.

Prosecutions under the *Liquor Act 2007*, *Registered Clubs Act 1976* and *Gaming Machines Act 2001* commenced after 1 July 2008 continue to be dealt with in the Local Court.

Mental health

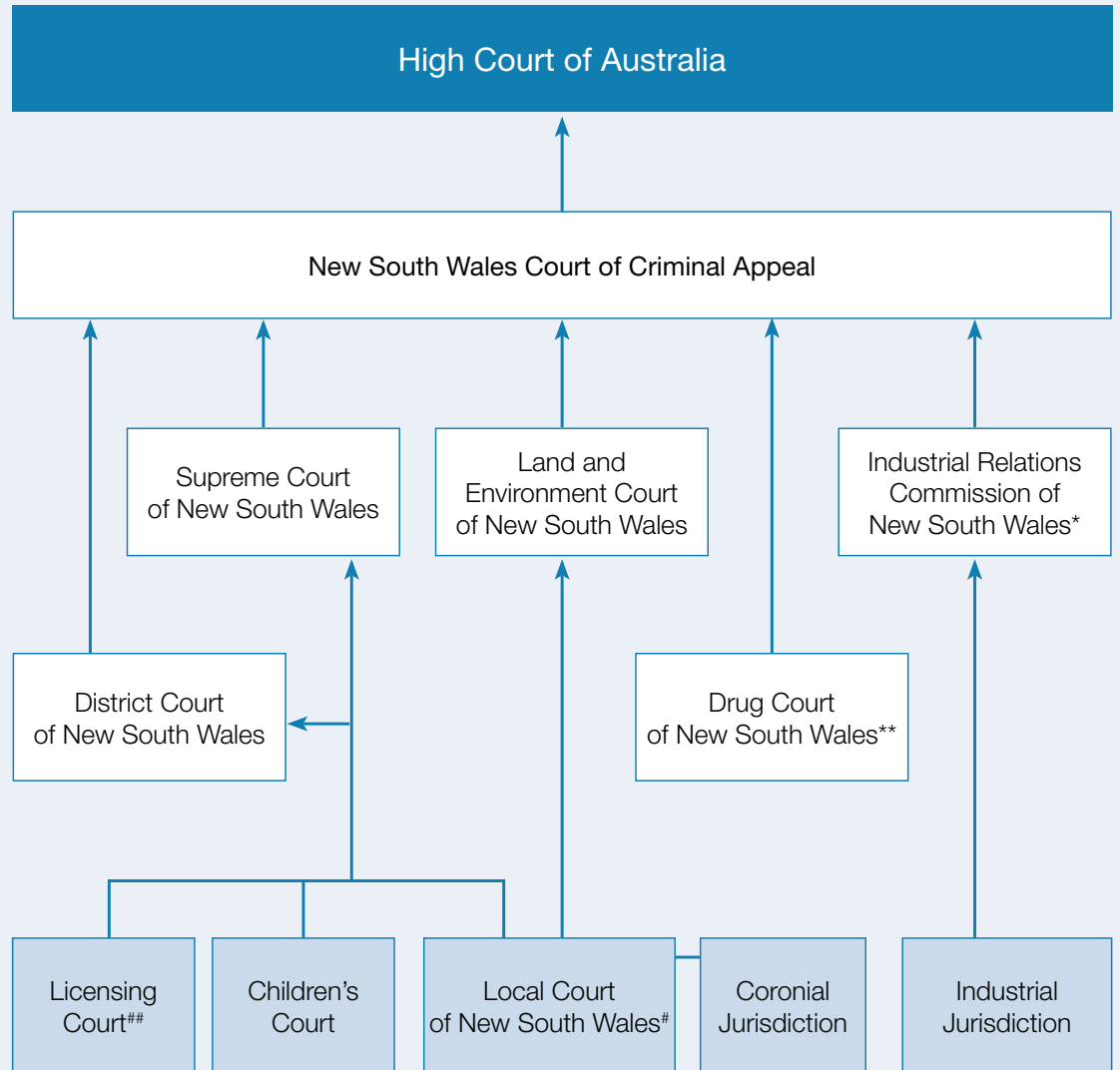
Magistrates have responsibilities under the *Mental Health Act 2007* to review the need for continued detention of any person who has been involuntarily admitted to a hospital for psychiatric treatment and to approve the discharge of persons subject to a community treatment order. To carry out that role, Magistrates attend hospitals throughout the State.

Legislation enacted in late 2008 transfers this jurisdiction to the Mental Health Review Tribunal. It is anticipated this will commence in 2009 and Magistrates' responsibilities will cease at that time.

Mining jurisdiction

During 2008, amendments to the *Mining Act 1992* transferred jurisdiction from the Warden's Court to the Land and Environment Court. It is expected the amending legislation will commence in early 2009 and the Land and Environment Court will dispose of all matters filed after that date.

New South Wales Court System – Criminal Jurisdiction



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

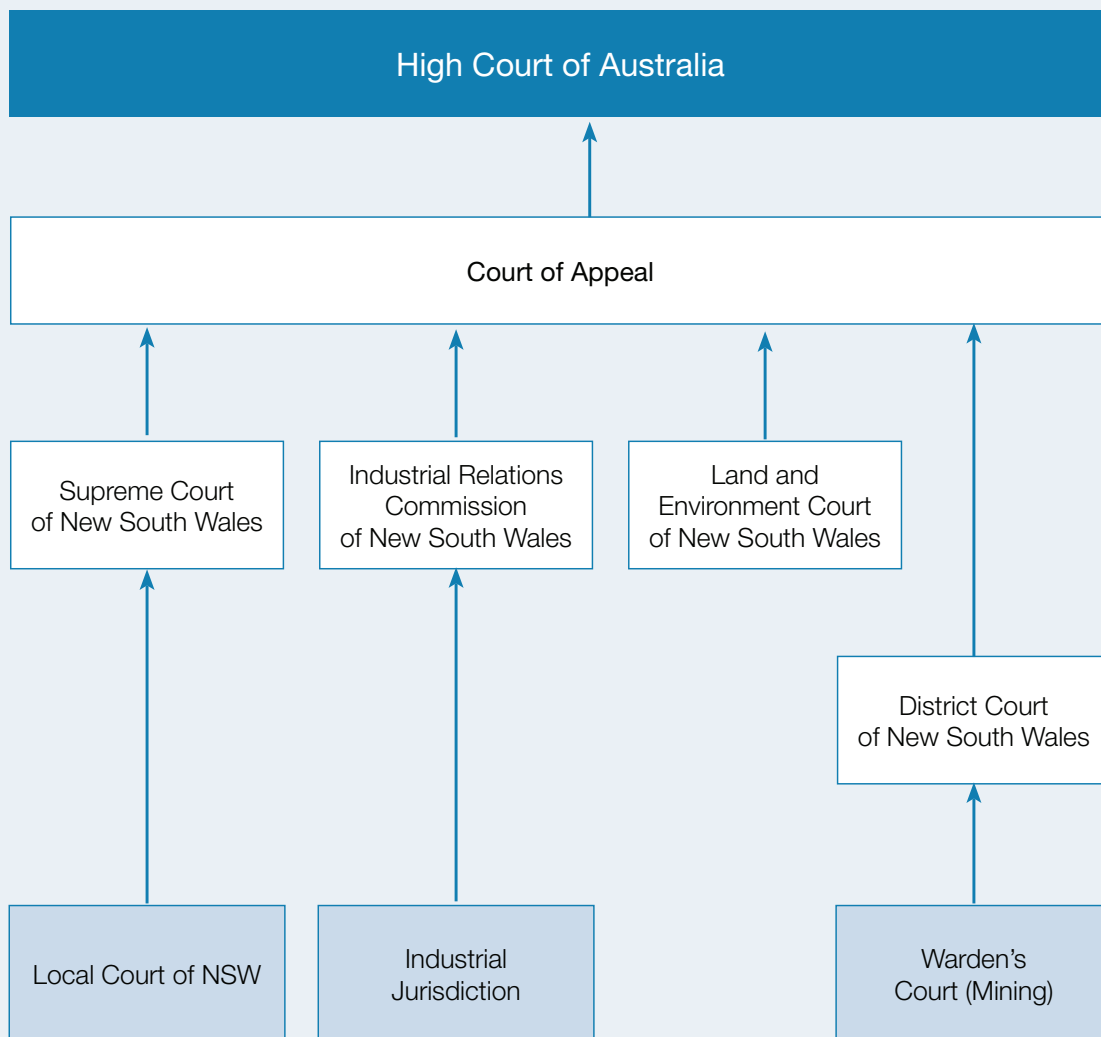
* The Court of Criminal Appeal may hear appeals in matters relating to section 32A of the Occupational Health and Safety Act 2000.

** 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 programme. 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.

The Licensing Court closed on 1 July 2008.

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 12 of the *Local Courts Act 1982* on the advice of the Executive Council.

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

As at 31 December 2008 the Judicial Officers of the Court were as follows:

Chief Magistrate

His Honour Magistrate Graeme Leslie Henson

Deputy Chief Magistrates

Her Honour Magistrate Helen Lorraine Syme

His Honour Magistrate Paul Stanislaus Cloran

Senior Children's Magistrates

His Honour Magistrate Scott Mitchell

State Coroner of New South Wales

Her Honour Magistrate Mary Stella Jerram

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 Paul Alexander Lyon

His Honour Magistrate William Grenville Pierce

Her Honour Magistrate Dr Patricia O'Shane AM

His Honour Magistrate

Michael Francis Morahan OAM

His Honour Magistrate Ian Duncan McRae

His Honour Magistrate Paul Anthony Sloane

His Honour Magistrate Wayne Henry Evans

His Honour Magistrate Colin Alan Elliott

His Honour Magistrate Jeffrey Alan Linden

His Honour Magistrate Bernard Joseph Kennedy

His Honour Magistrate Paul Patrick Falzon

His Honour Magistrate Allan Darroll Moore

His Honour Magistrate Thomas Hugh Hodgson

His Honour Magistrate Dragan Carl Milovanovich

His Honour Magistrate Gary John Cocks

His Honour Magistrate Ross Clugston

Her Honour Magistrate

Janet Christina Ruth Stevenson

His Honour Magistrate Leslie John Brennan

His Honour Magistrate

Nicholas Gustav Ernest Reimer

His Honour Magistrate Anthony Alfred Spence

His Honour Magistrate Malcolm Ian MacPherson

His Honour Magistrate

Christopher Wayne McRobert

Her Honour Magistrate Daphne Anne Kok

His Honour Magistrate Paul Victor Johnson

His Honour Magistrate Geoffrey Edward Bradd

His Honour Magistrate Dennis Harvey Burdett

His Honour Magistrate James Edward Garbett

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

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

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
His Honour Magistrate Daniel Reiss
Her Honour Magistrate Joanne Keogh
Her Honour Magistrate Jane Ellen Mottley
His Honour Magistrate Paul Raymond Mulroney
His Honour Magistrate Terence Timothy Lucas
Her Honour Magistrate Elizabeth Corbett
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
His Honour Magistrate Michael North Holmes
His Honour Magistrate Gordon Bruce Lerve
Her Honour Magistrate Vivian 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

Judicial appointments during 2008

Mr Peter Bugden

Mr Bugden was sworn in as a Magistrate of the Local Court on 21 January 2008. Immediately prior to his appointment Mr Bugden was one of the principal solicitors with the Aboriginal Legal Service. Whilst at the Aboriginal Legal Service he was involved in the amalgamation of the 6 separate Aboriginal legal services in New South Wales into the current and much larger, single service.

Prior to this he worked at the NSW DPP and in Local Courts. He was admitted as a solicitor in 1985 and is an accredited criminal law specialist.

Ms Margot Gai Stubbs

Ms Stubbs was sworn in as a Magistrate of the Local Court on 21 January 2008. Ms Stubbs holds the degrees of Bachelor of Arts and Bachelor of Laws (1st Class Honours) from Macquarie University and a Master of Laws from Yale University.

She was admitted as a Barrister in the ACT in 1988, a Solicitor in NSW in 1991 and as a Barrister in NSW in 1997. Ms Stubbs practised at the Bar from that time until immediately prior to appointment.

Mr Roger James Clisdell

Mr Clisdell was sworn in as a Magistrate of the Local Court on 17 March 2008. He holds a Bachelor of Laws from Sydney University. Admitted to practice as a Solicitor in 1979 he was first employed at Keith Williams & Partners at Auburn as a litigation Solicitor and in 1983 purchased a practice at Batemans Bay on the NSW south coast. A sole practitioner for 9 years, he later went into partnership and remained a member of the partnership of Hozack Clisdell Lawyers until his appointment.

Mr Clisdell also served on the Law Society Council from 1991-94 and on the Legal Services Tribunal/Administrative Decisions Tribunal from 1994 - 2008.

Mr Michael Gary Dakin

Mr Dakin was sworn in as a Magistrate of the Local Court on 17 March 2008. He holds a Bachelor of Laws (Honours) from the University of Technology and was admitted as a Solicitor in 1993. He practised as a Solicitor in Ballina from 1994 and in 2001 he was accredited by the NSW Law Society as a specialist in criminal law. He was also appointed as a Local Court civil arbitrator in 2003 and held that position until his appointment to the Local Court.

Ms Michelle Norma Goodwin

Ms Goodwin was sworn in as a Magistrate of the Local Court on 7 April 2008. She holds a Bachelor of Arts, a Master of Arts and Bachelor of Laws. Prior to her appointment she held positions as Education Officer at the NSW Bar Association, a solicitor in the Office of Director Public Prosecutions (NSW) and as a solicitor at Legal Aid.

Mr Stephen Corry

Mr Corry was sworn in as a Magistrate of the Local Court on 11 August 2008. Mr Corry holds a Bachelor of Arts and Bachelor of Laws from Sydney University and was admitted as a solicitor in 1977.

Mr Corry commenced his career as a solicitor at Walgett and thereafter worked in a Community Legal Centre and for the Australian Legal Aid Office at Blacktown and Fairfield. Mr Corry worked for two years for the Commonwealth Director of Public Prosecutions until 1988. Since 1988 until immediately before his appointment Mr Corry was in private practice at Penrith.

Ms Susan McIntyre

Ms McIntyre was sworn in as a Part-time Magistrate of the Local Court on 11 August 2008. She holds a Bachelor of Arts/Law and Masters of Law from the University of Sydney and was admitted as a Legal Practitioner in 1994. She worked as a solicitor for the Legal Aid Commission from 1994 until 2000 and was in private practice thereafter.

Judicial retirements and resignations during 2008

Mr George Zdenkowski (retired 4 January 2008)
Mr Mark Robert Shepherd
(retired 29 February 2008)
Mr Brian Anthony Lulham (retired 14 March 2008)
Mr Richard Wallace Wakely (retired 5 May 2008)
Mr Andrew John Benson George
(retired 18 July 2008)
Mr Ian Phillip Barnett (retired 8 August 2008)
Mr John Anthony Bailey
(retired 22 October 2008)
Mr John McIntosh (retired 31 December 2008)

Magistrates appointed as Acting Judges of the District Court

Ms Helen Syme

Magistrates appointed as Judges of the Drug Court and Acting Judges of the District Court

Mr Ian Phillip Barnett

Magistrates appointed as Members of the Victims Compensation Tribunal

Mr Cecil Roy Brahe and as Chairperson of the
Victims Compensation Tribunal
Mr Thomas Geoffrey Cleary
Mr Charles Augustine Gilmore

Acting Magistrates

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 13 of the *Local Courts Act 1982* for a limited tenure.

Acting Magistrates are used to preside at weekend bail Courts and at certain Mental Health Inquiries within the Sydney metropolitan, Wollongong and Newcastle areas. They may also be used to cover absences on sick leave and extended leave.

Mr Robert Joseph Abood
Mr Peter Frederick Ashton
Mr John Anthony Bailey

Mr Malcolm Cooper Beveridge
(until 30 June 2008)
Mr Cecil Roy Brahe
Mr Alan John Clarke (until 30 June 2008)
Mr Thomas Geoffrey Cleary
Mr Errol John Considine, OAM
Mr John Ormonde Crawford
Mr Michael Anthony Dowd
Mr Kevin Charles Flack
Mr Terrance Gordon Forbes (until 30 June 2008)
Mr Andrew John Benson George
Mr Charles Augustine Gilmore
Mr Langdon William Gould (until 30 June 2008)
Mrs Lillian Horler (until 30 June 2008)
Mr Graham Johnson
Mr Brian Anthony Lulham
Mr Leonard Ross McDermid (until 30 June 2008)
Mr Michael Joseph Mahony
Mr Kevin Ronald Maughan
Mr George Ashley Miller
Mr Peter Montague Norton
Mr David Patrick O'Connor
Mr Michael Kevin Price
Mr Harley Richard Rustin
Ms Susanne Elizabeth Schreiner
(until 30 June 2008)
Mr Mark Robert Shepherd
Mr Ross Arthur Sterland (until 30 June 2008)
Mr James Lawrence Swanson
Mr Craig Lowery Thompson (until 30 June 2008)
Mr George Zdenkowski

Small Claims Assessors

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.

Mr Graham Roberts (retired 17 December 2008)
Ms Danae Harvey
Ms Janice Connelly

Chief Magistrate's executive office

As at 31 December 2008, the Executive Office consisted of seven staff:

Executive Officer

Jacinta Haywood

Policy Officer

Bridget Thomson

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

Matthew Kelleher

The New South Wales Local Court has the largest number of Judicial Officers in a summary jurisdiction in Australia. Under the direction of the Chief Magistrate, the staff of the Chief Magistrate's Executive Office provide state-wide administrative support to 134 Magistrates (128 full time Magistrates and 6 part time Magistrates) and 29 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 Magistrate's 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 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

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 each Local Court by the Governor pursuant to section 10 of the *Local Courts Act 1982*. The 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.

Children's Registrars

Children's Registrars assist the Children's Court by conducting preliminary conferences in Care cases across the State and case managing Care cases prior to a hearing being scheduled before a Children's Magistrate. Children's Registrars have skills in assisting parties to reach agreement in Care cases and in defining the issues, which ultimately require determination by a Children's Magistrate.

Chamber Registrars

The primary role of the Chamber Registrar is to provide information to members of the public on basic legal problems and the options available to assist them. The service is available to provide guidance on court process and procedures and to assist the public in the drafting of simple documents used in cases before the Local Court.

2 Court operations during 2008

- Criminal jurisdiction
- Civil jurisdiction
- Children's Court
- Coronial jurisdiction
- Industrial jurisdiction
- Licensing Court
- Mental health
- Mining jurisdiction

Criminal jurisdiction

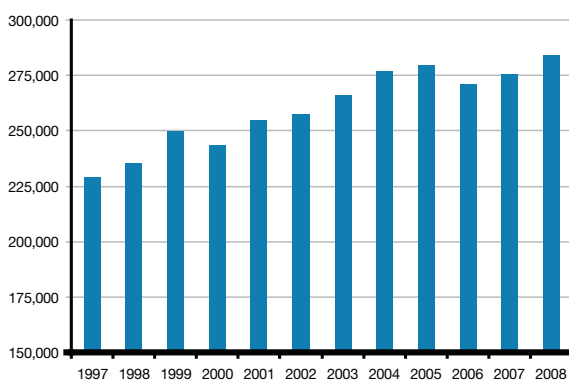
As at 31 December 2008:

- 284,218 criminal matters commenced in the Local Court, a 3.2% increase from 2007
- 283,420 criminal matters were finalised, giving a clearance ratio of 99.72%
- 20,335 defended trials were finalised by the Local Court

These figures are statewide for all Local Courts. Prior to 2006, figures were estimated from 83% of cases on the GLC case management system, therefore no direct comparison can be made to figures reported in the 2005 and previous annual reviews.

Court-by-Court statistics can be found in Appendix 3

Criminal matters commenced



As noted in the 2007 review, the criminal case workload of the Court continues to increase. Against this background, the Local Court has been confronted with difficult resource and management issues. 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 2009, which measures performance across the Commonwealth, the Local Court of NSW has again outperformed other states and territories.¹ This is despite its increasingly heavy workload and that the proportion of magisterial resources allocated to the Court being significantly less than the comparative allocation to other states and territories.²

The closure of the Licensing Court on 1 July 2008 allowed for three Magistrates to be re-located within the Local Court. This has enabled the Court to focus the use of its resources where they are most needed and to accommodate anticipated demographic changes within the Hunter Valley and North Coast. The two new country circuits will be headquartered at Kempsey and Cessnock and commence sittings on and from the beginning of the Court year in 2009. As a consequence of the creation of these new circuits, Port Macquarie and Coffs Harbour will become full-time Courts. The third position will be used to target delays in Western Sydney and the Illawarra.

During 2008, the Local Court issued Practice Note 4 of 2008 in respect of the Criminal Case Conferencing Trial. It applies to committal proceedings in the Local Court (i.e. matters that are either strictly indictable or indictable offences listed in Table 1 and Table 2 to Schedule 1 of the *Criminal Procedure Act 1986* where an election has been made to proceed on indictment) commenced at the Downing Centre or Central Local Courts. The procedures outlined in the Practice Note are intended as best practice to ensure that time standards for cases committed for trial or sentence to the Supreme or District Court, are as far as possible complied with and to enable accused persons to attend a Case Conference. The aim of a Conference is to encourage early appropriate pleas of guilty, the resolution of any other matters relevant to sentence proceedings and to recognise the benefit of such pleas to the community and the accused.

During 2008, the Court continued to further involve itself in alternative approaches to the traditional dispensation of criminal cases. Part 3 of this Review deals in greater detail with the various diversionary programmes conducted within the Court. These programmes do not operate within higher jurisdictions. It is important to note that the success of such initiatives depend on intensive participation by the Court in overseeing both the direction and outcomes in the field of therapeutic jurisprudence.

¹ Report on Government Services 2009 at 7.27

² Based on number of full-time equivalent Judicial Officers per 100,000 people, in Report on Government Services 2009 at 7.32

Taken into consideration with the commitment to meeting the Court's time standards it is appropriate to add a necessary caution that if workloads continue to rise without an increase in resources the time will come when the qualitative outcome, in terms of maintaining a high professional standard, will conflict with demand for expedition.

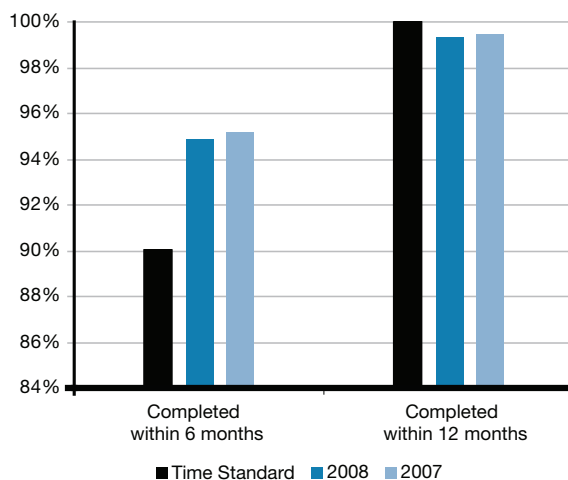
Timeliness

- The pending caseload increased slightly during 2008 (by 549 matters), however remains lower than 2005 and the 4 years previous.
- 94.86% of matters were completed within six months of commencement, which was a slight reduction from 2007 (95.22%) but still well within time standards.
- 99.35% of matters were completed within 12 months of commencement, which was substantially similar to 2007 (99.48%).

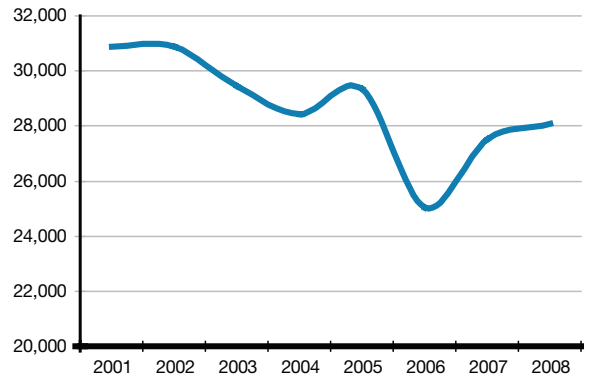
These figures are estimated from 83% of cases on the GLC case management system.

In accordance with published time standards, the Court aims to finalise 100% of summary criminal trials within 12 months of commencement.

Finalised Matters



Pending criminal caseload



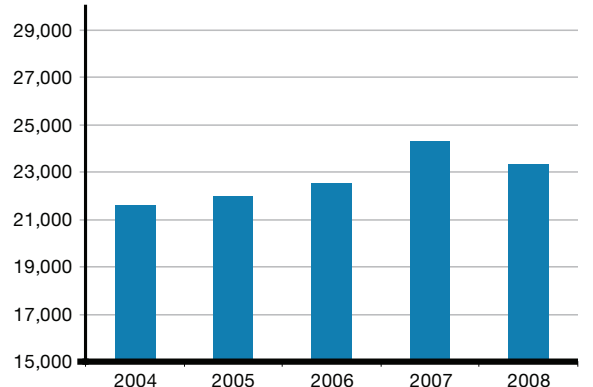
Domestic and personal violence

The caseload of the Court in the area of domestic and personal violence remained constant in 2008. Final domestic violence orders made by the Court remained steady at 18,476 (18,723 in 2007) whilst final personal violence orders made by the Court decreased slightly from 5,572 in 2007 to 4,892 in 2008.

The Local Court acknowledges the important work of, and the assistance the Court received in 2008 from:

- The Women's Domestic Violence Court Assistance Programme 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.

Personal and Domestic Violence Orders



Apprehended Violence Statistics 2008

| | |
|--|---------------|
| Domestic Violence | |
| Provisional Orders | 20,070 |
| Application notices | 12,794 |
| Warrants | 100 |
| Application variation/revocation | 1,120 |
| TOTAL DOMESTIC VIOLENCE PROCESS ISSUED | 34,084 |
| Final Orders made by Court | 18,476 |
| % of Final Orders made by Court out of the total process issued | 56.05% |
| Complaints withdrawn/dismissed | 11,593 |
| Complaints dismissed after hearing | 607 |
| Complaints where SNS/NRS | 5,004 |
| Orders Varied | 2,137 |
| Ancillary property recovery orders | 215 |
| Personal Violence | |
| Provisional Orders | 1,512 |
| Application notices | 8,218 |
| Warrants | 93 |
| Application variation/revocation | 367 |
| TOTAL PERSONAL VIOLENCE PROCESS ISSUED | 10,190 |
| Final Orders made by Court | 4,892 |
| % of Final Orders made by Court out of the total process issued | 49.80% |

Calculation of % of final orders made excludes the number of applications variation/revocation for both personal and domestic violence.

Domestic Violence Intervention Court Model

The Domestic Violence Intervention Court Model (DVICM) continued to operate in the Local Court during 2008 at two locations, Wagga Wagga and Campbelltown.

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.

Following formal evaluation in 2007 a programme of "Domestic Violence Evidence Kits" (DVEK) began to be rolled out across the state during 2008.

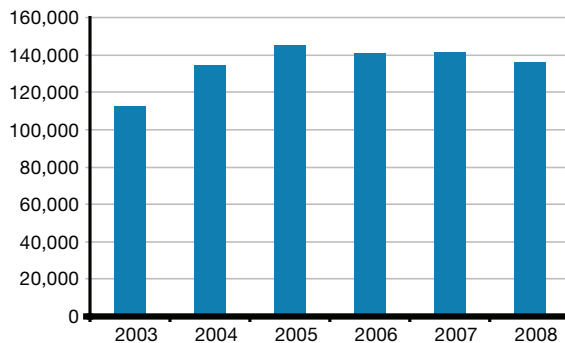
The kits place photography and video equipment into first response police vehicles attending domestic violence incidents.

Civil jurisdiction

In 2008, 136,242 civil actions were commenced in the Local Court with 131,471 finalised. This represents a decrease in filings from 2007 (141,549). 110,065 of these actions were commenced in the Small Claims division.

7,875 matters were finalised by Court hearings in the General and Small Claims Divisions. The majority of matters are finalised other than by hearing in Court (i.e. matters are settled or default judgement is entered).

Civil actions commenced



The Court aims to finalise 100% of all civil proceedings within 12 months of finalisation. As at 31 December 2008 the number of General Division matters disposed of within 12 months increased slightly from 2007 to 89.46%. The number of Small Claims actions completed within 12 months remained constant from 2007 at 97.71%.

Defects in the civil claims statistical database that have been identified in previous years continue to under report the caseload and finalisations of the Court. The Court has engaged actively with the Attorney General's Department in an endeavour to resolve this administrative inadequacy. It is hoped that an appropriate response by the Department through the "JusticeLink" computer project will resolve this long-standing concern.

The Local Court has continued to offer hearings in all contested matters within a period of six months from the date of filing a Defence, with the vast majority of matters concluded within 12 months. The continued practice of requiring witness statements to be served but not filed, except by special order in longer cases, has contributed significantly to the efficient determination of matters. During 2008, very few matters were "not reached".

In 2008 the number of matters concerned with motor vehicle cost of repairs declined. This follows the introduction in 2007 of Practice Note 6 "Quantum of Damages (Motor Vehicle Accidents)", which was introduced to deal with the disproportionate amount of hearing time spent hearing disputes between insurers over fair and reasonable costs of repairs to motor vehicles. The Practice Note seeks to ensure firstly, from an early point of time, the Court and all parties are cognizant of the amount in dispute between the parties concerning the disputed cost of repairs and secondly, to provide procedural certainty as to the maximum costs generally awarded in proceedings to which the Practice Note applies.

Practice Note 6 of 2008 was issued in September to establish a pilot programme for defended proceedings commenced under the *Civil Procedure Act 2005* in the Downing Centre Local Court. The Practice Note provides for the establishment of online Courts in certain matters, being a virtual courtroom used for issues requiring consideration and determination by a Judicial Officer. Messages may be posted in the online Court by authorised legal practitioners and it is hoped that a benefit of the programme will be enhanced accessibility as well as reduced costs for parties.

There were no significant changes to legislation affecting the jurisdiction during 2008, however, of great importance to case management, interlocutory applications and motions was the decision of the New South Wales Court of Appeal in *Dennis v Australian Broadcasting Corporation [2008] NSWCA 37*, which reinforced the power of statutory provisions such as section 56(2) of the *Civil Procedure Act 2005*. In dealing with the earlier authorities concerning case management, the Court found that they

"must now be understood as operating subject to the statutory duty imposed upon the courts by s56(2) of the *Civil Procedure Act 2005*, which requires the Court in mandatory terms – 'must seek' – to give effect to the overriding purpose – to 'facilitate the just, quick and cheap resolution of the real issues in the proceedings' – when exercising any power under the Act or Rules. That duty constitutes a significant qualification of the power to grant leave to amend a pleading under s64 of the *Civil Procedure Act*."

Children's Court

The Senior Children's Magistrate was His Honour Magistrate Scott Mitchell.

During 2008 there were thirteen Children's Magistrates and five Children's Registrars.

The opening of the new Children's Court complex at Parramatta in November 2006, made it possible to relocate Children's Court services in western Sydney to Parramatta.

The Children's Court continues to exercise both a care and criminal jurisdiction in the Newcastle, Sydney and Wollongong areas, covering the Hunter valley in the north, the lower Blue Mountains in the west and Nowra and the Shoalhaven district in the south. The Children's Court sits at Parramatta (six courts), "Bidura" at Glebe (two courts), Campbelltown, Woy Woy, Wyong, Broadmeadow (Newcastle) and the Illawarra (Port Kembla and Nowra).

The policy of attaching newly appointed Magistrates to the Children's Court for a period of at least three months preparatory to their assignment to country circuits continued during 2008. The purpose of this initiative is to ensure Magistrates have up to date expertise in dealing with children's matters, enabling the improvement of Court service to children and their families in parts of the State where specialist Children's Magistrates do not normally preside. Nevertheless, the Chief Magistrate continued the practice of authorising sittings of specialist Children's Magistrates during 2008 in a variety of country centres to hear and determine matters of particular complexity or otherwise to resolve proceedings involving children in a timely manner.

In 2008, the Children's Court maintained its active role in advising Government on matters of law reform relating to children and young persons and, in particular, made detailed submissions to the Standing Committee of the Legislative Council on Law and Justice, the Sentencing Council of New South Wales and the Special Commission of Inquiry into Child Protection Systems in New South Wales. The Court and the Senior Children's Magistrate have provided advice as sought to the Attorney-General's Department, particularly in regard to the establishment of the Aboriginal Care

Circle pilot which commenced during the course of 2008, to the Department of Juvenile Justice and the Department of Community Services. A working party, constituted by representatives of the Attorney-General's Department, the Department of Community Services, the Legal Aid Commission and the Children's Court, chaired by the Senior Children's Magistrate, meets monthly to review the practices and procedures of the Court.

Children's Court Care jurisdiction

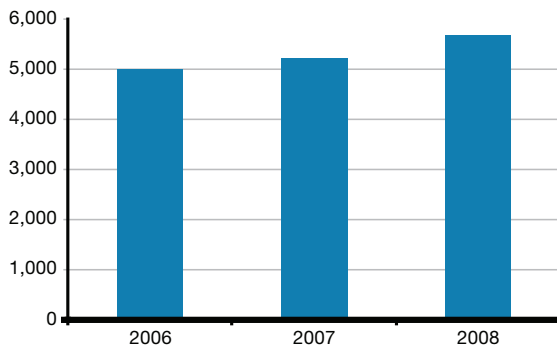
The Children's Court has the responsibility of making orders for emergency or long-term removal of children from their parents, orders for the allocation of parental responsibility to the Minister for Community Services or to other suitable carers and orders for supervision of placements and for contact. In this regard the Court acts under the *Children and Young Persons (Care and Protection) Act 1998*. Where it appears appropriate, the Court may continue to monitor the placement of children by requiring the Department of Community Service to furnish updated reports regarding children the subject of care orders.

Standard Directions and Time Standards designed to facilitate the preparation of care cases for trial and to eliminate unacceptable delay continued to apply during 2008. The overwhelming bulk of care cases filed in the Children's Court of New South Wales were heard and determined and finalised within six months of commencement. The Court regards delay in care matters as contrary to the best interests of the child and the most strenuous efforts have been made, with significant success, to eliminate unnecessary delay.

In the 12 months to the 31 December 2008:

- 5,671 Care matters commenced in the Children's Court, an increase from 2007 of nearly 9%.
- 4,431 Care matters were finalised, giving a clearance ratio of 78.13%.

Children's Care matters commenced



These figures are statewide for all Local Courts. Prior to 2006, figures were estimated from 83% of cases on the GLC case management system, therefore no direct comparison can be made to figures reported in the 2005 and previous annual reviews.

The Children's Registrars attached to the Children's Court assist in the areas of case management and alternative dispute resolution by conducting regular call overs and presiding at conferences pursuant to section 65 of the *Children and Young Persons (Care and Protection) Act*. Children's Registrars are deployed across the whole State and during 2008 continued to make regular visits to Albury, Coffs Harbour, Dubbo, Katoomba, Lismore, Newcastle, Nowra, Port Kembla, Port Macquarie, Wagga Wagga, Woy Woy and Wyong in order to conduct call-overs, prepare cases for trial and preside at preliminary conferences and to smaller country centres on an as needs basis.

Children's Court Clinic

During 2008, the Children's Court Clinic continued to provide independent clinical assessments of children and young persons and their families for use in the Court's Care jurisdiction. An assessment order is made when the Court requires specialist information from a clinician to assist in the determination of care cases. Specialist psychiatrists, psychologists, paediatricians and other practitioners are attached as clinicians to the Clinic to deal with and report on issues such as parenting capacity, bonding and attachment or a child's

need for contact in the event of out-of-home care. Following assessment, the clinic provides written reports to the Court and clinicians make themselves available for examination before the Court.

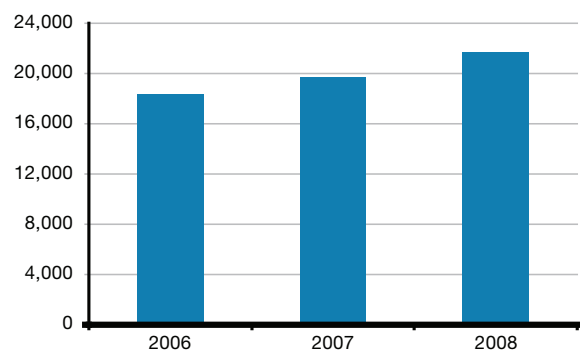
Children's Court Criminal jurisdiction

In the 12 months to the 31 December 2008:

- 21,762 criminal matters commenced in the Children's Court, in increase of 10.36% from 2007.
- 21,942 criminal matters were finalised, a clearance rate of 100.82%
- 1,407 defended trials were finalised by the Court

These figures are statewide for all Local Courts. Prior to 2006, figures were estimated from 83% of cases on the GLC case management system, therefore no direct comparison can be made to figures reported in the 2005 and previous annual reviews.

Children's Criminal matters commenced



Timeliness

- 91.91% of matters were completed within six months of commencement
- 97.71% of matters were completed within 12 months of commencement

These figures are estimated from 83% of cases on the GLC case management system.

Coronial jurisdiction

The State Coroner is Her Honour Magistrate Mary Jerram.

In 2008 the Deputy State Coroners were:

- Magistrate Paul McMahon
- Magistrate Malcolm MacPherson
- Magistrate Carl Milovanovich
- Magistrate Hugh Dillon

Closure of Westmead Coroners Court

The NSW Department of Health ceased forensic services from the Westmead Morgue in October 2008 due to an inability to attract suitable Forensic Pathologists to Westmead. As a result the Attorney General's Department decided to amalgamate Westmead and Glebe Coroners Court from 20 December 2008.

The Glebe Coroners Court is now known as the Sydney Coroners Court. The Westmead Coroners Court will still be used for the time being to hear inquests.

Reduction of delays in coronial jurisdiction

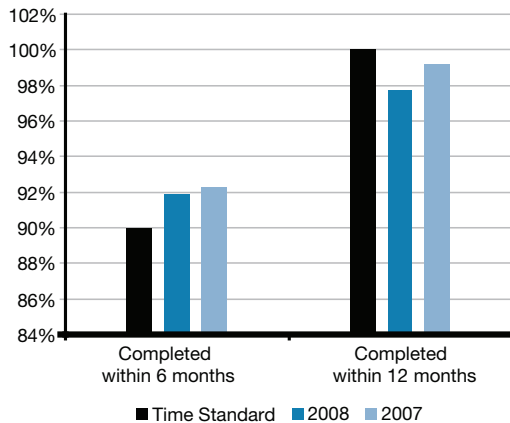
The State Coroner continues, as a main priority, to reduce delays in the finalisation of coronial files. Following the implementation of initiatives detailed in the 2007 Annual Review, delays have reduced significantly.

The Report on Government Services for the financial year 2007/2008 showed the number of cases outstanding for more than 12 months reduced by 46%.

Legislative change

Significant amendments to the *Coroners Act 1980* have been proposed after extensive consultation with stakeholders. It is understood that these amendments will go before parliament in late 2009. It is hoped the amendments will modernise the Act and create a more effective framework for Coroners to investigate deaths and make findings and recommendations to prevent similar deaths.

Finalised Matters



Youth Justice Conferencing

The diversion of offenders away from Court to Youth Justice Conferences under the *Young Offenders Act 1997* continued during 2008. A consequence of this is a reduction in the number of less serious matters coming before the Court. More information on Youth Justice Conferencing can be found in the Children's Court diversion programmes section.

Youth Drug and Alcohol Court

The Youth Drug and Alcohol Court, a division of the Children's Court of New South Wales, aims to reduce offending by young people by helping them overcome their drug and/or alcohol problem. The programme operates by deferring sentencing of young offenders while they undertake a court supervised rehabilitation plan. The young offender appears before a Children's Magistrate every fortnight for review.

During 2008, the Youth Drug and Alcohol Court sat at Parramatta, Bidura and Campbelltown. 129 young offenders were referred to the programme and 62 were accepted and commenced the programme. Eight young offenders successfully graduated from the programme in 2008 and as at 31 December 2008 25 were continuing to participate in the programme.

Review of the Operations of the Coroners Court

Ms Jan McClelland undertook an independent review of the operations of the NSW Coroners Court in 2008. This review was presented to Government in October 2008 and consisted of a number of recommendations to improve operations.

Work has commenced on implementing those recommendations dealing with client service and internal improvements. Consultation with stakeholders is underway regarding more complex and interagency aspects of the recommendations.

Lecture and talks

During the year the State Coroner and Deputy State Coroners presented lectures and papers to various stakeholders and groups including the NSW Bar Association, the NSW Law Society, various Barristers Chambers, the NSW Police Women's Conference, the NSW Police Academy, Forensic Odontologists, NSW Fire Services, a Forensic Sciences Conference, NSW Nurses, NSW Health and the Asia Pacific Coroners Annual Conference.

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

Section 13A of the *Coroners Act* 1980 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 a Deputy State Coroner and an inquest must be conducted into the circumstances of the death. A summary of all Section 13A deaths is provided to the Attorney General for each twelve-month period.

During 2008 24 deaths were reported pursuant to Section 13A (compared to 27 in 2007). No deaths of identified Aboriginal or Torres Strait Islander persons were reported to the Coroner pursuant to Section 13A for the year 2008, which is the first time this has occurred since statistics have been kept for Section 13A deaths.

Children in care or disability deaths

Under section 13AB of the *Coroners Act* 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 from a service provider, assistance to enable independent living in the community.

In 2008, 222 such deaths were reported to the State Coroner (compared to 237 in 2007). Unlike deaths reported pursuant to Section 13A, there is no mandatory requirement to conduct an inquest. Should an inquest be necessary, however, only the State Coroner or Deputy State Coroner may conduct it.

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 that 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) and Westmead (ICPMR) to finalise post mortem reports.

A critical worldwide shortage of Forensic Pathologists has impacted severely on the ability of both Glebe and previously Westmead Departments of Forensic Medicine to deliver timely reports following post mortems. The Glebe Department of Forensic Medicine has recruited three Pathologists to commence in 2009 and it is hoped this will reduce the delay in finalisation of reports. The State Coroner continues to work closely with the Health Department in an effort to reduce the delays in the provision of these reports.

Coroner's Court statistics 2008

| | 2007 | 2008 |
|--------------------------|-------------|-------------|
| Deaths reported | | |
| Glebe | 2282 | 2447 |
| Westmead | 1261 | 1111 |
| Other State-wide | 2604 | 2716 |
| TOTAL | 6147 | 6274 |
| Inquests dispensed with* | | |
| Glebe | 2069 | 1832 |
| Westmead | 995 | 1069 |
| Other State-wide | 1935 | 2144 |
| TOTAL | 4999 | 5045 |
| Inquests conducted | | |
| Glebe | 102 | 113 |
| Westmead | 50 | 65 |
| Other State-wide | 57 | 65 |
| TOTAL | 209 | 243 |

* 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.

Fires

Section 15 of the *Coroners Act* gives the Coroner jurisdiction to hold an inquiry into the cause and origin of fires and explosions where property has been damaged or destroyed. Generally, fires account for less than 10% of matters reported to a Coroner and much less result in an inquiry.

Industrial jurisdiction

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

Case Load

In 2008 the total number of cases filed in the Industrial Jurisdiction decreased to 496 (from 625 in 2007). These figures do not, however, include Industrial matters heard in Newcastle.

Whilst the number of civil claims lodged increased in 2008, a declining number of Workcover lodgements and OIR prosecutions lead to the overall decrease in matters filed.

- The number of civil claims lodged increased from 250 in 2007 to 307 in 2008
- Prosecutions filed by the Office of Industrial Relations (OIR) decreased from 270 in 2007 to 100 in 2008
- Lodgements by the Workcover Authority of NSW decreased from 105 in 2007 to 89 in 2008

This represents a further decline in Workcover prosecutions from 437 in 2006. This likely results from the policy change at Workcover which is moving towards an increased emphasis on working with and training employers to prevent prosecutions.

Licensing Court

During 2008 the Chairperson of the Licensing Court of New South Wales was His Honour Magistrate David Bruce Armati. Magistrates appointed to the Licensing Court during 2008 were Her Honour Magistrate Daphne Anne Kok and His Honour Magistrate Terence Timothy Lucas.

Her Honour Deputy Chief Magistrate Helen Syme, His Honour Deputy Chief Magistrate Paul Cloran, His Honour Acting Magistrate Malcolm Beveridge and His Honour Acting Magistrate Peter Ashton were also appointed Licensing Magistrates to assist when required.

The *Liquor Act* 2007 commenced on 1 July 2008 revoking the *Liquor Act* 1982 and abolishing the Licensing Court and the Liquor Administration Board. All applications for the grant of new licences, transfer of licences, breaches, complaints and disciplinary proceedings against licensees previously dealt with by Magistrates are now dealt with by the Casino Liquor and Gaming Control Authority.

In the weeks prior to the closure of the Court, there was a rush of filings, with some 1500 applications being lodged in the final two weeks of June (compared to about 550 in June 2007). This increase led to a delay in the preliminary review of applications (from six weeks to 13 weeks) and delay in the finalisation of many uncontested applications. These applications remained with two former Licensing Magistrates until 31 December when outstanding cases were transferred to the Downing Centre Local Courts. At that time there were 25 cases possibly requiring a Court of three Magistrates.

Prosecutions under the *Liquor Act* 2007, *Registered Clubs Act* 1976 and *Gaming Machines Act* 2001 commenced after 1 July 2008 continue to be dealt with in the Local Court.

Mental health

Magistrates conduct 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. In 2008, Magistrates attended at 43 different hospitals throughout the State in order to conduct these inquiries.

In 2008 there were 11,775 mental health inquiries conducted by Magistrates.*

Mental Health inquiries – outcome

| | |
|---|---------------|
| Adjourned | 7,169 |
| Discharge or deferred discharge | 99 |
| Reclassify from Involuntary to informal | 407 |
| Temporary Patient Order | 2,947 |
| Community Treatment Order | 1,149 |
| Community Counselling Order | 4 |
| TOTAL | 11,775 |

* *The figures included this year, as in 2007, 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.*

Legislation enacted in late 2008 transfers this jurisdiction to the Mental Health Review Tribunal. It is anticipated this legislation will commence in 2009 and accordingly, Magistrates will no longer have responsibility for the conduct of mental health inquiries from that time.

Mining jurisdiction

The Chief Mining Warden was His Honour Magistrate John Anthony Bailey.

During 2008, there was a decrease of 15% in the number of matters filed compared to 2007. This decrease follows an 8% decrease in the number of general mining authorities issued in New South Wales during the year by the Department of Primary Industries as well as a decrease of 14.5% in the number of mineral claims issued by that Department at Lightning Ridge.

Of the matters disposed of in the Warden's Court:

- 61% were finalised within 3 weeks of being listed
- 82% were finalised within 12 weeks.

Legislative Amendments

During 2008, the Court reviewed the relationship between the Mining jurisdiction and the Local Court as a whole. Taking the view that there were natural synergies between the Court's mining jurisdiction and the New South Wales Land and Environment Court, the Court recommended to Government that the jurisdiction of the Court in the Mining area be folded into the jurisdiction of the Land and Environment Court. The Government agreed with this recommendation and accordingly, following the retirement of Magistrate Bailey as Chief Mining Warden on 22 October 2008, amendments to the *Mining Act 1992* transferred jurisdiction from the Warden's Court to the Land and Environment Court.

It is expected the amending legislation will commence in March 2009 and the Land and Environment Court will dispose of all matters filed after that date, other than:

- some prosecutions which will be disposed of in the Local Court;
- some administrative matters formerly dealt with by a Warden's Court; and
- Ministerial inquiries.

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

- Diversionary programmes
- Children's Court diversion programmes
- Technology in the Local Court

Diversiory programmes

Magistrate's Early Referral Into Treatment Programme

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

The MERIT programme 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 programme. Defendants are closely case-managed by the MERIT team throughout the programme and the Magistrate receives regular reports on the participant. The final hearing and/or sentence proceedings generally coincide with the completion of the MERIT programme. Magistrates are then able to consider the defendant's progress in treatment as part of final sentencing.

During 2008 the programme was available in 61 Local Courts, within all of the State's Area Health Services. Evaluations of MERIT have been consistently positive. Last year the outcome of the NSW Health, health outcomes study was reported on and confirmed the enduring benefit that MERIT has on the outcomes of participants.

Magistrates are an integral part of the MERIT process. Undertaking an increased level of judicial supervision is a core element of the programme. 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 its partnership with NSW Health.

During 2008, 2,722 defendants were referred to MERIT, 1,769 were accepted with 920 successfully completing the programme. As at 31 December 2008, there were 56 referrals still under assessment and 377 still participating in treatment.

MERIT is a Commonwealth and State initiative. Funding is provided through the National Illicit Drug Diversion Initiative. The Court works in partnership with the NSW Attorney General's Department, NSW Police, NSW Health, Legal Aid Commission, a network of drug and alcohol agencies and probation and parole in the expansion and development of MERIT.

Rural Alcohol Diversion Programme

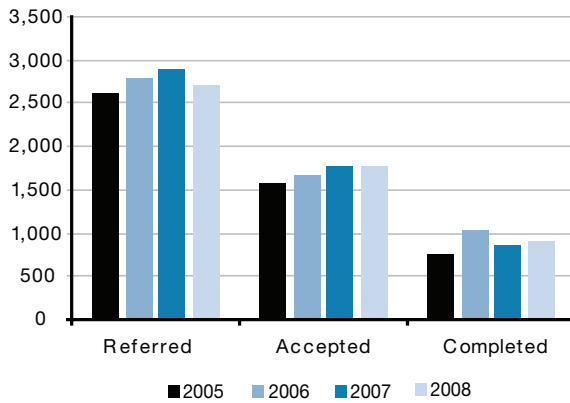
The Rural Alcohol Diversion (RAD) Programme is based on the operating model of the MERIT programme and provides adult defendants with alcohol abuse or dependence problems the opportunity of rehabilitation as part of the bail process. The Rural Alcohol Diversion Programme is a pilot programme and currently operates at Orange and Bathurst Local Courts.

The aim of the programme is to provide an opportunity for defendants to address their alcohol misuse and alcohol related crime. A Magistrate, solicitor, police or the defendants themselves, may identify participants as suitable for assessment for the programme. Based on a comprehensive assessment, the defendant may be accepted into RAD. Eligible defendants are evaluated and may be placed in a three month judicially supervised programme as a condition of bail.

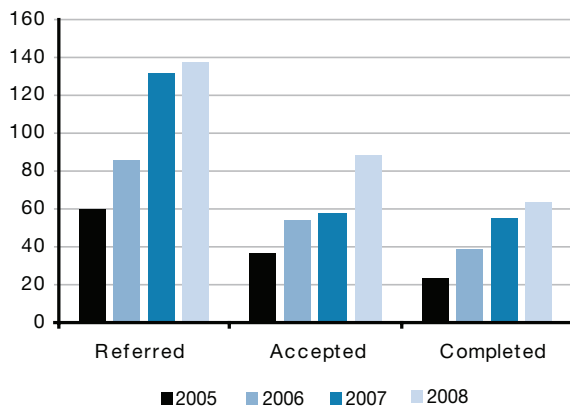
Defendants are closely case-managed throughout the programme and the Magistrate receives regular reports from the RAD Caseworker. The final hearing and sentence generally coincide with the completion of the treatment programme. Magistrates are then able to consider the defendant's progress in treatment as part of final sentencing.

During 2008, 138 defendants were referred to the programme, 88 were accepted (with 9 still under assessment). As at 31 December 2008, 64 defendants had successfully completed the programme with 22 still in treatment.

MERIT Programme Statistics



RAD Programme Statistics



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

The MERIT and RAD programmes are of 3 months duration. As such, some persons referred to the programmes after September 2008 will still be on the programme at 31 December 2008 and therefore, not accounted for in the completion figures. Similarly, the completion figures include persons who commenced MERIT or RAD from September to December 2007 and completed their contact with the programme in 2008.

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 it more meaningful and improving confidence in the criminal justice system. It also empowers Aboriginal people to address criminal behaviour within their local communities.

During 2008, 132 circles were conducted. The programme operated at Local Courts in Nowra, Dubbo, Walgett, Brewarrina, Bourke, Lismore, Armidale, Kempsey and Mt Druitt. As set out in the *Criminal Procedure Amendment (Circle Sentencing Programme) Regulation 2005*, Circle Sentencing aims 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 2008 the Cultural and Indigenous Research Centre of the Attorney General's Department published an evaluation of Circle Sentencing. The evaluation found that the qualitative objectives of Circle sentencing were all being met. In particular, confidence in the sentencing process was found to be high and Elders, project officers and offenders all indicated that barriers between Aboriginal people and the Courts have reduced to some extent. This is a positive reflection on the programme and testament to the hard work of Magistrates and project officers involved in coordinating the circle process.

Forum Sentencing

Following the successful evaluation during 2007 of the Community Conferencing for Young Adults programme at Liverpool and Tweed Heads Local Courts the programme was expanded in 2008. A number of legislative changes were made to the programme prior to its expansion, notably the programme is now called *Forum Sentencing*.

Forum Sentencing is open to all adults who have committed offences, which expose them to the likely prospect of imprisonment. It brings an offender and victim together with a facilitator, police officer and support people to discuss the harm caused by an offence and prepare an 'intervention plan' for the offender. Whilst the programme does not apply to serious crimes of violence, it essentially provides Magistrates with another sentencing option and targets offenders who are otherwise likely to be imprisoned. The Intervention Plan is 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 programme, 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.

Expansion to all New South Wales Local Courts will be staged over five years. In 2008 the programme expanded to include the following Local Courts:

- Campbelltown
- Camden
- Picton
- Moss Vale
- Burwood
- Newtown
- Balmain

As part of the expansion a number of changes were made to the programme, including:

- The programme is now not restricted to offenders under the age of 25, but is open to all adults who have committed offences, which expose them to the likely prospect of imprisonment;
- offenders who have previously been sentenced to a term of imprisonment or a suspended term of imprisonment are excluded;
- certain regulatory driving offences are excluded from the programme;
- certain domestic violence offences involving non-intimate relationships are now included in the programme;
- the name of the programme was changed to Forum Sentencing.

For the 2008 calendar year, 110 offenders were referred to the programme and 74 conferences took place.

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 2008, operating in 19 Local Court locations.

- Blacktown
- Burwood
- Campbelltown
- Central
- Coffs Harbour
- Dubbo
- Gosford
- Lismore
- Liverpool
- Manly
- Newcastle
- Nowra
- Parramatta
- Penrith
- Sutherland
- Tamworth
- Wagga Wagga
- Wollongong
- Wyong

In the 2007/08 financial year, 14,746 people were screened for mental health problems in Court cells. Of this number 1,990 received a comprehensive mental health assessment.³

³ Figures provided by Justice Health.

Children's Court diversion programmes

Youth Drug and Alcohol Court

The Youth Drug and Alcohol Court deals intensively with a small group of young offenders who would otherwise face a custodial sentence. Within a framework of therapeutic jurisprudence, the programme delivers a holistic range of health, welfare and criminogenic interventions under close judicial supervision. Services to the programme are provided by NSW Health, the Department of Juvenile Justice, the Department of Community Services and the Department of Education and Training.

The programme operates by deferring the sentencing of young offenders while he or she undertakes a personalised rehabilitation plan. The young offender appears before the Children's Magistrate every fortnight for review.

Since 2005, the programme has covered the whole of the Sydney metropolitan area. During 2008, the Youth Drug and Alcohol Court sat at Parramatta, Bidura and Campbelltown. 129 young offenders were referred to the programme and 62 were accepted and commenced the programme. Eight young offenders successfully graduated from the programme in 2008 and as at 31 December 2008 25 were continuing to participate in the programme.

Youth Justice Conferencing

Youth Justice Conferencing is designed to divert young offenders from formal Court process for certain offences. The *Young Offenders Act 1997* sets out a hierarchical scheme of police warnings, cautions and youth justice conferences, which are all designed to divert young offenders from Court (for certain offences).

Under the Act, young offenders are entitled to be dealt with by way of the least intrusive response that is appropriate in the circumstances of the offence. There are limitations in terms of the type and seriousness of an offence that is covered by the *Young Offenders Act*. Offences that cause the death of a person, sexual assault offences, traffic offences where the child is old enough to hold a permit or a licence, breaches of apprehended violence orders, and most drug offences are excluded from the operation of the Act.

When police arrest a child they must first consider whether the child is 'eligible' for a caution or a youth justice conference. They must apply a given set of criteria before deciding whether this child should be cautioned, referred to a youth justice conference, or charged.

The criteria are:

- the seriousness of the offence
- the degree of violence involved
- the harm caused to any victim
- the child's previous offending history
- the number of times the child has been cautioned or participated in a youth justice conference and
- any other appropriate matter

A referral to a conference may also be made by the Court. Referrals operate on a pre-charge basis where Police refer the young offender to a conference and a post-charge basis where the Court makes the referral.

The Youth Justice Conferencing scheme is administered by the Department of Juvenile Justice.

Mental Health Liaison Service

The Mental Health Liaison Service also operates in the Children's Court. A mental health nurse with access to a specialist children's forensic psychiatrist and a specialist psychologist attends Court on list days, assessing and reporting to the presiding Children's Magistrate on the mental health status and needs of young people referred by the Court and suggests strategies for treatment.

During 2008 the Justice Health Adolescent Court and Community Team conducted 202 mental health assessments. Following these assessments the Court diverted 39 young people under section 32 of the *Mental Health (Criminal Procedure) Act 1990* and 20 to a hospital for assessment under section 33 of the *Mental Health (Criminal Procedure) Act*.⁴

⁴ Figures provided by Justice Health.

Technology in the Local Court

Children's Court care circles

A pilot programme of care circles commenced in 2008 at Nowra Local Court. It incorporates circle principles into the care division of the Children's Court. It enables active participation of Aboriginal community members in decisions involving care arrangements for the child or young person and aims to improve outcomes for Aboriginal children, young persons, families and communities by assisting Aboriginal families in understanding the Children's Court legal process and empowering Aboriginal communities to participate in the decision-making process. Participation is voluntary and the consent of all parties is required.

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.

The primary use of AVL is to conduct bail hearings, however, AVL technology has also been used to take evidence from witnesses outside the jurisdiction, which includes witnesses from interstate and overseas. In 2008 AVL was used to conduct 24,119 bail hearings in the Local and Children's Courts, an increase of 40% from 2007⁵. The technology continues to assist the Court in ensuring access to justice.

In 2008, Practice Note 7 of 2008 was issued in advance of amendments made to the *Evidence (Audio and Audio Visual Links) Act 1998* commencing. The Practice Note establishes arrangements for the use of AVL in criminal and certain civil matters. The Practice Note sets out the following priorities in the use of AVL:

1. Bail hearings in any New South Wales court
2. Mentions in criminal proceedings and arraignments in any New South Wales court
3. Appellate hearings in any New South Wales court
4. Sentencing hearings in any New South Wales court, and
5. Other hearings in any New South Wales court

Practice Note 5 of 2007 continues to provide 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 2008 the following Local and Children's Courts had AVL facilities available:

⁵ Please note that the figure quoted in the 2007 Local Court Annual Review for AVL appearances was for all jurisdictions of the NSW Courts and related agencies. The Number of AVL uses by the Local and Children's Courts was 17,311.

Local Court

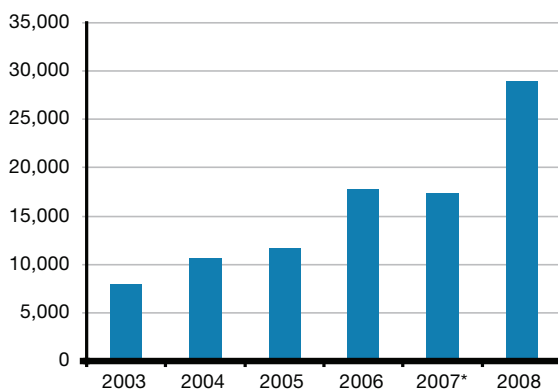
| | |
|----------------|----------------|
| Albury | Lismore |
| Armidale | Liverpool |
| Bankstown | Moree |
| Bathurst | Mount Druitt |
| Bateman's Bay | Newcastle |
| Blacktown | Orange |
| Bourke | Parramatta |
| Broken Hill | Penrith |
| Burwood | Port Macquarie |
| Campbelltown | Sutherland |
| Central | Tamworth |
| Coffs Harbour | Tweed Heads |
| Downing Centre | Wagga Wagga |
| Dubbo | Walgett |
| Gosford | Wentworth |
| Goulburn | Wollongong |
| Grafton | Woy Woy |
| Griffith | Wyong |

Children's Courts

Bidura
Broadmeadow
Campbelltown
Parramatta
Woy Woy

AVL facilities continue to be implemented in new locations throughout the state on a priority basis.

Audio Visual link technology used to conduct bail hearings



* see footnote for 2007 figures.

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. During 2008, CCTV was used to allow 501 remote witnesses to give evidence and 169 protected witnesses to give evidence.

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.

Civil claims – online court

In September 2008 a pilot programme of online Courts was established for defended proceedings commenced under the *Civil Procedure Act 2005* in the Downing Centre Local Court. Messages may be posted in the online Court by authorised legal practitioners and issues determined by a Judicial Officer. It is hoped that the programme will enhance accessibility as well as reduce costs for parties. The programme is governed by Practice Note 6 of 2008.

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.

The Court continually investigates whether work practices and procedures can potentially be undertaken electronically.

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

Local Court continue to be published on the Caselaw NSW website. These decisions can be found at http://www.lawlink.nsw.gov.au/lawlink/caselaw/ll_caselaw.nsf/pages/cl_lc

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

Frequent changes in legislation and policy together with the scope of the Local Court's jurisdiction mean it is particularly important that Magistrates have the opportunity to participate in ongoing judicial education and professional development.

The monthly bulletin of case reviews that commenced in 2007 continues to be emailed to Magistrates each month containing an amalgamation of recent higher court decisions as well as Local Court decisions. The monthly review provides practical assistance to Magistrates on issues of relevance within the Local Court jurisdiction. Magistrates may contribute on their own behalf by forwarding appropriate written judgments and it has proven to be an extremely useful resource.

The Local Court, in partnership with the Judicial Commission of New South Wales, continues to provide a comprehensive and diverse programme of continuing judicial education, designed to meet the differing needs of Magistrates throughout the State.

The programme aims to :

- promote high standards of judicial performance
- assist in the development of appropriate judicial skills and values
- provide judicial officers with up-to-date information on law, justice and related areas
- result in a better informed and professional judiciary.

Sessions range from orientation programmes for new appointees 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.

Education programmes for Magistrates are developed by the Local Court Education Committee following consultation with, and based on the needs of, Magistrates. Magistrates as well as community representatives and other

participants involved in the administration of justice provide input regarding educational topics, presenters and format.

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

In 2008, the Judicial Commission and the Local Court finalised the results of a survey of Magistrates' educational needs. The survey results clearly indicate that the majority of respondents believe that they become more efficient as a direct result of professional development sessions. In many instances participants indicated they changed the way in which they perform a particular skill in court as a result of educational sessions.

Conferences and seminars

During 2008 Magistrates attended more than 830 days of face-to-face judicial education, an 8% increase over the previous year. Prebench training sessions designed to familiarise new Magistrates with Local Court practice and procedure were conducted for 7 new Magistrates. 11 Magistrates from the Local Court attended the five-day residential Magistrates' Orientation Programme, which focuses on court craft and judicial skills for new Magistrates.

The Local Court Annual Conference was held over three days in July 2008 for all New South Wales Magistrates. The Honourable Murray Gleeson AC, Chief Justice of Australia, provided the keynote address on "Embracing Independence". Other papers covered recent developments in criminal and civil law, dealing with depression, the domestic violence intervention court model, the internet and crimes against children, sentencing offenders with autistic spectrum disorders, the Aboriginal Justice Plan, cultural awareness and communication, and communicating with court users.

Smaller, interactive metropolitan and regional seminars were attended by all Magistrates. These seminars covered a range of topics, including

privilege against self-incrimination under the *Evidence Act*, managing lists, the *Commonwealth Criminal Code*, judgment reasoning and bail on appeal. Magistrates also attended twilight seminars on such topics as domestic violence, using a process like circle sentencing in the bail process, communicating with Indigenous clients, and the findings of the Aboriginal Child Sexual Assault Taskforce.

As in 2007, Magistrates again in 2008 had the opportunity to attend a judgment writing workshop, led by Professor James Raymond. These interactive workshops encourage Magistrates to consider new ways of approaching the task of writing judgments and help Magistrates to develop and refine the ability to write clear, concise, well-structured judgments. 14 Magistrates attended a judgment writing workshop for the Local Court.

Once more in 2008, Magistrates were enthusiastic participants in two community visits organised by the Judicial Commission to Aboriginal communities at Dubbo and in the Hunter. These visits provide judicial officers with an opportunity to learn about Aboriginal culture, contemporary issues and the challenges Aboriginal people face in the legal system.

The Court also worked with the Judicial Commission, to ensure the Local Courts Bench Book was regularly updated by Magistrates to reflect new developments in the law.

The Court continued to develop its relationship with the Papua New Guinea magistracy. Following the success of the inaugural orientation programme for PNG Magistrates in 2007, Deputy Chief Magistrate Paul Cloran, Magistrate David Heilpern and Ms Ruth Windeler, Education Director, from the Judicial Commission delivered the second orientation programme in Lae in November 2008 for 10 PNG Magistrates.

This was followed by a three-day Consistency in Sentencing Workshop for 20 Magistrates, which aimed to provide information about sentencing principles to assist participants improve consistency in sentencing amongst PNG Magistrates.

These programmes were funded by AusAid in partnership with the Local Court of New South Wales and the Judicial Commission of New South.

Judicial assistance programme

The judicial assistance programme helps New South Wales Judicial Officers meet the demands of their work whilst maintaining good health and lifestyle. The scheme provides annual health assessments as well as 24 hour access to confidential counselling.

Legal education in the community and participation in external bodies

In 2008 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 2008 are summarised below:

His Honour Chief Magistrate Graeme Henson

Membership of legal, cultural or benevolent organisations:

Member Uniform Rules Committee

Member Australian Institute of Judicial Administration

Member Judicial Conference of Australia

University of Wollongong Faculty of Law Advisory Committee

Director, Uniting Aged Care Sydney North Regional Board

Her Honour Deputy Chief Magistrate Helen Syme

Conferences:

May National Judicial Roundtable (Domestic Violence)

Speaking Engagements:

28 Mar Justice Health Nurses: *Local Court procedure and sentencing of offenders with mental illness*

5 Feb NSW Police: *Domestic Violence and DVEK*

Feb Parliamentary Inquiry into publication of names of children

Feb Wood inquiry into Child protection services

Jun Bi-annual Australian Magistrates Conference

Various Macquarie University Allied Health Professionals: MERIT

Various Institute of Psychiatry course participants seeking accreditation pursuant to the *Mental Health Act*

Membership of legal, cultural or benevolent organisations:

Chair, NSW Institute of Psychiatry

Member, NSW Drug and Alcohol Expert Advisory Committee

Member, MERIT Statewide Steering Committee

Member, Downing Centre Local Court MERIT Committee

Member Aboriginal Cultural Awareness Committee (Ngara Yura)

Member, DVCIM and DVEK Steering Committee

Member, Forum Sentencing Steering Committee

His Honour Deputy Chief Magistrate Paul Cloran

Conferences:

| | |
|-----------|---|
| 8-10 Feb | National Judicial College of Australia |
| 15-16 May | Judicial College of Victoria “Oral decisions”, Melbourne |
| 15 Jun | Association of Australian Magistrates “Changing Face of Justice”, Sydney |
| 25-27 Jun | Australian Institute of Judicial Administration “Law and Technology Conference”, Sydney |
| 24 Oct | Evidence Technology Forum, Sydney |

Speaking Engagements:

| | |
|-----|---|
| Feb | Bar Association: Diversionary programmes in the Local Court |
|-----|---|

Membership of legal, cultural or benevolent organisations:

| |
|--|
| Acting Chair, Rosemount Youth and Family Services |
| Chair, Marine Appeals Tribunal |
| Member Criminal Law Committee of Law Society of NSW |
| Member Attorney General’s Working Party on Uniform Civil Procedure Rules |
| Member Uniform Rules Committee |
| Member Advisory Committee, Institute of Criminology |
| Member Standing Advisory Committee on Judicial Education |
| Member Australian Institute of Judicial Administration |
| Member Judicial Conference of Australia |
| Member Court Security Operations Committee |
| Member Cross Justice Agency - Video Conferencing Steering Committee |
| Member JusticeLink Steering Committee |
| Member NSW Caselaw Governance Committee |

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

Conferences:

| |
|---|
| Asia/Pacific Coroners Annual Conference, Adelaide |
|---|

Speaking Engagements:

| |
|---|
| Maurice Byers Chambers |
| Bar Association |
| Westmead Forensic Science Symposium |
| NSW Police Spokeswomen’s biennial conference |
| Asia/Pacific Coroners Annual Conference, Adelaide |

His Honour Magistrate David Bruce Armati

Membership of legal, cultural or benevolent organisations:

Vice President, Commonwealth Magistrates and Judges Association

Committee Member, Commonwealth Day Council

His Honour Magistrate Jeffrey Alan Linden

Speaking Engagements:

Police Training DVD for Court diversion

Membership of legal, cultural or benevolent organisations:

Member, Australian National Council on Drugs

Member, Editorial reference group *Of Substance* (Drug and Alcohol Magazine)

Member, Committee for health protocols in prisons and juvenile detention centres

His Honour Magistrate Bernard Joseph Kennedy

Speaking Engagements:

13 Aug NSW Young Lawyers: *Changes to Apprehended Violence Laws*

His Honour Magistrate Carl Milovanovich

Speaking Engagements:

21 Nov NSW Police Academy (Goulburn): *Arson Investigation*

11 Dec Crown Solicitors Office: *The role of Counsel Assisting the Coroner*

His Honour Magistrate Malcolm MacPherson

Speaking Engagements:

10 Sep Rural Fire Service Volunteers, Hornsby

Membership of legal, cultural or benevolent organisations:

Member, Youth Insearch Organisation

Senior Vice-President, Association of Australian Magistrates

Member, Rural Fire Service Hornsby/Kuringai Communications Brigade

Her Honour Magistrate Daphne Anne Kok

Conferences:

8-10 Feb National Judicial College of Australia

15 Jun Association of Australian Magistrates, Sydney

10-12 Oct Judicial Conference of Australia Colloquium, Gold Coast

25 Oct National Judicial College of Australia "The Australian Justice System in 2020"

Speaking Engagements:

Zonta Club of Hornsby/Ku-ring-gai: *Diversity of Magistrates work*

Membership of legal, cultural or benevolent organisations:

President, Association of Australian Magistrates

Chairperson Law Extension Committee, University of Sydney

Chairperson Wentworth Annexe Limited, University of Sydney

Council, Research Institute for Asia & the Pacific, University of Sydney

Development Committee, International House, University of Sydney

Electoral Arbiter, University of Sydney Union

Council, Solicitors' Benevolent Association of NSW

Working Party on Indigenous Drinking, Australasian Liquor Licensing Authorities Conference

His Honour Magistrate Paul Victor Johnson

Speaking Engagements:

16 Aug NSW Justices Association guest speaker

His Honour Magistrate Geoffrey Edward Bradd

Conferences:

25 Oct National Judicial College of Australia "The Australian Justice System in 2020"

Her Honour Magistrate Judith Mary Fleming

Speaking Engagements:

23 Mar MC, Harmony Day (Coffs Harbour)

The role and function of the Local Court (Sudanese Refugees)

Membership of legal, cultural or benevolent organisations:

Member, Planning committee NAIDOC week celebrations Coffs Harbour

His Honour Magistrate Hugh Dillon

Speaking Engagements:

27 Feb Crown Solicitors Office: *Coronial Jurisdiction*

7 Mar NSW Young Lawyers: *Advocacy in the Local Court*

17 Apr UNSW Trial Competition: *Taking objections*

21 Apr NSW Bar Association: *Local Court Advocacy*

26 Jun New Barristers Committee: *Local Court civil jurisdiction*

29 Jul Administrative Decisions Tribunal: *Fact finding and reasons for decision*

11-12 Sep Judgment writing workshop, Local Court of NSW

5 Nov Land and Environment Court: *Giving Reasons for Decision*

Publications:

“Judicial Technique: Giving proper and sufficient reasons for decision” *The Judicial Review* (2008)
9 TJR 107

Membership of legal, cultural or benevolent organisations:

President (part-time), Chief of Defence Force’s Commissions of Inquiry

Senior Visiting Fellow, University of New South Wales Law School

Lecturer, University of New South Wales, Advocacy

Member, National Judicial College of Australia Programs Advisory Committee

Her Honour Magistrate Jennifer Anne Giles**Conferences:**

25-28 Mar 9th Biennial Conference of the International Association of Women Judges, Panama

Speaking Engagements:

May Guest Lecturer, *Public Interest Law* University of New South Wales

Dec Fairfield/Liverpool Law Society Annual General Meeting

Membership of legal, cultural or benevolent organisations:

Member, Bobby Goldsmith foundation

Her Honour Magistrate Beverley Anne Schurr**Conferences:**

25-28 Mar 9th Biennial Conference of the International Association of Women Judges, Panama

His Honour Magistrate Roger David Prowse**Membership of legal, cultural or benevolent organisations:**

Life Member, New England Football Referees Association Inc

Regional Referees Coach, North West and New England Football region

Member, Referees Standing Committee North NSW Football

Her Honour Magistrate Hilary Rae Hannam**Speaking Engagements:**

24 May Children’s Legal Service: *Youth Drug Court programme*

Membership of legal, cultural or benevolent organisations:

Mentor, UNSW mentoring programme

His Honour Magistrate Paul Mulroney**Conferences:**

Oct National Judicial College of Australia “The Australian Justice System in 2020”, Sydney

8-9 Nov Judicial Visit to Hunter Valley “Aboriginal Cultural Awareness”

Speaking Engagements:

| | |
|-----|---|
| Feb | National Judicial College of Australia: <i>Sentencing Children and Young People</i> (Canberra) |
| Feb | Lawyers and Child protection workers: <i>Care and Protection Law and Practice</i> (Campbelltown) |
| Mar | Foster Parents Support Network <i>The Court System Explained</i> |
| Jul | Amnesty International NSW Legal Network: <i>Perspectives on Law and Human Rights in China</i> (Sydney) |
| Aug | Legal Aid Annual Care and Protection Law Conference <i>Preparing and running a section 90 Case: a perspective from the bench</i> (Sydney) |

Membership of legal, cultural or benevolent organisations:

Chair, Habitat for Humanity New South Wales

Elder, Church Councilor and lay preacher, Uniting Church Bondi Junction

Member, committee for discipline New South Wales Synod Uniting Church

His Honour Magistrate James Coombs

Membership of legal, cultural or benevolent organisations:

Treasurer and Board Member – Guthrie House (a residential halfway house for Women leaving prison, on parole, bailed or on Court imposed bonds, including 24 hour assistance).

Her Honour Magistrate Fiona Toose

Speaking Engagements:

Feb College of Law: *Practice and Procedure in the Local Court* (Katoomba)

Membership of legal, cultural or benevolent organisations:

Vice President, Penrith rowing club

His Honour Magistrate Graham Blewitt AM

Speaking Engagements:

14 July Lateline Interview (The International Criminal Court)

16 Oct University of Wollongong: *The International Criminal Tribunal for the former Yugoslavia*

Her Honour Magistrate Robin Eva Denes

Speaking Engagements:

13 May The Berger Centre: *Volunteering and respite care*

Jun Australian Association of Magistrates Conference *Part-time Magistrates*

27 Jun Care Aware: *Volunteering and respite care*

Conferences:

Jun Australian Association of Magistrates Conference (Sydney)

Membership of legal, cultural or benevolent organisations:

Member, Jewish Alliance against Family Violence

Member, NSW Magistrate's Association Committee

Her Honour Magistrate Sharon Claire Freund

Speaking Engagements:

Mar Legalwise Seminar

Membership of legal, cultural or benevolent organisations:

Secretary and Board Member, Arthritis Australia

Secretary, Magistrates Association of NSW

Her Honour Magistrate Geraldine Beattie

Conferences:

17-18 May Judicial Visit to Dubbo “Aboriginal Cultural Awareness”

7 Jun Australian Association of Magistrates Annual Conference

8-9 Nov Judicial Visit to Hunter Valley “Aboriginal Cultural Awareness”

His Honour Magistrate Glenn James Bartley

College of Law and Bar Association practice Courts

Her Honour Magistrate Gabriel Catherine Fleming

Publications:

Tribunals in Australia: how to achieve independence in R Creyke (Ed), *Tribunals in the Common Law world* The Federation Press (2008)

Membership of legal, cultural or benevolent organisations:

Executive, Australian Institute of Administrative Law, NSW Chapter

His Honour Magistrate Robert Hilary Williams

Membership of legal, cultural or benevolent organisations:

President, Manly Life Saving Club

Member, Board of Management Surf Life Saving Sydney Northern Beaches

His Honour Acting Magistrate Cecil Roy Brahe

Conferences:

17-18 May Victims of Crime seminar, Qingdao, Shandong Province China

Speaking Engagements:

17 May Victims of Crime seminar: *Victims Compensation Mechanisms* (China)

Appendices

- The Court's time standards
- The Court's committees
- 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.

Licensing Court Time Standards

- Undefended Applications:
 - First return, review and probity report date – 6 weeks.
 - Time to answer requisitions – an additional 4 weeks.
 - If requisitions are not answered, the matter will be stood over generally and if requisitions are not answered within a further 12 weeks then the application will be refused.
 - Time from lodgement to final disposal is therefore a maximum of 22 weeks.
- Defended Applications
 - If the Full Bench Practice Direction is applied, then the matter will be stood over for a maximum of 32 weeks for compliance by all parties. Total time from lodgement to final disposal is 52 weeks.
 - If a single Magistrate matter then the time from lodgement to final disposal is 26 weeks.
 - For appeals and other Full Bench matters then time from lodgement to final disposal is 52 weeks.
- Complaints and Court Attendance Notices (CANS)
 - 80% of matters – within 26 weeks.
 - 100% of matters – within 52 weeks.

The Court's committees

In 2008 committee members were:

Strategic Planning Committee

Chief Magistrate Graeme Henson (Chair)
Deputy Chief Magistrate Helen Syme
Deputy Chief Magistrate Paul Cloran
Chairperson Licensing Court Magistrate David Armati

State Coroner Magistrate Mary Jerram
Senior Children's Magistrate Scott Mitchell
Chief Industrial Magistrate Gregory Hart
Magistrate Dennis Burdett
Magistrate Clare Farnan
Magistrate James Garbett
Magistrate Paul Johnson
Magistrate Jeffrey Linden
Magistrate Michael Morahan
Magistrate Jane Mottley
Magistrate Ian McRae
Magistrate Anthony Murray

Ms Jacinta Haywood, Executive Officer to the Chief Magistrate

Local Courts Education Committee

Deputy Chief Magistrate Paul Cloran (Chair)
Magistrate Sharon Freund
Magistrate Judith Fleming
Magistrate Hilary Hannam
Magistrate David Heilpern
Magistrate Julie Huber
Magistrate Gordon Lerve
Magistrate Roger Prowse
Magistrate Beverley Schurr
Ms Ruth Windeler (Convenor, Judicial Commission of NSW)
Ms Bridget Thomson, Policy Officer, Chief Magistrate's Office

Local Court Bench Book Committee

Deputy Chief Magistrate Paul Cloran (Chair)
Magistrate David Heilpern
Magistrate Sharon Freund
Roslyn Cook, Judicial Commission of NSW
Ms Bridget Thomson, Policy Officer, Chief Magistrate's Office

Ethics Committee (Ad hoc)

Chief Magistrate Graeme Henson (Chair)
Deputy Chief Magistrate Helen Syme
Deputy Chief Magistrate Paul Cloran

Terms and Conditions of Service Committee

Chief Magistrate Graeme Henson (Chair)
Deputy Chief Magistrate Helen Syme
Deputy Chief Magistrate Paul Cloran
Ms Jacinta Haywood, Executive Officer

Court Management and Technology Committee

Chief Magistrate Graeme Henson (Chair)
Deputy Chief Magistrate Paul Cloran
Magistrate Sharon Freund
Magistrate Michael Connell
Magistrate Geoffrey Hiatt
Magistrate Terence Lucas
Magistrate Vivian Swain

Asset Management Services Committee

Chief Magistrate Graeme Henson (Chair)
Mr Kerry Marshall, Director Asset Management Services
Mr John Mathieson, Director Court Performance and Support
Mr Chris Allen, Sheriff of New South Wales
Ms Jacinta Haywood, Executive Officer

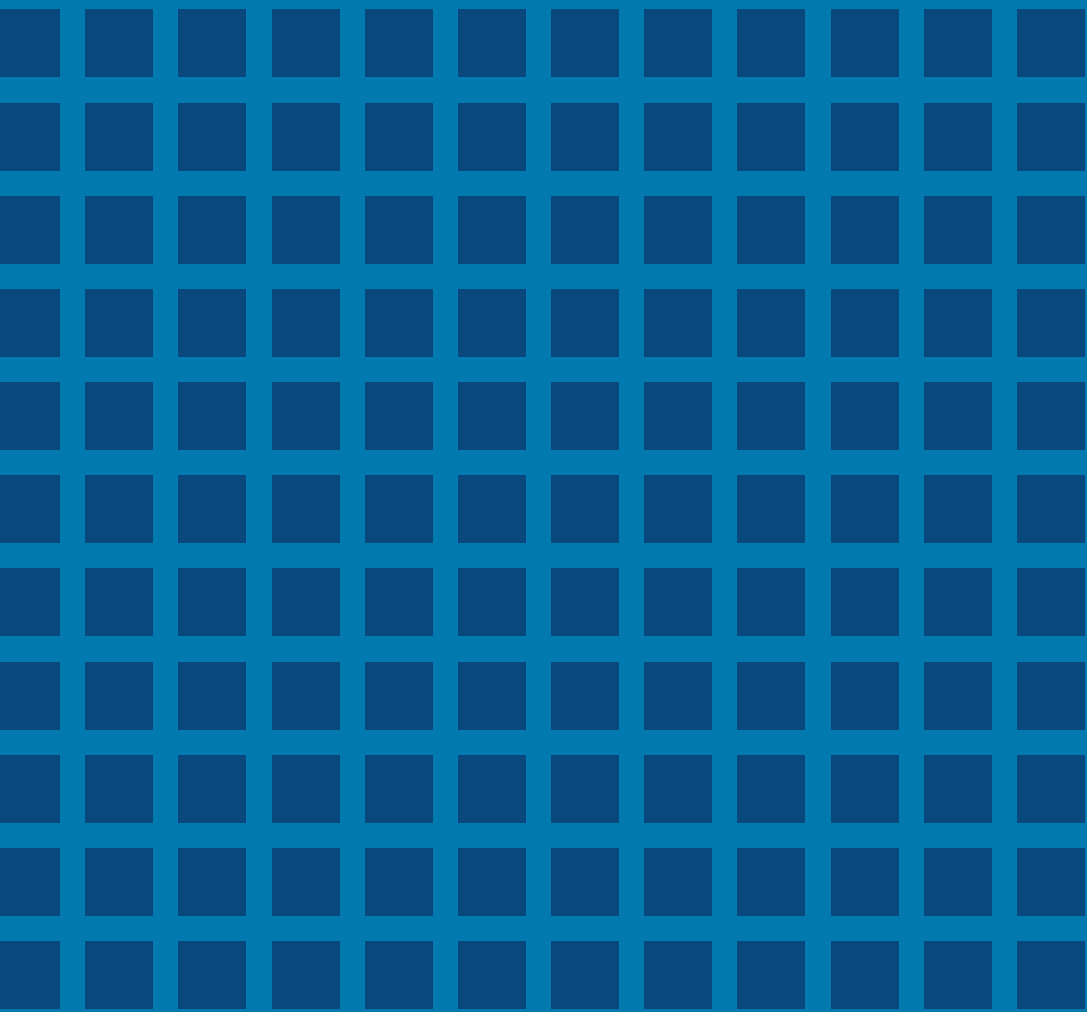
Court by Court statistics

New matters commenced:

| | 2008 | 2007 | | 2008 | 2007 |
|---------------|-------|-------|-----------------------|-------|-------|
| Albion Park | 598 | 481 | Deniliquin | 535 | 600 |
| Albury | 2610 | 2771 | Downing Centre Sydney | 23161 | 22547 |
| Armidale | 1603 | 1579 | Dubbo | 2675 | 2629 |
| Ballina | 1279 | 1312 | Dunedoo | 52 | 51 |
| Balmain | 1788 | 1845 | Dungog | 95 | 86 |
| Balranald | 203 | 228 | Eden | 261 | 237 |
| Bankstown | 7466 | 8631 | Fairfield | 5621 | 2056 |
| Batemans Bay | 1290 | 1268 | Finley | 275 | 326 |
| Bathurst | 2003 | 1822 | Forbes | 512 | 630 |
| Bega | 1077 | 1006 | Forster | 1503 | 1321 |
| Bellingen | 357 | 327 | Gilgandra | 263 | 261 |
| Belmont | 2096 | 2241 | Glen Innes | 405 | 376 |
| Blacktown | 7785 | 7775 | Gloucester | 64 | 151 |
| Blayney | 140 | 123 | Gosford | 6257 | 5547 |
| Boggabilla | 148 | 209 | Goulburn | 2444 | 2915 |
| Bombala | 44 | 32 | Grafton | 1461 | 1132 |
| Bourke | 593 | 510 | Grenfell | 126 | 80 |
| Brewarrina | 364 | 315 | Griffith | 1729 | 1771 |
| Broken Hill | 1387 | 1473 | Gulgong | 86 | 99 |
| Burwood | 12057 | 10305 | Gundagai | 343 | 266 |
| Byron Bay | 1484 | 1467 | Gunnedah | 500 | 399 |
| Camden | 1355 | 1216 | Hay | 268 | 388 |
| Campbelltown | 7478 | 7356 | Hillston | 97 | 89 |
| Casino | 1168 | 1322 | Holbrook | 217 | 160 |
| Central | 5299 | 4880 | Hornsby | 5363 | 4296 |
| Cessnock | 1754 | 1643 | Inverell | 1262 | 1104 |
| Cobar | 256 | 266 | Junee | 215 | 209 |
| Coffs Harbour | 2748 | 2683 | Katoomba | 1434 | 1236 |
| Condobolin | 212 | 354 | Kempsey | 1799 | 1773 |
| Cooma | 648 | 716 | Kiama | 262 | 274 |
| Coonabarabran | 371 | 358 | Kogarah | 2514 | 2673 |
| Coonamble | 411 | 431 | Kurri-Kurri | 1109 | 1259 |
| Cootamundra | 451 | 613 | Kyogle | 236 | 212 |
| Corowa | 214 | 202 | Lake Cargelligo | 170 | 180 |
| Cowra | 677 | 864 | Leeton | 595 | 611 |
| Crookwell | 62 | 60 | Lightning Ridge | 187 | 234 |

| | 2008 | 2007 |
|--------------|-------|-------|
| Lismore | 3469 | 3396 |
| Lithgow | 1127 | 1275 |
| Liverpool | 10254 | 10444 |
| Lockhart | 8 | 11 |
| Macksville | 683 | 681 |
| Maclean | 541 | 558 |
| Maitland | 3277 | 3110 |
| Manly | 4710 | 5130 |
| Milton | 645 | 737 |
| Moama | 195 | 149 |
| Moree | 1575 | 1433 |
| Moruya | 537 | 453 |
| Moss Vale | 1677 | 1292 |
| Moulamein | 21 | 6 |
| Mount Druitt | 5994 | 6004 |
| Mudgee | 711 | 651 |
| Mullumbimby | 615 | 432 |
| Mungindi | 35 | 48 |
| Murwillumbah | 676 | 711 |
| Muswellbrook | 1019 | 915 |
| Narooma | 331 | 329 |
| Narrabri | 494 | 511 |
| Narrandera | 407 | 385 |
| Narromine | 273 | 388 |
| Newcastle | 7925 | 8134 |
| Newtown | 3937 | 3704 |
| North Sydney | 1412 | 1507 |
| Nowra | 2917 | 2557 |
| Nyngan | 140 | 211 |
| Oberon | 79 | 80 |
| Orange | 2128 | 2107 |
| Parkes | 907 | 971 |
| Parramatta | 14835 | 14013 |
| Peak Hill | 118 | 81 |
| Penrith | 6963 | 6987 |
| Picton | 653 | 535 |

| | 2008 | 2007 |
|-----------------|-------|-------|
| Port Kembla | 1688 | 1565 |
| Port Macquarie | 2404 | 2511 |
| Queanbeyan | 2141 | 2173 |
| Quirindi | 291 | 339 |
| Raymond Terrace | 2445 | 2362 |
| Ryde | 2991 | 2742 |
| Rylstone | 76 | 70 |
| Scone | 384 | 468 |
| Singleton | 951 | 864 |
| Sutherland | 10694 | 10598 |
| Tamworth | 2841 | 2662 |
| Taree | 2284 | 2197 |
| Temora | 201 | 193 |
| Tenterfield | 295 | 298 |
| Toronto | 3315 | 3073 |
| Tumbarumba | 53 | 72 |
| Tumut | 613 | 570 |
| Tweed Heads | 2866 | 2811 |
| Wagga Wagga | 3616 | 3662 |
| Walcha | 71 | 112 |
| Walgett | 705 | 925 |
| Warialda | 78 | 56 |
| Warren | 69 | 169 |
| Wauchope | 117 | 137 |
| Waverley | 8321 | 7852 |
| Wee Waa | 243 | 188 |
| Wellington | 643 | 622 |
| Wentworth | 859 | 782 |
| West Wyalong | 308 | 266 |
| Wilcannia | 171 | 165 |
| Windsor | 2112 | 2247 |
| Wollongong | 7436 | 8055 |
| Woy Woy | 1328 | 1215 |
| Wyong | 5146 | 5098 |
| Yass | 431 | 465 |
| Young | 634 | 598 |



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ISSN 1444-1020 (Print)
ISSN 1834-6839 (Online)