

# Local Court of New South Wales Annual Review 2019





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## Foreword by Chief Magistrate of New South Wales

At the conclusion of the foreword to the 2018 Annual Review I expressed the view that the Local Court had reached the limit of its capacity to sustain its performance against its Time Standards without an increase in judicial resources. The year 2019 saw no increase in the number of magistrates despite advice from the Court to government that to maintain a sensible balance between expectations and outcomes, without unduly prejudicing the health and wellbeing of the Court, there was a need for an increase in resources of up to 10 magistrates, with particular emphasis on country regions and the coronial jurisdiction. The advice to government was supplemented by advice from within the Department of Communities and Justice that the view expressed by the Court was factually based and correct.

There has been no real response from government other than advice from the Attorney General to the effect that he understands the basis of the request and is lending it his support. Whether that support will result in any increase in resources during 2020 will not be known for some time. Acknowledging that forewords to Annual Reviews are written in retrospect, focus on the COVID-19 pandemic following the bushfire catastrophe provides two understandable reasons why government perhaps has higher priority issues on its agenda. As a Court we can only hope that we are not completely overlooked. Time will tell. The State budget will be brought down towards the end of 2020, too late to be of any benefit during that year. Whatever may be the response from government it is unlikely the issues reported on in the last two annual reviews of the Local Court will go away.

It is worth remembering, the Local Court of New South Wales is a jurisdiction that constantly operates under pressure. It deals with 96% of all criminal prosecutions and over 90% of all civil litigation within the State and does so through a combination of dedication, professionalism and the continual pursuit of professional improvement through its programs of judicial education. The image of our justice system as one of courtrooms populated by wigs, gowns and juries is not the reality.

The Local Court is no longer a relatively small ingredient of our justice system confined to dealing with relatively minor matters. This is still part of its makeup however the Court is regularly engaged in the finalisation of a steadily increasing category of more and more serious criminal offences.

It is not uncommon for a magistrate to find themselves dealing with dishonesty or money laundering offences involving sums of money in the hundreds of thousands of dollars. Offences in which the amount of money involved exceeds \$1 million are well known within the Court's experience, to the point of being commonplace. When you add drug supplies up to a commercial quantity, acts of violence involving grievous bodily harm, robbery, aggravated breaking and entering, sexual assault offences and many other serious crimes it takes little thought to conclude that the intrinsic nature of the Local Court has changed beyond recognition over the last 20 years.

It is also reasonable to conclude this would not have occurred were it not for the confidence successive governments have in the Court's ability to meet the expectations of the community. Expressing confidence in the Court, however, needs to be understood against the background of what it is expected to meet.

Why that is so is readily understood when the raw figures of matters coming before the Local Court in its criminal and special jurisdictions are expressed. The year ending December 2019 saw yet another rise in criminal prosecutions brought before this jurisdiction - 7,711 more matters than in 2018, raising the total volume of criminal proceedings commenced to 346,930. In the special jurisdiction, the number of domestic and personal violence applications rose by 1,922 to 41,442 matters. The combined increase of 9,633 additional matters across the two jurisdictions in the 12 months since 2018 is almost the equivalent of an annual caseload for three magistrates. Yet, there are no additional magistrates to meet the rise in caseload.

Where there is a lack of response, or urgency in response, from within government to the provision of additional resources then the only practical short term source of assistance available to the Court is the use of additional time. Local Courts are sitting longer and with the additions to its criminal jurisdiction it is now dealing with more serious and complex matters which were previously the sole responsibility of the District Court. I have little hesitation in stating that in terms of both volume and levels of complexity of matters the Local Court of New South Wales is the busiest jurisdiction in the Commonwealth. A comparison with the next most populous State, Victoria, underscores this reality.

The Annual Report of the Magistrates Court of Victoria states that during the 12 month period 2018-2019 there were 151,765 criminal cases commenced in that Court compared to the 346,930 in New South Wales. This is a compelling comparison. It should be noted that after deducting the magistrates who sit full time in the children's and coronial jurisdictions, Victoria has 122 magistrates to undertake the criminal and civil caseload in that state. New South Wales has 118 magistrates solely engaged in its core criminal and civil jurisdiction.

Information contained in the 2019 Productivity Commission review of the justice system throughout the Commonwealth is similarly insightful and informative. One of the measures used by the Productivity Commission is to compare the number of judicial officers per 100,000 head of population. In New South Wales there are 1.4 magistrates per 100,000 heads of population. This is the lowest in the Commonwealth. Yet despite this the Court continues to lead the way in time to disposal in the criminal jurisdiction. That outcome may be a contradiction however it is a positive result of which the whole court can be justifiably proud. There is a necessary caution however.

Continuing to push one's self harder to provide access to justice for a greater number of people is likely to eventually impact on the health of the individual and the satisfaction they experience in their task. This is a subject on which I made comment in the foreword to the 2018 Annual Review. Where no relief comes from government to the pressure on the Court it becomes necessary for the Court itself to take steps to ease the pressures of presiding in court every day.

As a consequence in the second half of 2019 every magistrate was afforded the opportunity of taking 1 day out of court every 2 months to spend in chambers catching up with reserved decisions and related activities. The Court is well aware that this effectively means a reduction in capacity however such a step is not ground breaking save in terms of its application in New South Wales. The position within summary courts throughout the Commonwealth so far as the provision of time out of court is concerned is well established. In other jurisdictions where the day to day pressures do not compare, significantly more time out of court is provided to facilitate the preparation of judgments and to ease the pressures that relentless exposure to the courtroom environment bring to magistrates.

In New South Wales time out of court to prepare reserved judgments has been, up to now, allocated on an ad hoc basis. Formalising the arrangement and applying it to the whole of the Court will inevitably come at the expense of an increase in delay towards finalisation. Whilst in the minds of some that outcome might be regarded as regrettable, for the sake of those who have endured years of rising caseloads steps taken to preserve health and wellbeing underpin the capacity within the Court to continue to cope.

The alternative is to establish a mid-year vacation. This is a decision for government not for the Court, although the Court is the body that has proposed it. It is an approach that has been applied to the higher jurisdictions for many years. All those who are caught up in the day to day operations of the court would also benefit from a concession that there are consequences which flow from under resourcing an already overburdened court system. The question of whether this alternative outcome is established such that scheduling more time out of court becomes unnecessary remained unanswered during 2019.

It is somewhat ironic that governments are more than content to amend legislation to enable more and more serious matters to be directed away from the jurisdiction above the Local Court but never proactively turn their mind to the impact such decisions have on the working environment, health and wellbeing of those who are already burdened with significant responsibilities, and who spend more time sitting in court than those in the jurisdictions above them.

During 2019 the Court, along with the higher jurisdictions, engaged in a research project conducted by the University of New South Wales through the Judicial Commission to investigate the impact of the caseloads and their content on the health and wellbeing of the judiciary. It will be of more than passing interest to receive the outcome of the research at some time during 2020. Speaking on behalf of the magistracy I will not be surprised to learn that what is intuitively spoken about in this review will be confirmed in some way by research undertaken by external professionals in their particular fields of expertise.

Judge Graeme Henson AM  
**Chief Magistrate**

# 1 An overview of the Local Court

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

## Jurisdictions and Divisions

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

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

### Criminal jurisdiction

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

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

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

Prosecutions in the criminal jurisdiction include matters that are:

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

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

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

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

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



### Civil jurisdiction

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

- The **Small Claims Division** deals with claims with a monetary value of up to \$20,000. Proceedings in the Small Claims Division are conducted with as little formality and technicality as is needed for the proper consideration of the issues in dispute. The hearing is generally an informal process where the Court considers statements and documents provided by the parties. The parties are also given the opportunity to comment upon the evidence.
- The **General Division** deals with claims between the amounts of \$20,000 and \$100,000 (except in claims relating to personal injury or death, where a jurisdictional limit of \$60,000 applies). Matters where the monetary value of the claim is less than \$20,000 may also be transferred to the General Division in circumstances where the issues in dispute are complex, difficult, or of such importance that they should more properly be dealt with in the General Division.

### Coronial jurisdiction

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

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

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

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

### Special jurisdiction

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

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

### Industrial jurisdiction

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

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

## The Magistrates

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

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

As at 31 December 2019, there were 139 magistrates (131 full-time and 8 part-time) who presided in the Local Court and Children's Court at approximately 150 sitting locations throughout New South Wales.

In 2019, the magistrates were as follows:

### Chief Magistrate

His Honour Judge Graeme Leslie Henson AM

### Deputy Chief Magistrates

Her Honour Magistrate Jane Ellen Mottley AM

His Honour Magistrate Michael Gerard Allen

Her Honour Magistrate Teresa Margaret O'Sullivan, State Coroner (from 15 July 2019)

### Magistrates

His Honour Magistrate Imad Abdul-Karim

His Honour Magistrate John Andrews  
(until 26 March 2019)

His Honour Magistrate Michael David Antrum

Her Honour Magistrate Jennifer Atkinson

Her Honour Magistrate Joan Margaret Baptie

His Honour Magistrate Michael Andrew Barko

His Honour Magistrate Peter J Barnett SC

His Honour Magistrate Glenn James Bartley

Her Honour Magistrate Geraldine Beattie,  
Deputy State Coroner

His Honour Magistrate Graham Thomas Blewitt  
AM (until 19 June 2019)

Her Honour Magistrate Joy Boulos

His Honour Magistrate Geoff Edward Bradd  
(until 18 February 2019)

His Honour Magistrate Rodney Joel Brender

His Honour Magistrate George Breton

His Honour Magistrate Peter Ignatius Bugden

Her Honour Magistrate Dominique Burns  
(until 31 May 2019)

Her Honour Magistrate Jayeanne Carney

His Honour Magistrate Ian Malcolm Cheetham

His Honour Magistrate John Michael Chicken

His Honour Magistrate Roger James Clisdell,  
Deputy State Coroner

His Honour Magistrate Michael John Connell

His Honour Magistrate Stephen Corry

His Honour Magistrate Daniel Aidan Covington

Her Honour Magistrate Sharron Maree Crews

Her Honour Magistrate Kathy Jane Crittenden

His Honour Magistrate Michael William Crompton

His Honour Magistrate Graeme Bryan Curran

His Honour Magistrate Michael Gary Dakin

Her Honour Magistrate Georgina Maree Darcy

His Honour Magistrate David Day

His Honour Magistrate David Patrick Degnan

Her Honour Magistrate Robyn Eva Denes

His Honour Magistrate Stuart James Devine

His Honour Magistrate Douglas Raymond Dick

His Honour Magistrate Hugh Donnelly

His Honour Magistrate Mark Antony Douglass

Her Honour Magistrate Susan Mary Duncombe

His Honour Magistrate Geoffrey James Dunlevy

His Honour Magistrate Andrew Ronald Eckhold

His Honour Magistrate Gregory Phillip Elks  
(from 21 January 2019)

Her Honour Magistrate Elizabeth Anne Ellis

Her Honour Magistrate Clare Joanne Farnan

His Honour Magistrate Peter Gordon Feather

Her Honour Magistrate Dr Gabriel Catherine  
Fleming

Her Honour Magistrate Catherine Josephine  
Follent

Her Honour Magistrate Carmel Ann Forbes

His Honour Magistrate Caleb Mark Franklin

Her Honour Magistrate Sharon Claire Freund,  
Deputy State Coroner

His Honour Magistrate Richard Benedict Funston

His Honour Magistrate James Henry Gibson

Her Honour Magistrate Jennifer Anne Giles

Her Honour Magistrate Claire Giroto

Her Honour Magistrate Michelle Norma Goodwin

Her Honour Magistrate Harriet Winifred Grahame,  
Deputy State Coroner

Her Honour Magistrate Megan Jeanette Greenwood

His Honour Magistrate Gregory John Grogin

His Honour Magistrate Ian James Guy

His Honour Magistrate Christopher Charles Halburd

Her Honour Magistrate Theresa Hamilton

Her Honour Magistrate Christine Mary Haskett

Her Honour Magistrate Estelle Ann Hawdon (until 25 February 2019)

Her Honour Magistrate Allison Hawkins (from 28 October 2019)

His Honour Magistrate Paul Hayes

His Honour Magistrate David Michael Heilpern

Her Honour Magistrate Nancy Louise Hennessy, Deputy President, NSW Civil and Administrative Tribunal (until 1 February 2019)

His Honour Magistrate Geoffrey Graeme Hiatt

His Honour Magistrate Kevin Hockey (from 21 October 2019)

His Honour Magistrate Jeffrey Raymond Hogg

Her Honour Magistrate Sharon Lee Holdsworth (until 17 July 2019)

His Honour Magistrate Michael North Holmes

Her Honour Magistrate Susan Anne Horan

Her Honour Magistrate Julie Anne Huber

His Honour Magistrate Ross Hudson

Her Honour Magistrate Carolyn Mary Huntsman

His Honour Magistrate Timothy Bernard Keady

Her Honour Magistrate Holly Kemp (from 30 September 2019)

Her Honour Magistrate Erin Camille Kennedy

Her Honour Magistrate Joanne Mary Keogh

Her Honour Magistrate Jillian Kiely (from 28 October 2019)

Her Honour Magistrate Janine Lacy (from 21 October 2019)

His Honour Magistrate Derek Jonathan Lee, Deputy State Coroner

His Honour Magistrate Jeffrey Alan Linden, Deputy State Coroner

His Honour Magistrate Christopher Longley (until 5 July 2019)

His Honour Magistrate Michael Love (from 8 October 2019)

His Honour Magistrate Terence Timothy Lucas (until 16 May 2019)

His Honour Magistrate Leslie William Mabbutt

His Honour Magistrate Paul Anthony MacMahon

Her Honour Magistrate Debra Gladys Maher

His Honour Magistrate Ronald John Maiden

His Honour Magistrate Shane McAnulty

Her Honour Magistrate Fiona McCarron (from 25 February 2019)

Her Honour Magistrate Margaret Mary McGlynn

Her Honour Magistrate Susan McGowan

Her Honour Magistrate Susan Clare McIntyre

Her Honour Sally McLaughlin (from 8 October 2019)

Her Honour Magistrate Louise M McManus

His Honour Magistrate Alexander Mijovich

Her Honour Magistrate Jacqueline Mary Milledge

His Honour Magistrate Andrew John Miller

Her Honour Magistrate Miranda Moody (from 21 January 2019)

His Honour Magistrate (Bernard) Michael O'Brien

His Honour Magistrate David Bernard O'Neil

Her Honour Magistrate Teresa Margaret O'Sullivan, Deputy State Coroner (until 15 July 2019, when appointed as State Coroner)

His Honour Magistrate Stephen Olischlager (from 25 March 2019)

His Honour Magistrate David Price

Her Honour Magistrate Karen Jennifer Price

His Honour Magistrate Roger David Prowse

Her Honour Magistrate Margaret Christine Quinn PSM

His Honour Magistrate Allan Wilson Railton

His Honour Magistrate Daniel Reiss

His Honour Magistrate Mark Richardson

Her Honour Magistrate Karen Robinson

Her Honour Magistrate Leanne Robinson

His Honour Magistrate Ian Rodgers (from 25 February 2019)

Her Honour Magistrate Paula Mary Russell

Her Honour Magistrate Elizabeth Jane Ryan, Deputy State Coroner

Her Honour Magistrate Mary Ryan

His Honour Magistrate Albert John Sbrizzi  
Her Honour Magistrate Beverley Anne Schurr  
(until 28 June 2019)  
Her Honour Magistrate Suzanne Gaye Seagrave  
Her Honour Magistrate Tracy Sheedy  
His Honour Magistrate Brett Shields  
Her Honour Magistrate Ellen Skinner  
Her Honour Magistrate Julie Anne Soars  
Her Honour Magistrate Karen Elizabeth Stafford  
Her Honour Magistrate Lisa Veronica Stapleton  
His Honour Magistrate Phillip Douglas Stewart  
His Honour Magistrate Gary James Still  
His Honour Magistrate Michael Martin Stoddart  
His Honour Magistrate Robert George Stone,  
Deputy State Coroner  
Her Honour Magistrate Margot Gai Stubbs  
Her Honour Magistrate Vivien Margaret Swain  
His Honour Magistrate Brett Stephen Thomas  
Her Honour Magistrate Katherine E Thompson  
His Honour Magistrate Peter John Thompson  
Her Honour Magistrate Fiona Gladys Toose  
Her Honour Magistrate Jacqueline Maree Trad  
Her Honour Magistrate Elaine Maree Truscott,  
Deputy State Coroner  
His Honour Magistrate Theo Tsavdaridis  
His Honour Magistrate Brian John van Zuylen  
Her Honour Magistrate Alison Mary Viney  
Her Honour Magistrate Lisa Viney  
(from 30 September 2019)  
Her Honour Magistrate Julia Kathleen Virgo  
His Honour Magistrate Glenn Kevin Walsh  
His Honour Magistrate Bruce Haldane Williams  
His Honour Magistrate David Ian Williams  
His Honour Magistrate Robert Hilary Williams  
His Honour Magistrate Gary Wilson  
Her Honour Magistrate Eve Wynhausen

## Judicial appointments during 2019

### **His Honour Magistrate Gregory Phillip Elks**

Gregory Elks completed a Diploma in Law in 1991 and was admitted as a solicitor in 1992. He has been engaged in private practice, managing his own law firm in Sydney for the past 15 years, and has previously worked at Legal Aid and with the Office of the Director of Public Prosecutions (NSW) (the DPP). Mr Elks is an accredited specialist in criminal law.

Mr Elks was sworn in as a magistrate on 21 January 2019.

### **Her Honour Magistrate Allison Hawkins**

Allison Hawkins has been a barrister with Wardell Chambers, where she practised since 2014. Ms Hawkins has appeared in the Local, Children's, District, Supreme and High Courts. She has extensive experience in civil and criminal law, appearing in cases involving murder, sexual assault, kidnapping, and High Risk Offender matters. She has also appeared in matters involving commercial disputes. Before being called to the Bar, she practised as a solicitor in the criminal division of Legal Aid NSW for 11 years.

Ms Hawkins was sworn in as a magistrate on 28 October 2019.

### **His Honour Magistrate Kevin Hockey**

Kevin Hockey is a former prosecutor with the NSW Police Force, holding the post for more than ten years. After an honourable discharge from the Police in 1998, he pursued his legal career, rising to manage his own law firm in Dubbo. His areas of practice have included criminal and family law, conveyancing, personal injury and general litigation.

Mr Hockey was sworn in as a magistrate on 21 October 2019.

**Her Honour Magistrate Holly Kemp**

Holly Kemp became a Crown Prosecutor in 2017, conducting complex trials in the District Court. Ms Kemp worked in the Rolling List Court, which is designed to reduce backlogs in the District Court. In 2018, the NRL retained her to appear on its behalf in matters relating to female players charged with infringements. Before this, she was a solicitor for almost 18 years overseeing criminal matters in the Local, Children's, District and Supreme Courts.

Ms Kemp was sworn in as a magistrate on 30 September 2019.

**Her Honour Magistrate Jillian Kiely**

Jillian Kiely has worked almost exclusively with the Office of the DPP as a solicitor for 14 years, appearing regularly in the Local Court on matters ranging from murder to drink driving. She was most recently the acting Solicitor in Charge of the Sutherland Office of Legal Aid NSW, carrying a full case load and managing eight staff. Prior to practising law, she spent seven years working in Local Court registries. She also has a Masters of Public Administration and a degree in health science.

Ms Kiely was sworn in as a magistrate on 28 October 2019.

**Her Honour Magistrate Janine Lacy**

Janine Lacy has been a solicitor with the DPP, where she worked for more than 14 years. She has appeared in the Local, Children's and District Courts with carriage of a wide range of serious criminal matters. Ms Lacy was previously the managing solicitor at the Campbelltown Office of the DPP and has worked as a casual tutor in criminal law at Western Sydney University. Most recently, Ms Lacy was deputy solicitor of the DPP's Sydney West operations where she supervised 150 solicitors and support staff located at the Campbelltown, Penrith and Parramatta offices.

Ms Lacy was sworn in as a magistrate on 21 October 2019.

**His Honour Magistrate Michael Love**

Michael Love spent majority of his 30 year legal career in the criminal justice system. He began his career as a clerk in the Supreme Court Criminal Registry. He joined the DPP as a solicitor in 2002 and has previously been in charge of the south-eastern circuit courts from Nowra and Bega to Queanbeyan and Goulburn. His most recent position has been Managing Solicitor for the Wollongong Office of the DPP. During his career, he also worked at the NSW Ombudsman's Office, Department of Juvenile Justice and NSW Rural Fire Service.

Mr Love was sworn in as a magistrate on 8 October 2019.

**Her Honour Magistrate Fiona McCarron**

Fiona McCarron completed a Bachelor of Arts and a Diploma in Law and has been a solicitor with Legal Aid NSW since 2002, appearing in the Local, District and Supreme Courts. Up until the time of her appointment, she was acting as the Solicitor in Charge of the Inner City Local Courts. Prior to her admission she was an associate to a Judge of the District Court.

Ms McCarron was sworn in as a magistrate on 25 February 2019.

**Her Honour Sally McLaughlin**

Sally McLaughlin began working in the legal system in 2000 as a volunteer at Bidura Children's Court and the Aboriginal Legal Service (NSW/ ACT). Ms McLaughlin then worked as an associate to a Judge of the District Court in 2009 before joining Legal Aid NSW as a criminal lawyer. She has represented clients in the Local, Children's, District and Supreme Courts, as well as the High Court of Australia, for offences such as murder, sexual assault, drug importation and manufacturing.

Ms McLaughlin was sworn in as a magistrate on 8 October 2019.

### **Her Honour Magistrate Miranda Moody**

Miranda Moody completed a Diploma in Law in 2004 and has been a member of the Bar since 2006. She has practiced extensively in the Local Court and the District Court predominantly in the criminal jurisdiction. Prior to her admission to the bar, Ms Moody was an associate to a Judge of the District Court.

Ms Moody was sworn in as a magistrate on 21 January 2019.

### **His Honour Magistrate Stephen Olischlager**

Stephen Olischlager completed a Diploma in Law in 1993 and was admitted to practice as a legal practitioner in 2004. He has a background career prior to appointment predominantly within the Department of Justice, including approximately 32 years of experience in the Local Court. Prior to his appointment, Mr Olischlager was the Senior Assessor in the Small Claims Division of the Local Court, a role he occupied since 2009.

He has also served as a registrar and coroner and worked for the Department of Communities & Justice in developing policy and legislation, including the *Coroners Act 2009*, the *Civil Procedure Act 2005* and the *Uniform Civil Procedure Rules*.

Mr Olischlager was sworn in as a magistrate on 25 March 2019.

### **His Honour Magistrate Ian Rodgers**

Ian Rodgers completed a Bachelor of Arts and a Bachelor of Law in 1995, and following admission to practice has been a criminal lawyer employed by the Legal Aid NSW for nearly 20 years, including the past three years as Solicitor in Charge of Legal Aid's Newcastle office. He has also worked for the Aboriginal Legal Service (NSW/ACT), been a policy officer for the Department of Communities & Justice and was an associate to a former Judge of the District Court. Mr Rodgers is an accredited specialist in criminal law.

Mr Rodgers was sworn in as a magistrate on 25 February 2019.

### **Her Honour Magistrate Lisa Viney**

Lisa Viney's legal career spans nearly two decades predominantly in criminal law as a solicitor at the DPP. Ms Viney was a managing solicitor in charge of one of the trial groups managing up to 30 lawyers. She has appeared as an advocate in summary prosecutions and committal matters in the Local Court, as well as sentences and appeals in the District Court. Ms Viney has also held senior legal positions at both the NSW Ombudsman and Crown Solicitor's Office.

Ms Viney was sworn in as a magistrate on 30 September 2019.

### **Judicial retirements during 2019**

His Honour Magistrate John Andrews

His Honour Magistrate Graham Thomas Blewitt  
AM

His Honour Magistrate Geoff Edward Bradd

Her Honour Magistrate Dominique Burns

Her Honour Magistrate Estelle Ann Hawdon

Her Honour Magistrate Nancy Louise

Hennessy, Deputy President, NSW Civil and  
Administrative Appeals Tribunal

Her Honour Magistrate Sharon Lee Holdsworth

His Honour Magistrate Christopher Longley

His Honour Magistrate Terence Timothy Lucas

Her Honour Magistrate Beverley Anne Schurr

### **Acting Magistrates in 2019**

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

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

Acting magistrates in 2019 were:

His Honour Acting Magistrate Robert Joseph  
Abood

His Honour Acting Magistrate John Andrews  
(from 1 July 2019)

His Honour Acting Magistrate Peter Frederick Ashton  
His Honour Acting Magistrate John Anthony Bailey  
Her Honour Acting Magistrate Helen Barry (from 7 January 2019)  
His Honour Acting Magistrate Leslie Brennan  
His Honour Acting Magistrate Dr Roger Alasdair Brown  
His Honour Acting Magistrate John Ormonde Crawford  
His Honour Acting Magistrate Peter Dare SC  
His Honour Acting Magistrate John Daniel Favretto  
His Honour Acting Magistrate Andrew John Benson George  
Her Honour Acting Magistrate Lee Anne Gilmour (until 30 June 2019)  
Her Honour Acting Magistrate Estelle Ann Hawdon (from 4 March 2019)  
Her Honour Acting Magistrate Sharon Lee Holdsworth (from 22 July 2019)  
Her Honour Acting Magistrate Mary Stella Jerram (until 3 July 2019)  
His Honour Acting Magistrate Bernard Joseph Kennedy (until 29 June 2019)  
Her Honour Acting Magistrate Georgia Knight (from 7 January 2019)  
Her Honour Acting Magistrate Daphne Anne Kok  
His Honour Acting Magistrate Christopher Longley (from 8 July 2019)  
His Honour Acting Magistrate Brian Anthony Lulham  
His Honour Acting Magistrate Paul Lyon  
His Honour Acting Magistrate Malcolm MacPherson  
His Honour Acting Magistrate Shaughan McCosker  
His Honour Acting Magistrate John McIntosh  
His Honour Acting Magistrate Ian Duncan McRae  
His Honour Acting Magistrate Christopher McRobert  
His Honour Acting Magistrate Carl Milovanovich  
His Honour Acting Magistrate Peter Miszalski  
His Honour Acting Magistrate Allan Darroll Moore  
His Honour Acting Magistrate Michael Morahan

His Honour Acting Magistrate Paul Mulroney  
His Honour Acting Magistrate Anthony Murray  
His Honour Acting Magistrate David Patrick O'Connor  
His Honour Acting Magistrate Darryl Pearce  
His Honour Acting Magistrate Michael Kevin Price  
His Honour Acting Magistrate Robert Scott Rabbidge  
Her Honour Acting Magistrate Beverley Anne Schurr (from 1 July 2019)  
His Honour Acting Magistrate Mark Robert Shepherd (until 30 June 2019)  
Her Honour Acting Magistrate Annette Christine Sinclair  
Her Honour Acting Magistrate Janet Christina Ruth Stevenson (until 4 February 2019)  
His Honour Acting Magistrate Anthony Alfred Spence  
Her Honour Acting Magistrate Janet Wahlquist  
His Honour Acting Magistrate Robert Walker (from 8 January 2018)  
His Honour Acting Magistrate George Zdenkowski

### **Small Claims assessors**

Small Claims assessors sit at various Local Court locations in the Sydney metropolitan area, Newcastle and Wollongong in the Small Claims Division, which deals with civil claims of less than \$20,000. In other locations Small Claims matters are dealt with by the magistrate.

Small Claims assessors in 2019 were:

Ms Danae Harvey  
Ms Janice Connelly  
Ms Emma Keir (from 26 August 2019)  
Mr Stephen Olischlager (until 25 March 2019, when he was appointed as a magistrate)

## Chief Magistrate's Executive Office

In 2019, the Executive Office consisted of six staff:

### **Executive Officer**

Jacinta Haywood

### **Policy Officer**

Brooke Delbridge

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

Phillip Suitor

### **Courts Co-ordinator**

Alison Mulqueoney

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

Theresa Parkinson

### **Judicial Support Officer**

Linda McRae

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

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

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

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

Further information about the NSW Local Court can be found on the Local Court website at: [www.localcourt.justice.nsw.gov.au](http://www.localcourt.justice.nsw.gov.au)



## The work of the Local Court registries

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

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

### Registrars

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

The work of the registrar includes:

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

## 2 Court operations during 2019

- Criminal jurisdiction
- Civil jurisdiction
- Coronial jurisdiction

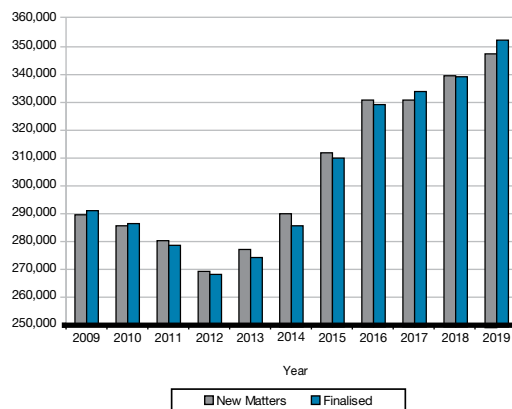
## Criminal jurisdiction

### Criminal matters in 2019

Between 1 January and 31 December 2019:

- 346,930 criminal matters were commenced in the Local Court, representing an increase of 2.27% since 2018
- 351,852 criminal matters were finalised, giving a clearance ratio for the period of 101.42%

### Criminal matters commenced and finalised



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

### Timeliness

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

In 2019:

- 94.00% of matters were completed within 6 months of commencement.
- 98.18% of matters were completed within 12 months of commencement.

### Developments in 2019

#### Growth in criminal caseload

The Local Court saw continued sustained growth in the number of new criminal matters commenced in 2019, with an increase in filings of approximately 7,711 from 2018 levels. This is consistent with the trend of increasing criminal

caseload in the Local Court over the last 7 years, which has resulted in a substantial overall increase in workload – in 2019, approximately 77,624 more criminal matters were commenced in this jurisdiction compared to 2012.

### Amendments to Table 1 offences

Further amendments to Table 1 of Schedule 1 of the *Criminal Procedure Act 1986* during 2019 will allow for the offence of ongoing supply pursuant to section 25A(1) of the *Drug Misuse and Trafficking Act 1985* (max. penalty 20 years or 3,500 penalty units, or both) to proceed summarily unless there is an election otherwise. While this amendment passed in November 2019, at the time of publication it was yet to commence.

This is in addition to previous amendments in 2018 that allowed for a range of other serious offences to proceed summarily in this jurisdiction, including robbery (max. penalty 14 years), recklessly dealing with the proceeds of crime greater than \$5,000 (max. penalty 10 years), perverting the course of justice (max. penalty 14 years) and supplying a prohibited drug less than the commercial quantity (max. penalty 15 years (or 10 years if cannabis) or 2000 penalty units).

### Amendments in relation to Victim Impact Statements

The *Crimes (Sentencing Procedure) Act 2018* was amended in May 2019 to introduce changes to Victim Impact Statements (VIS) in matters proceeding summarily in the Local Court. The amendments extended the range of offences for which a victim is entitled to make a VIS in this jurisdiction, as well as the scope of types of harm which may be particularised. Special provisions were also introduced in relation to the reading of VIS in court, including extending the right to have a support person present to all victims and introducing changes regarding entitlements to, as well as ability to seek leave to, read a VIS via CCTV and/or in closed court.

### Amendments to low-range PCA and drug driving offences

Amendments to penalties for low-range PCA and drug driving offences under the *Road Transport Act 2013* commenced in May 2019, including the introduction of powers which permit NSW Police to issue Penalty Notices (as opposed to Court Attendance Notices) for a first offence, and an immediate 3 month license suspension for a first or subsequent offence, of special, novice or low-range PCA.

A person issued with a Penalty Notice may elect to have the matter dealt with by the Local Court under Part 3 of the *Fines Act 1996* and may also appeal the immediate license suspension in the special jurisdiction of this Court. There is also provision for Transport for NSW to issue a further license suspension in the scenario where the person successfully appeals an immediate suspension and does not elect to have the Penalty Notice dealt with by the court. This subsequent suspension is also appealable to the Local Court, creating a scenario where it is possible for a person to make two separate applications to appeal a license suspension in relation to a single instance of offending behaviour.

The Court continues to monitor the impact of these reforms on its workload.

### Domestic and personal violence

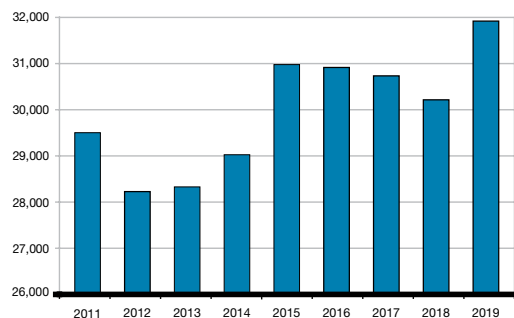
The number of final apprehended domestic violence orders increased sharply in 2019, with 28,025 orders made (compared to 26,363 in 2018). The number of final personal violence orders made remain steady at 3,890 (compared to 3,833 in 2018).

### Apprehended Violence Statistics 2019

Domestic Violence	2017	2018	2019
Lodgements	31,445	33,248	34,861
Finalisations			
Final Orders made	26,418	26,363	28,025
Complaints withdrawn/ dismissed	6,179	5,405	5,147
Complaints dismissed after hearing	468	477	442
Application not served	212	154	68
Orders varied/ revoked	3,750	3,479	3766
Application to vary/ revoke withdrawn/ dismissed	974	1,097	1,383
Other Miscellaneous Finalisations	419	111	152
<b>Total finalisations</b>	<b>38,420</b>	<b>37,086</b>	<b>38,983</b>

<b>Personal Violence</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Lodgements	6,480	6,272	6,581
Finalisations			
Final Orders made by Court	4,311	3,833	3,890
Complaints withdrawn/dissmissed	2,266	1,984	1,836
Complaints dismissed after hearing	103	103	96
Application not served	59	43	27
Orders varied/revoked	174	138	149
Application to vary/ revoke withdrawn/dissmissed	66	57	71
Other Miscellaneous Finalisations	176	93	145
<b>Total finalisations</b>	<b>7,155</b>	<b>6,251</b>	<b>6,214</b>

### Final domestic and personal violence orders



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

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

### *Crimes (Domestic and Personal Violence) Act 2013 reforms*

The *Crimes Legislation Amendment Act 2018* passed in November 2018 and introduced broad amendments to Apprehended Domestic Violence Orders (ADVOs) as outlined in Part 10 of the *Crimes (Domestic and Personal Violence) Act 2013*, including an increase to the default duration of ADVOs.

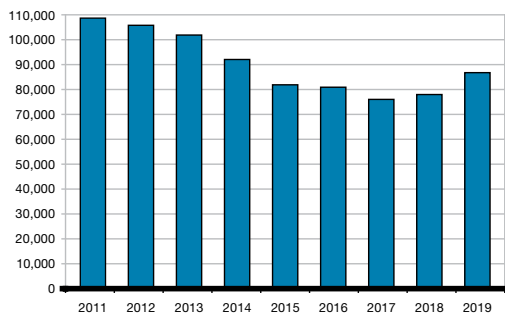
The commencement of these reforms was delayed while various stakeholders, including the Court, engaged in ongoing consultations regarding their implementation, as well as their potential impact on the Court's workload (and resulting delays for victims of domestic violence). Following these consultations, further changes to the uncommenced amendments were made by the *Justice Legislation Amendment Act (No 2) 2019*, which passed in November 2019. These amendments commenced on 28 March 2020, which is outside the ambit of this review.

## Civil jurisdiction

### Civil matters in 2019

In the period 1 January to 31 December 2019, 87,210 civil actions were commenced (increasing from 78,069 in 2018). Of those matters, 72,070 were filed in the Small Claims Division and 11,046 were filed in the General Division. Overall, 78,941 civil actions were finalised.

### Civil actions commenced



### Timeliness

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

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

In 2019:

- In the Small Claims Division – 95% of matters were finalised within 12 months; and
- In the General Division – 93% of matters were finalised within 12 months.

### Developments in 2019

#### Online registry

Lodgements through the online registry continued to increase across the state throughout 2019. Over 90% of the documents available to be filed online were in fact filed via the Online Registry Website state-wide.

### Changes to jurisdictional limit of Small Claims Division

The *Local Court Act 2007* was amended by the *Justice Legislation Amendment Act (No 3) 2018* to increase the jurisdiction of the Small Claims Division to \$20,000, with effect from 28 February 2019. This amendment applies only to proceedings commenced on or after this date.

Following these changes, the *Local Court Rules 2009* were amended to provide that costs at trial in the Small Claims Division are capped at the scale amount for default judgment on unliquidated claims (as opposed to liquidated claims) and to allow an additional 25% on costs if the opposing party unreasonably fails to accept a genuine offer of compromise.

### Update to Practice Note Civ 1

Practice Note Civ 1 – 'Case Management of Civil Proceedings in the Local Court' was amended with effect from 15 March 2019 to reflect the above changes in relation to the jurisdictional limit of the Small Claims Division.

Part F (Costs) was also amended to provide, immediately before commencement of a trial legal representatives for both parties must provide the court with a notice confirming that their clients have been provided with written notice as to their actual and future costs and expenses, paid and owing, and estimated if not known. There are also updates to guideline amounts for professional costs, in line with CPI.

The Court continues to insist on compliance with the Practice Note in relation to timetables for the exchange of evidence, filing of case summaries and civil listing advice at review, and the filings of statements of agreed facts and issues 7 days prior to hearing. The Court works closely with the profession in striving toward the "just, quick and cheap" resolution of proceedings.

## Coronial jurisdiction

### NSW Coronial Jurisdiction

The NSW State Coroner is responsible for overseeing the work undertaken by all coroners within the State. In particular the State Coroner must ensure that all examinable deaths, fires and explosions are properly investigated and that inquests and inquiries are held where it is considered appropriate to do so.

After having acted in the role since 14 December 2018, Her Honour Magistrate Teresa O'Sullivan was appointed as State Coroner from 15 July 2019.

In 2019, magistrates holding commissions as Deputy State Coroners were:

Her Honour Magistrate Geraldine Beattie

His Honour Magistrate Roger Clisdell

Her Honour Magistrate Carmel Forbes  
 Her Honour Magistrate Sharon Freund  
 Her Honour Magistrate Harriet Grahame  
 His Honour Magistrate Derek Lee  
 His Honour Magistrate Jeffery Linden  
 Her Honour Magistrate Elizabeth Ryan  
 His Honour Magistrate Robert Stone  
 Her Honour Magistrate Elaine Truscott

They year ending December 2019 saw a further increase in deaths reported to the coroner to 6673, representing an increase of 409 deaths from the previous year. During this period, 117 inquests/ inquiries were conducted (increasing from 111 in 2018) and approximately 225 coronial recommendations made.

### Coronial Statistics 2019

	2012	2013	2014	2015	2016	2017	2018	2019
<b>Deaths reported</b>								
Glebe:	2864	2807	2901	2989	3109	3550	3423	3470
Other State-wide:	2505	2533	2709	2777	2851	3052	2841	3203
<b>Total:</b>	<b>5369</b>	<b>5340</b>	<b>5610</b>	<b>5766</b>	<b>5960</b>	<b>6602</b>	<b>6264</b>	<b>6673</b>
<b>Investigations finalised*</b>								
Glebe:	2185	2305	3169	2950	3031	3508	3240	3834
Other State-wide:	1989	2209	2185	3426	2700	2942	2647	2369
<b>Total:</b>	<b>4174</b>	<b>4514</b>	<b>5354</b>	<b>6373</b>	<b>5731</b>	<b>6450</b>	<b>5887</b>	<b>6203</b>
<b>Inquests-Inquiries**</b>								
Glebe:	111	98	103	87	92	57	74	77
Other State-wide:	37	44	37	63	28	27	37	36
<b>Total:</b>	<b>148</b>	<b>142</b>	<b>140</b>	<b>150</b>	<b>120</b>	<b>84</b>	<b>111</b>	<b>117</b>

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

\*\* This figure represents the number of inquests (not inquest days) in Sydney and regional NSW throughout the year.

## Fires

Section 30 of the *Coroners Act 2009* gives the coroner jurisdiction to hold an inquiry into the cause and origin of fires and explosions where property has been damaged or destroyed. Generally, fires account for less than 10% of matters reported to a coroner and very few result in an inquiry.

## Reduction of delays in coronial jurisdiction

The Report on Government Services (RoGS) for 2018/19 shows the coronial jurisdiction continued to maintain a high clearance rate of 91.9%. The complicated issue of delays in the finalisation of post-mortem reports still remains a high priority for the State Coroner.

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

Section 23 of the *Coroners Act 2009* stipulates that if a person dies as a result of police operations or while in custody, that death must be reported to the State Coroner or Deputy State Coroner and an inquest must be conducted into the circumstances of the death.

A summary of all 'section 23 deaths' is provided to the Attorney General for each twelve-month period.

In 2019, 58 deaths resulting from a death in custody or as a result of a police operation were reported to the coroner. This represents an increase of 17 deaths from the previous year. Deaths as a result of natural causes still remain the highest manner of death with 35 of the 58 deaths attributed to natural causes.

A total of 37 section 23 inquests were held in 2019 which represents an increase of two inquests from the previous year. Two section 23 inquests were suspended due to a person being charged with an indictable offence in relation to the deaths. Two matters were determined not to be a section 23 death.

## Children in care or disability deaths

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

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

In 2019, 288 deaths were reported in accordance with section 24. While section 24 ensures mandatory reporting, unlike deaths reported pursuant to section 23, there is no mandatory requirement to conduct an inquest. Should an inquest be necessary, however, only the State Coroner or a Deputy State Coroner may conduct it.

Following the commencement of the National Disability Insurance Scheme (NDIS) a portion of disability deaths may now be reviewed by the NSW Ombudsman, as well as the NDIS.



## Developments in 2019

### Forensic Medicine and Coroners Court Complex

On 28 January 2019 the newly completed Forensic Medicine and Coroners Court Complex in Lidcombe commenced its first official day of operations, following relocation from Glebe. The new Lidcombe complex replaced the existing facility at Glebe, becoming the largest purpose built coronial and forensic medicine facility in Australia and representing a significant leap forward for coronial investigations in NSW.

### NSW Bushfire Disaster

In late 2019 and into 2020 the state of NSW was subject to an unprecedented bushfire disaster season, with a devastating impact resulting in the loss of multiple properties and loss of life. The State Coroner has assumed jurisdiction over each of these matters and will ultimately make a determination as to whether an inquiry/inquest will be conducted.

The State Coroner is working closely with NSW Police (in particular the NSW Police Arson Squad) in relation to the ongoing investigation of the fires and deaths. No decisions have been made regarding whether coronial inquests into fire-related deaths and/or fire inquiries will be held. Given the scale and complexity of these investigations, it will be some time before the State Coroner is in a position to make such decisions.

Separately to the above, the NSW Premier announced the NSW Independent Bush Fire Inquiry into the causes, preparation for and response to the 2019-20 bushfire season. Further information in relation to this separate inquiry is available at <https://www.nsw.gov.au/nsw-government/projects-and-initiatives/nsw-bushfire-inquiry> .

### Coronial Case Management Unit

The Coronial Case Management Unit (CCMU) enables co-located staff from all three stakeholder agencies concerned with the delivery of coronial services (NSW Health, Department of Communities Justice and NSW Police) to collectively manage front-end coronial cases. There is currently two CCMU's – one based at the Forensic Medicine and Coroners Court Complex at Lidcombe and another based at Newcastle's Department of Forensic Medicine.

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

The CCMU continues to demonstrate the success of this innovative, multi-disciplined approach by improving communications with bereaved families, as well as streamlining administrative, cross-agency operations to facilitate coroners making informed and timely decisions.

The CCMU team is admired for their professionalism and empathy when delivering services to grieving families and their commitment to the continual improvement of coronial services. In recognition of its achievements, in December 2019 the CCMU team won the Outstanding Service Award as part of the Department of Communities and Justices' Making a Difference Employee Awards. The award recognises the provision of exceptional, outcome focused and community centred services that have contributed to better outcomes for the people of NSW.

### **Improving Timeliness of Coronial Procedures Taskforce**

In August 2019, the Improving Timeliness of Coronial Procedures Taskforce was established by the Secretary, NSW Ministry of Health and the Secretary, Stronger Communities cluster to minimise delays in the coronial process that impact families and loved ones.

This joint agency initiative between NSW Health and the Department of Communities and Justice was tasked with examining the current coronial process from report of death to the coroner, through case triage, transport of the deceased, autopsy, post-mortem report finalisation and return of remains to the family for burial. Opportunities for improvement are being identified, including diversion of people from the coronial system who have died from natural causes. One of the key remaining tasks requires the Taskforce to address the issue of the delay in the timely provision of post-mortem reports.

The Chief Magistrate and State Coroner continue to participate in this Taskforce to assist it to work towards addressing these issues and identifying further improvements in the coronial process.

### **Statutory Review of the Coroners Act 2009**

The statutory review of the *Coroners Act 2009* is yet to be finalised and has been placed on hold, pending the completion of work being undertaken as part of the Improving Timeliness of Coronial Procedures Taskforce.

### **Legislative Amendments**

The *Justice Legislation Amendment Act 2019* amended the *Coroners Act 2009* to introduce changes to the meaning of reportable death affecting the requirement to report deaths occurring in circumstances where the deceased person has not been attended by a medical practitioner during the 6 months prior to their death. The amending Act also introduces a preliminary examination power which will allow pathologists to undertake certain non-invasive procedures without a post-mortem direction from the coroner.

Although these amendments passed in September 2019, they commence on proclamation on 20 January 2020 and consequently do not fall within the ambit of this review.

### **NSW Domestic Violence Death Review Team**

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

The Team recently published its sixth report: [http://www.coroners.justice.nsw.gov.au/Pages/Publications/dv\\_annual\\_reports.aspx](http://www.coroners.justice.nsw.gov.au/Pages/Publications/dv_annual_reports.aspx).

The culmination of two years of work, the report outlines findings from the 53 domestic violence context deaths examined by the Team between 2017 and 2019. The report also showcases the Team's new 'real-time' data collection methodology and presents incidence, case characteristic and demographic information in relation to all domestic violence context deaths occurring in NSW between 1 July 2000 and 30 June 2019. Drawing together findings from its quantitative and qualitative review functions, the report also sets out 34 outcomes-focused recommendations which aim to contribute to the intervention and prevention of domestic violence in NSW.

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

- Diversionary programs
- Technology in the Local Court

## Diversionsary programs

### Magistrates Early Referral Into Treatment Program

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

The Local Court works in partnership with the NSW Department of Justice, the NSW Police Force, NSW Health, the Legal Aid Commission and a network of drug and alcohol agencies in the delivery, expansion and development of MERIT.

The program is designed to allow defendants to focus on treating drug problems independently from their legal matters and aims to intervene in the cycle of drug use and crime by addressing the health and social welfare issues that may bring defendants into contact with the criminal justice system. Treatment commences prior to any pleas being entered, with the adjournment of court matters until the completion of the program. Defendants participate in the program voluntarily and are case-managed by the MERIT team, who provide regular reports on the participant to the magistrate. The final hearing and/or sentence proceedings generally coincide with the completion of the MERIT program, usually within a 3 month timeframe. Magistrates are then able to consider the defendant's progress in treatment as part of final sentencing.

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

During 2019:

- 4045 defendants were referred to MERIT
- 2342 (58%) defendants were accepted on to the program, of which:
  - 2% were partially assessed
  - 40% were found either ineligible, declined or did not appear for assessment; and
- 1520 (63.5%) defendants successfully completed the program.
- 875 participants did not complete the program for the following reasons:
  - 586 (67%) did not comply with the program conditions
  - 172 (20%) withdrew voluntarily
  - 93 (11%) were removed by the court
  - 24 (3%) were exited for other reasons

The program was available in 62 Local Court locations (including the 7 Alcohol MERIT locations listed below).

### Alcohol MERIT

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

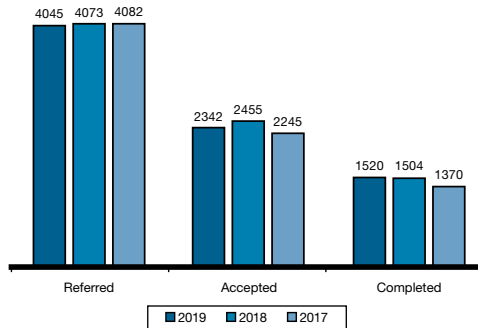
Alcohol MERIT is currently available in the following Local Court locations:

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

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

## MERIT and Alcohol MERIT Program Statistics

MERIT stats over 2017-2019



*Note: The annual number of program completions is not proportional to the annual number of program referrals. This is because MERIT is a 12 week program, therefore some participants referred after September 2019 will still be on the program at 31 December 2019, thus cannot be accounted for in the completion figures above. Similarly, the completion figures include participants who commenced MERIT in the previous year i.e. between September to December 2018 and would completed the program in 2019.*

### Circle Sentencing

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

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

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

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

In 2019, Circle Sentencing was available in the following communities:

- Armidale
- Blacktown
- Mount Druitt
- Kempsey
- Lismore
- Dubbo
- Walgett
- Wellington
- Nambucca
- Nowra
- Brewarrina
- Bourke

The number of matters which proceed to Circle Sentencing is dependent on factors including defendants opting to participate, the sentence a defendant is likely to receive, and the appropriateness of defendants to participate due to links to the local Aboriginal community. In the period January to December 2019, 174 matters proceeded to Circle Sentencing.

The program was evaluated by the NSW Bureau of Crime Statistics and Research (BOCSAR) to estimate its causal effect on a suite of criminal justice and health outcomes for Aboriginal offenders in New South Wales. The evaluation report was released by BOCSAR in May 2020, which is outside the ambit of this review.

### Statewide Community Court Liaison Services

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

The SCCLS operated in 22 Local Court locations in 2019:

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

In the 2018-19 financial year, 13,533 people were screened for mental health problems in court cells. Of this number, 3,315 received a comprehensive mental health assessment, of which 3,012 were found to have a mental illness and 2,500 were diverted from the criminal justice system.<sup>1</sup>

### ReINVEST

The Chief Magistrate continues to support the Local Court's participation in ReINVEST, a world first clinical trial<sup>2</sup> examining whether treating impulsive, repeat-violent offenders with a commonly prescribed pharmacotherapy (sertraline) can assist in managing impulsive behaviour and thus reduce offending. The trial is being conducted by the Kirby Institute of the University of New South Wales (UNSW) in collaboration with partners from NSW Department of Communities & Justice, Justice Health & Forensic Mental Health Network, and several universities.

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

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

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

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

<sup>1</sup> Figures obtained from Justice Health & Forensic Mental Health Network.

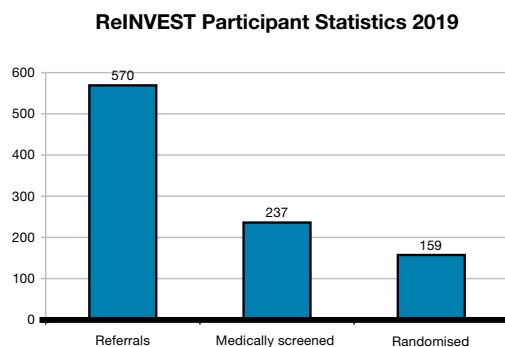
<sup>2</sup> Ethical approval for this study has been granted by UNSW HREC, Corrective Services NSW (CSNSW), Aboriginal Health and Medical Research Council (AHMRC), and Justice Health & Forensic Mental Health Network (JH&FMHN).

As at December 2019, the ReINVEST trial operated in 16 Local Court locations:

- Burwood
- Downing Centre
- Gosford
- Fairfield
- Sydney Central
- Penrith
- Toronto
- Maitland
- Liverpool
- Parramatta
- Mount Druitt
- Bankstown
- Newtown
- Blacktown
- Newcastle
- Wyong

In 2019, 570 offenders were referred to the program for eligibility screening, with 237 of those offenders progressing to medical assessment. Of those offenders who were assessed, 159 were medically screened as suitable and accepted into the randomised trial.<sup>3</sup>

### ReINVEST Statistics



### Traffic Offender Intervention Program

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

Although traffic offender programs were historically the product of ad hoc local arrangements, the regulations made under the *Criminal Procedure Act 1986* now provide for the referral of offenders to a TOIP. There are currently six traffic course providers operating in 127 locations across the State to whom referrals may be made.

In 2019:

- 21,411 individuals participated in, and 19,521 individuals (91.17%) completed, a TOIP
- Driving with a mid-range prescribed concentration of alcohol (i.e. drink driving) represented the most frequent offence type (16.5% of offences).
- The majority of participants (75.6%) were male, with the most frequent age group being those aged 20-24 years (19.3%).

<sup>3</sup> Figures obtained from the Kirby Institute of the University of New South Wales.

## Technology in the Local Court

### Audio Visual Link Technology (AVL)

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

of custodial matters within the Local Court and produces significant reductions in recurrent expenditure for Government.

In 2019, AVL was used to conduct over 56,800 adult appearances in the Local and Children's Courts. In addition to this figure, 5,535 appearances were conducted from a Corrective Services NSW site via AVL for weekend and public holiday bail courts.

AVL facilities were available in the following 75 Local Court, Children's Court and Coroner's Court locations during 2019:

- Albury
- Armidale
- Ballina
- Bankstown
- Bateman's Bay
- Bathurst
- Bega
- Belmont
- Blacktown
- Bourke
- Broadmeadow Children's Court
- Broken Hill
- Burwood
- Byron Bay
- Campbelltown Local and Children's Courts
- Central (Sydney)
- Cessnock
- Coffs Harbour
- Coonamble
- Coroner's Court, Glebe
- Coroner's Court, Lidcombe
- Deniliquin
- Downing Centre (Sydney)
- Dubbo
- East Maitland
- Fairfield
- Gosford
- Goulburn
- Grafton
- Griffith
- Gunnedah
- Hornsby
- Inverell
- John Maddison Tower (Sydney)
- Katoomba
- Kempsey
- Lismore
- Lithgow
- Liverpool
- Maitland
- Manly
- Moree
- Moss Vale
- Mt Druitt
- Mudgee
- Muswellbrook
- Newcastle
- Newtown
- Nowra
- Orange
- Parkes
- Parramatta Local and Children's Courts
- Penrith
- Picton
- Port Kembla
- Port Macquarie
- Queanbeyan
- Raymond Terrace
- Surry Hills Children's Court
- Sutherland
- Tamworth
- Taree
- Toronto
- Tweed Heads
- Wagga Wagga
- Walgett
- Waverley
- Wellington
- Wentworth
- Wilcannia
- Windsor
- Wollongong
- Woy Woy
- Wyong
- Young



### **Remote Witnesses**

Remote witness facilities were available at 95 court locations in 2019, connecting to 241 courtrooms. Every Local Court circuit has at least one court location with a remote witness room.

Remote witness rooms enable vulnerable witnesses in sensitive matters (such as sexual assaults) to give evidence via AVL or closed circuit television (CCTV) from a remote location. This facility is highly utilised and provides some measure of comfort and security to victims of crime. Currently, there is no consolidated booking for remote witnesses, however Corrective Services figures indicate over 2,250 remote witness appearances occurred in the 2019 calendar year.

### **Court lists online**

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

### **Electronic lodgement**

#### **Civil claims**

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

#### **Criminal processes**

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

### **Apprehended violence orders (AVOs)**

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

### **Local Court website**

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

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

## 4 Judicial education and community involvement

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

## Judicial education and professional development

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

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

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

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

Participants are asked to rate the practical value of each education event to their role as a magistrate. The overall ratings in 2019 (from an average response rate of 87%) inform us that that magistrates find the Local Court's education program relevant and well designed - 96% of participants found the education program extremely useful and a further 95% found the content to be valuable.

### Conferences and Seminars

During 2019, magistrates continued to receive specialised training tailored to meet their educational needs:

- Permanent magistrates attended 781 days of face-to-face judicial education, an average of 5 days per magistrate (this meets the national standard for judicial professional development which recommends judicial officers attend 5 days of professional development activities each year).
- The Local Court Annual Conference was held over three days in July/ August 2019 for all New South Wales magistrates. Topics included mindfulness for wellbeing, effects of methamphetamines, Work Development Orders, cross-examination and the credibility rule, a criminal law update, and cultural diversity. The Annual Conference received an overall satisfaction rating above target at 89%.
- Smaller, interactive metropolitan and regional seminars were attended by all magistrates. These interactive sessions, structured around discussion and peer-based learning, facilitate the development of judicial knowledge and skills. Topics focussed on managing witnesses, consistency in sentencing, managing documents, and recent legislative amendments as well as other topics such as costs, adjournments, and applications before the court. Common questions in coronial cases and recent developments in the Children's Court were also covered for regional magistrates. These programs overall received a 95% satisfaction rating from participants which is exceptionally high.

- Continuing the focus on skills development:
  - 13 newly appointed magistrates attended a pre-bench training session designed to familiarise them with Local Court practice and procedure
  - 12 magistrates attended a residential orientation program — this is a 5 day residential program, which focuses on court craft and judicial skills for new magistrates. In 2019, two programs were run throughout the year with both programs receiving a 97% satisfaction rating from participants.
- Magistrates continued to participate in the Judicial Commission's Ngará Yura Program which aims to increase awareness among judicial officers about contemporary Aboriginal society, customs and traditions, and their effect on Aboriginal people in the justice system. Magistrates were well represented in the visits organised by the Judicial Commission to the State Library of NSW and the conference titled 'Exchanging Ideas: First Nations Consensus in Constitutional Reform, Nation Building and Treaty Making Processes'.
- Online learning resources include a series of video recordings and podcasts addressing a wide variety of topics such as intergenerational trauma, recent criminal justice reforms and wellbeing.
- Bench books and other research tools are available to all magistrates online via the JIRS database.

### Faculty participation

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

### Magistrates who attended the Ngará Yura Program: Exchanging Ideas: First Nations Consensus in Constitutional Reform, Nation Building and Treaty Making Processes

His Honour Magistrate Michael Antrum  
 Her Honour Magistrate Susan Duncombe  
 Her Honour Magistrate Debra Maher  
 His Honour Acting Magistrate Paul Mulroneý  
 His Honour Magistrate Robert Stone, Deputy State Coroner  
 Her Honour Magistrate Elaine Truscott  
 His Honour Magistrate Brian van Zuylen

### Magistrates who attended the Ngará Yura visit to the State Library of NSW – Living Language: Country, Culture, Community

Her Honour Magistrate Megan Greenwood  
 His Honour Acting Magistrate Paul Mulroneý  
 Her Honour Magistrate Elizabeth Ryan, Deputy State Coroner  
 Her Honour Magistrate Vivien Swain  
 Her Honour Magistrate Jacqueline Trad  
 His Honour Magistrate Bruce Williams  
 Her Honour Magistrate Eve Wynhausen

### Magistrates who attended the Cross-jurisdictional Seminar: Forensic Science in the Courtroom

Her Honour Magistrate Jennifer Atkinson  
 Her Honour Magistrate Clare Farnan  
 Her Honour Magistrate Jennifer Giles  
 His Honour Magistrate David O'Neil  
 His Honour Magistrate Alan Raitlon  
 Her Honour Magistrate Jacqueline Trad

### Magistrates who attended the Cross-jurisdictional Seminar: Risky Business

Her Honour Magistrate Jennifer Atkinson  
 Her Honour Magistrate Lisa Stapleton  
 Her Honour Magistrate Vivien Swain

**Magistrates who attended the Local Court of  
NSW Orientation Program**

**May 2019**

His Honour Magistrate Daniel Covington  
His Honour Magistrate Stuart Devine  
His Honour Magistrate Peter Thompson  
His Honour Magistrate Andrew Miller  
Her Honour Magistrate Leanne Robinson  
His Honour Magistrate Richard Funston  
Her Honour Magistrate Debra Maher

**December 2019**

Her Honour Magistrate Georgina Darcy  
His Honour Magistrate David O'Neil  
Her Honour Magistrate Miranda Moody  
Her Honour Magistrate Fiona McCarron  
His Honour Magistrate Ian Rodgers

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

In 2019, magistrates continued to be involved in legal education, with a number of magistrates regularly volunteering their time to present on current legal developments to various organisations. Many magistrates have also participated in internship programmes with the Law Society of NSW, University of New South Wales and Wollongong University.

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

Magistrates' activities in 2019 are summarised below:

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### His Honour Judge Graeme Henson AM, Chief Magistrate

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#### Membership of organisations:

Membership of organisations:

Member, Judicial Commission of NSW

Member, Uniform Rules Committee

Member, University of Wollongong Faculty of Law Advisory Committee

Member, Australian Catholic University Faculty of Law Advisory Committee

Member, Early Appropriate Guilty Plea Steering Committee

Member, Improving Timeliness of Coronial Procedures Taskforce

#### Speaking engagements and other activities:

May NSW Bar Association, Bar Readers Address 'The Local Court'

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

#### Conferences and events:

April NSW District Court Annual Conference

May & Oct Council of Chief Magistrates (Sydney and Darwin)

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### Her Honour Deputy Chief Magistrate Jane Mottley AM

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#### Membership of organisations:

Member, Corrective Services NSW Women's Advisory Council

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

Member, Ngara Yura Committee

Chair, Marine Appeals Tribunal

Member, Sentencing and Parole Reform Implementation & Monitoring Group

#### Conferences and events:

March National Family Violence Magistrates Annual Meeting

#### Speaking engagements and other activities:

March Presentation, Chief Magistrate of Solomon Islands

Oct Presentation, Taiwanese Judges Academy Visit to NSW Local Court

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### His Honour Deputy Chief Magistrate Michael Allen

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#### Membership of organisations:

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Law Society of NSW Criminal Law Committee

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Standing Advisory Committee on Judicial Education

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Sentencing and Parole Reforms Implementation and Monitoring Group

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#### Speaking engagements and other activities:

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May Presentation to NSW Police Prosecutors, Domestic Violence Course

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July Presentation to NSW Police Prosecutors, Advanced Advocacy Course

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July Seminar, National Judicial College of Australia 'Delivery of Judgments'

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Sept NSW Bar Association, Bar Readers Address 'The Local Court'

---

Oct Presentation, Taiwanese Judges Academy Visit to NSW Local Court

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Oct Presentation, Judicial College of Australia 'Judicial Officers with Leadership Responsibilities'

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Oct Judicial College of Australia, Judicial Officers Leadership Course

---

Nov Presentation, Duty Solicitor Program, King Wood Mallesons

---

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

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### Her Honour Magistrate Theresa O'Sullivan, State Coroner

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#### Conferences and events:

---

Nov Asia Pacific Coroners Conference

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### His Honour Magistrate Michael Antrum

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#### Membership of organisations:

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Officer, Australian Army Legal Corps (Reserve)

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Member, Management Committee, St John's Care, Canberra

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Board Member, Anglicare, South West NSW and ACT

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### His Honour Magistrate Michael Barko

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#### Speaking engagements and other activities:

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March Presentation, Ada Evans Chambers, Barristers' Continuing Professional Development Conference 'Advocacy in the Local Court'

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March Presentation, City of Sydney Law Society Seminar Series 'Without Prejudice – Prejudice'

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June Presentation, Victims and Witnesses of Crime Court Support 'Magistrate's Opening Remarks at Defended Criminal Hearings'

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July Presentation, Inner West Law Society Conference 'Without Prejudice – Prejudice'

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### His Honour Magistrate Glenn Bartley

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#### Speaking engagements and other activities:

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March Presentation, NSW Young Lawyers Environment and Planning Continuing Legal Education Seminar 'Sentencing Environmental Offenders in the Local Court – Procedure and Evidence'

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### His Honour Magistrate Hugh Donnelly

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#### Speaking engagements and other activities:

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Feb & March Presentation, National Judicial College of Australia, Sentencing: New Challenges Conference, 'The Sentencing Recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse: Where Now?'

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### Her Honour Magistrate Susan Duncombe

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#### Speaking engagements and other activities:

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June Presentation, Second National Forum on Child Protection

Oct Presentation, International Association of Law Libraries Conference

Nov Panel Member, Australia Institute of Judicial Administration Conference on Youth Justice

Nov Presentation, National Indigenous Justice Forum

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### Her Honour Magistrate Carmel Forbes (Deputy State Coroner)

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#### Conferences and events:

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Nov Asia Pacific Coroners Conference

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### His Honour Magistrate Phillip Stewart

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#### Speaking engagements and other activities:

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Sept Presentation, Charles Sturt University Law Students (Bathurst Campus) 'Putting your Degree to Good Use – getting your dream job in the law'

Sept Lead Adjudicator, NSW Police Prosecutors Milne Trophy Public Speaking Competition

Nov Workshop and Presentation, Orana Law Society and Central West Law Society (Continuing Legal Education) 'Etiquette, Preparing and Delivering a Plea, Preparing and Conducting a Defended Hearing in the Local Court'

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## Appendices

- The Court's time standards
- The Court's committees
- 2019 Court by Court statistics

## The Court's time standards

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

### Local Court Criminal Time Standards

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

### Local Court Civil Time Standards

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

### Children's Court Criminal Time Standards

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

### Children's Court Care Time Standards

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

### Coroner's Time Standards

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

## The Court's committees

In 2019, committee members were:

### **Local Court Rule Committee**

His Honour Judge Graeme Henson AM, Chief Magistrate

Her Honour Deputy Chief Magistrate Jane Mottley AM

His Honour Deputy Chief Magistrate Michael Allen

Ms Anne Marie Lumsden, Legal Aid Commission

Ms Lisa-Claire Hutchinson, Bar Association

Mr Michael McTegg, Local Court of NSW

Mr James Wiseman, Local Court of NSW

Ms Paula McNamara, Office of the Director of Public Prosecutions

Ms Phillipa Hetherington, Department of Communities and Justice

Superintendent Kirsty Heyward, NSW Police

Mr Jonathan Prowse, Law Society of NSW

### **Local Court Education Committee**

Chair: His Honour Deputy Chief Magistrate Michael Allen

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

Her Honour Deputy Chief Magistrate Jane Mottley AM

His Honour Magistrate Michael Antrum

His Honour Magistrate Ian Guy

His Honour Magistrate David Heilpern

His Honour Magistrate Ross Hudson

Her Honour Magistrate Carolyn Huntsman

Her Honour Magistrate Erin Kennedy

His Honour Magistrate Leslie Mabbutt

Her Honour Magistrate Susan McIntyre

Her Honour Magistrate Karen Robinson

His Honour Magistrate Phillip Stewart

His Honour Magistrate Robert Stone

Her Honour Magistrate Vivien Swain

Ms Brooke Delbridge, Policy Officer

### **Statute Law Revision and Procedures Committee**

Chair: Her Honour Deputy Chief Magistrate Jane Mottley AM

His Honour Deputy Chief Magistrate Michael Allen

Ms Brooke Delbridge, Policy Officer

### **Terms and Conditions of Service Committee**

Chair: His Honour Judge Graeme Henson AM, Chief Magistrate

Secretary: Ms Jacinta Haywood, Executive Officer

Members: Her Honour Deputy Chief Magistrate Jane Mottley AM

His Honour Deputy Chief Magistrate Michael Allen

Ms Brooke Delbridge, Policy Officer

### **Ethics Committee (*ad hoc*)**

Chair: His Honour Judge Graeme Henson AM, Chief Magistrate

Her Honour Deputy Chief Magistrate Jane Mottley AM

His Honour Deputy Chief Magistrate Michael Allen

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

Chair: His Honour Deputy Chief Magistrate Michael Allen

Her Honour Deputy Chief Magistrate Jane Mottley AM

Ms Brooke Delbridge, Policy Officer

Ms Pierrette Mizzi, Judicial Commission of NSW

Mr Mark Zaki, Judicial Commission of NSW

### **Court Security Committee**

Chair: His Honour Judge Graeme Henson AM, Chief Magistrate

Her Honour Deputy Chief Magistrate Jane Mottley AM

His Honour Deputy Chief Magistrate Michael Allen

His Honour Magistrate Michael Barko

His Honour Magistrate Michael Dakin

His Honour Magistrate Peter Feather

Her Honour Magistrate Sharon Freund

His Honour Magistrate Gregory Groggin

His Honour Magistrate Jeff Linden

## 2019 Court by Court statistics

	New General Criminal Matters	Finalised General Criminal Matters
Albion Park	365	366
Albury	4143	4425
Armidale	1927	1908
Ballina	1667	1750
Balmain	0	14
Balranald	0	4
Bankstown	8737	8904
Batemans Bay	1398	1362
Bathurst	2694	2830
Bega	687	709
Bellingen	3	8
Belmont	3236	3218
Blacktown	9054	9253
Blayney	124	131
Boggabilla	124	123
Bombala	60	63
Bourke	1044	1162
Brewarrina	354	353
Broken Hill	1855	1928
Burwood	14523	14152
Byron Bay	1980	2033
Camden	857	811
Campbelltown	9809	10044
Casino	1223	1219
Central	8247	8007
Cessnock	2367	2501
Cobar	260	271
Coffs Harbour	4601	4625
Condobolin	245	241

	New General Criminal Matters	Finalised General Criminal Matters
Cooma	768	787
Coonabarabran	484	490
Coonamble	821	810
Cootamundra	538	561
Corowa	339	331
Cowra	710	737
Crookwell	23	25
Deniliquin	736	753
Dubbo	6556	6692
Dunedoo	72	71
Dungog	90	86
East Maitland	0	1
Eden	233	229
Fairfield	8057	8333
Finley	348	386
Forbes	686	704
Forster	4175	4409
Gilgandra	393	424
Glen Innes	469	476
Gloucester	76	80
Gosford	6852	6902
Goulburn	2711	2730
Grafton	2086	2074
Grenfell	0	1
Griffith	2462	2450
Gulgong	53	60
Gundagai	358	376
Gunnedah	715	784
Hay	332	328

	<b>New General Criminal Matters</b>	<b>Finalised General Criminal Matters</b>
Hillston	0	1
Holbrook	121	128
Hornsby	4737	4646
Inverell	1479	1469
Junee	105	108
Katoomba	1025	1120
Kempsey	2615	2771
Kiama	515	466
Kogarah	3	13
Kurri Kurri	746	747
Kyogle	230	240
Lake Cargelligo	168	185
Leeton	760	803
Lightning Ridge	301	346
Lismore	3793	3989
Lithgow	1619	1592
Liverpool	12659	12212
Lockhart	0	0
Macksville	879	943
Maclean	659	721
Maitland	4753	4803
Manly	5185	5261
Milton	580	609
Moama	163	146
Moree	1784	1787
Moruya	347	356
Moss Vale	1300	1317
Mt Druitt	7714	7652
Mudgee	1265	1228

	<b>New General Criminal Matters</b>	<b>Finalised General Criminal Matters</b>
Mullumbimby	432	450
Mungindi	47	54
Murwillumbah	676	719
Muswellbrook	1800	1771
Narooma	361	372
Narrabri	610	621
Narrandera	393	432
Narromine	497	517
Newcastle	10053	10451
Newtown	4680	4630
North Sydney	0	21
Nowra	3789	3971
Nyngan	244	227
Oberon	91	90
Orange	2806	2852
Parkes	1464	1520
Parramatta	21138	20844
Peak Hill	70	71
Penrith	9990	10339
Picton	2634	2556
Port Kembla	3095	3168
Port Macquarie	4048	4111
Queanbeyan	2155	2180
Quirindi	281	275
Raymond Terrace	3504	3528
Ryde	5	6
Rylstone	78	88
Scone	453	462
Singleton	1413	1533

	New General Criminal Matters	Finalised General Criminal Matters
Sutherland	13203	13141
Sydney Downing Centre	27169	27590
Tamworth	4206	4310
Taree	107	134
Temora	212	200
Tenterfield	246	253
Toronto	3809	4026
Tumbarumba	62	56
Tumut	603	634
Tweed Heads	3946	3939
Wagga Wagga	5299	5424
Walcha	59	69
Walgett	942	1060
Warialda	50	54

	New General Criminal Matters	Finalised General Criminal Matters
Warren	229	251
Wauchope	238	244
Waverley	8189	8069
Wee Waa	125	128
Wellington	1080	1167
Wentworth	768	812
West Wyalong	271	268
Wilcannia	277	290
Windsor	2253	2286
Wollongong	8836	9022
Woy Woy	5	15
Wyong	8214	8873
Yass	484	486
Young	1008	1027
<b>TOTAL</b>	<b>346,930</b>	<b>351,852</b>





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