

Local Court of New South Wales Annual Review 2011



Local Court
of New South Wales



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Foreword by Chief Magistrate of New South Wales

It is with pleasure that I present the Local Court of New South Wales Annual Review for 2011.

The Local Court has continued to maintain as its foremost priority the provision of an accessible forum for the just and timely disposition of legal proceedings, notwithstanding ongoing resource constraints that have seen the number of judicial officers per head of population remain the lowest of any magistrates' court in the country for some years.

As in previous years, the Local Court performed strongly in the Productivity Commission's Report on Government Services, achieving the lowest criminal case backlogs in Australia. Clearance rates in the coronial jurisdiction improved markedly from the previous year, resulting in the Court also achieving the lowest level of backlog in those cases. The Court's performance in the past year is testament to the dedication displayed by its magistrates and staff on a daily basis. I thank them for their efforts.

Against the background of a diverse and voluminous caseload, the Local Court continues to explore the utilisation of technology to advance the efficiency of its case management processes and improve access to justice. Trials of two initiatives began in 2011 that in each case break new ground for Australian courts.

In February, the Court commenced the first use of an Online Court system in criminal proceedings in Australia. A pilot program was established at the Downing Centre for committal proceedings for legally represented defendants charged with indictable offences prosecuted by the Office of the Director of Public Prosecutions. The trial enables magistrates and legal practitioners to carry out the intermediate procedural steps taken in committal proceedings via a web-based message board system rather than requiring appearances in court.

After an initial 12-month period, the Online Court system received a largely positive response from users, with promising feedback received that the system enables a greater level of resource efficiency and flexibility for the parties. The Online Court pilot program has now been extended until

the end of 2012 to allow for a wider evaluation of its effectiveness and possible statewide extension to be conducted.

In September, the Local Court trialed the use of iPad technology by magistrates in court and in chambers, with support provided by the Department of Attorney General and Justice. The trial was an outstanding success. In 2012 an iPad will be provided to each magistrate in the State.

With a jurisdiction as large and complex as the Local Court's, there is an ongoing need for access to up-to-date legal information. Magistrates have traditionally used a range of hard copy legal resources to assist them. The iPad trial demonstrated the exciting possibility of revolutionising this area, enabling the efficient provision of the most current information in a quick and accessible form to magistrates across the State, including rural and remote areas. A move to even greater use of technology is expected to generate significant environmental and resource benefits as the need for paper based legal services diminishes.

Further benefits of mobile tablet technology were also explored in the course of the trial, such as the ability to use the devices to overcome technical difficulties often experienced in the courtroom, including incompatibility in the display of electronic evidence or limits in the facilities available to enable remote appearances. It is anticipated that in time, a transition to the iPad technology will also facilitate the development of solutions to issues such as these.

Before concluding, I wish to express a degree of caution. No organisation the size of the Local Court exists entirely in a world of positive outcomes. The court operates throughout the State, bringing access to justice to small rural communities as well as large centralised areas of population. The challenges of geography and caseload are often counterintuitive. Economies of scale arising at large court complexes, with a number of available magistrates operating on a cooperative basis, produce a greater capacity for managing large volumes of cases than a magistrate sitting alone in a small country town

where work volumes are lower. Notwithstanding the contrast, the role played by Local Courts, however constituted within the social equation, is of fundamental importance.

In an area where economic rationalism rules the beguiled, the needs, expectations and entitlement to the protective capacity of the law within communities becomes expendable. Difficult to measure in monetary terms, social capital is devalued or ignored for the sake of meeting arbitrarily determined budget bottom lines. An interminable catchcry "there is no funding" leads to decisions that avoid confronting the degradation of the justice system. These are easily made when they do not involve publicly noteworthy big picture projects. Such decisions are, of course, a matter for elected governments, not for Courts. However, in a free society it is unwise to let the consequences of expedience and timidity go unremarked.

When the resources of courts are driven down on the basis of "productivity dividends" – a poorly crafted mantra for budget cuts - then one of the fundamental building blocks of our society is at threat. I acknowledge choices in government during difficult economic times are not easy. However, as an observer of the justice system for over four decades, I believe the cracks in the current level of capacity within Local Court registries through years of failure to effectively articulate to government the long term cost of under funding may well lead to further deterioration in the capacity to maintain effective standards of support of the judiciary at the level of the Local Court.

When this comes to pass, mistakes rise, morale declines, service standards fall away and effectiveness becomes truncated. This is not an argument about salaries and remuneration but about capacity building. Without a reasoned investment in court support, the ability of the Magistracy to maintain its standards of excellence risk being compromised to the potential detriment of the community. The irony in the current period of decline is that the budgetary difference between risk of failure and a return to the high standard of performance in administrative support for the Magistracy is miniscule compared to the funds directed at other important responsibilities of the State.

Judge Graeme Henson
Chief Magistrate

1 An overview of the Local Court

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

Jurisdictions and divisions

The Local Court has broad criminal and civil jurisdictions.

The Court deals with the vast majority of summary and criminal prosecutions in New South Wales, including the summary hearing of particular indictable offences nominated under the *Criminal Procedure Act 1986*. The Court also conducts committal proceedings to determine whether or not indictable offences are to be committed to the District and Supreme Courts.

The Court also deals with numerous civil matters. The Small Claims Division deals with claims with a monetary value of up to \$10,000. The General Division deals with claims between the amounts of \$10,000 and \$100,000 (except in claims relating to personal injury or death, where a jurisdictional limit of \$60,000 applies).

As at 31 December 2011, there were 132 magistrates (124 full-time magistrates and 8 part-time) who preside at 150 locations throughout New South Wales.

Coronial jurisdiction

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

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

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

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

Industrial jurisdiction

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

The industrial jurisdiction deals with such matters as:

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

The Magistrates

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

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

In 2011, the judicial officers of the Court were as follows:

Chief Magistrate

His Honour Judge Graeme Leslie Henson

Deputy Chief Magistrates

Her Honour Magistrate Jane Ellen Mottley

Her Honour Magistrate Jane Ariane Culver

Her Honour Magistrate Mary Stella Jerram (State Coroner)

Chief Industrial Magistrate

His Honour Magistrate Gregory James Tulk Hart

Magistrates

His Honour Magistrate Darryl John Pearce

His Honour Magistrate Richard Peter Miszalski

His Honour Magistrate David Bruce Armati (until 4 October 2011)

His Honour Magistrate Christopher James Bone

His Honour Magistrate William Grenville Pierce

Her Honour Magistrate Dr Patricia O'Shane AM

His Honour Magistrate Ian Duncan McRae (until 7 January 2011)

His Honour Magistrate Wayne Henry Evans

His Honour Magistrate Jeffrey Alan Linden

His Honour Magistrate Bernard Joseph Kennedy (until 14 November 2011)

His Honour Magistrate Thomas Hugh Hodgson

Her Honour Magistrate Janet Christina Ruth Stevenson

His Honour Magistrate Malcolm Ian MacPherson

Her Honour Magistrate Daphne Anne Kok

His Honour Magistrate Geoffrey Edward Bradd

His Honour Magistrate Dennis Harvey Burdett

His Honour Magistrate Scott Mitchell

Her Honour Magistrate Carolyn Jane Barkell

His Honour Magistrate Allan Wilson Railton

His Honour Magistrate Dr Roger Alasdair Brown

Her Honour Magistrate Jennifer Ethel Betts

His Honour Magistrate Stephen Vaughan Jackson (until 7 January 2011)

His Honour Magistrate Douglas Raymond Dick

Her Honour Magistrate Judith Mary Fleming (until 11 February 2011)

His Honour Magistrate Shaughan McCosker

Her Honour Magistrate Sharron Maree Crews

His Honour Magistrate Hugh Christopher Bryant Dillon

Her Honour Magistrate Julie Anne Huber

His Honour Magistrate Michael Stoddart

His Honour Magistrate Brian Vincent Maloney

Her Honour Magistrate Jacqueline Mary Milledge

Her Honour Magistrate Lee Anne Gilmour

Her Honour Magistrate Janet Wahlquist

Her Honour Magistrate Jennifer Anne Giles

His Honour Magistrate Christopher Longley

His Honour Magistrate Anthony Kevin Murray

His Honour Magistrate Garry James Still

His Honour Magistrate William John Brydon

Her Honour Magistrate Christine Mary Haskett

Her Honour Magistrate Jayeann Carney

His Honour Magistrate Robert Scott Rabbidge

His Honour Magistrate David Michael Heilpern

Her Honour Magistrate Beverley Anne Schurr

His Honour Magistrate Roger David Prowse

Her Honour Magistrate Suzanne Gaye Seagrave

Her Honour Magistrate Eve Wynhausen

His Honour Magistrate Ian James Guy

His Honour Magistrate Daniel Reiss

Her Honour Magistrate Joanne Keogh

His Honour Magistrate Paul Raymond Mulroney

His Honour Magistrate Terence Timothy Lucas

His Honour Magistrate Terence Murphy PSM

Her Honour Magistrate Elaine Truscott

Her Honour Magistrate Paula Mary Russell

Her Honour Magistrate Helen Gay Barry

Her Honour Magistrate Carmel Ann Forbes

Her Honour Magistrate Georgia Knight	His Honour Magistrate Geoffrey James Dunlevy
Her Honour Magistrate Lisa Veronica Stapleton	Her Honour Magistrate Sharon Lee Holdsworth
His Honour Magistrate Robert Allen Walker	His Honour Magistrate Michael John Connell
Her Honour Magistrate Margaret Quinn PSM	His Honour Magistrate Geoffrey Graeme Hiatt
His Honour Magistrate John Andrews	His Honour Magistrate Brian van Zuylen
His Honour Magistrate Howard Charles Hamilton	His Honour Magistrate Peter Bugden
His Honour Magistrate Anthony Joseph Marsden	Her Honour Magistrate Margot Gai Stubbs
His Honour Magistrate James Coombs	His Honour Magistrate Michael Gary Dakin
Her Honour Magistrate Fiona Toose	His Honour Magistrate Roger James Clisdell
His Honour Magistrate Graeme Curran	Her Honour Magistrate Michelle Norma Goodwin
Her Honour Magistrate Joan Margaret Baptie	His Honour Magistrate Stephen Corry
Her Honour Magistrate Elizabeth Anne Ellis	Her Honour Magistrate Susan McIntyre
Her Honour Magistrate Clare Farnan	His Honour Magistrate Michael Gerard Allen
Her Honour Magistrate Nancy Louise Hennessy	Her Honour Magistrate Elizabeth Ryan
Her Honour Magistrate Dorelle Pinch	His Honour Magistrate Glenn Walsh
His Honour Magistrate Paul Anthony MacMahon	Her Honour Magistrate Ellen Skinner
His Honour Magistrate Jeffrey Raymond Hogg	His Honour Magistrate Mark Buscombe
His Honour Magistrate Ronald John Maiden	His Honour Magistrate Ian Cheetham
His Honour Magistrate Michael North Holmes	His Honour Magistrate John Chicken
His Honour Magistrate Gordon Bruce Lerve	His Honour Magistrate Albert Sbrizzi
Her Honour Magistrate Vivien Margaret Swain	His Honour Magistrate Bruce Williams
His Honour Magistrate Graham Thomas Blewitt AM	Her Honour Magistrate Susan McGowan
His Honour Magistrate Peter Sampson Dare SC	Her Honour Magistrate Teresa O'Sullivan
His Honour Magistrate Timothy Bernard Keady	His Honour Magistrate Gregory Groggin
Her Honour Magistrate Annette Christine Sinclair	Her Honour Magistrate Sue Duncombe
Her Honour Magistrate Geraldine Beattie	Her Honour Magistrate Estelle Hawdon
Her Honour Magistrate Robyn Eva Denes	His Honour Magistrate Alexander Mijovich
Her Honour Magistrate Sharon Claire Freund	Her Honour Magistrate Harriet Grahame
Her Honour Magistrate Jacqueline Maree Trad	His Honour Magistrate David Degnan
His Honour Magistrate Glenn James Bartley	His Honour Magistrate Andrew Eckhold
His Honour Magistrate Antony Edward Townsden	Her Honour Magistrate Jennifer Atkinson
His Honour Magistrate Leslie William Mabbutt	Her Honour Magistrate Megan Greenwood
His Honour Magistrate John Daniel Favretto	His Honour Magistrate Caleb Franklin
Her Honour Magistrate Dr Gabriel Catherine Fleming	His Honour Magistrate David Day
Her Honour Magistrate Alison Mary Viney	His Honour Magistrate Michael Antrum
His Honour Magistrate Christopher Gerard O'Brien	His Honour Magistrate Theo Tsavdaridis
His Honour Magistrate Mark Richardson	Her Honour Magistrate Margaret Mary McGlynn
His Honour Magistrate Robert Hilary Williams	Her Honour Magistrate Louise McManus
	His Honour Magistrate Shane McAnulty
	Her Honour Magistrate Mary Ryan

Judicial appointments in 2011

Michael Antrum

After beginning his career as a journalist, Mr Antrum spent 16 years practising law in Sydney, the Blue Mountains, Dubbo and Narrabri.

Mr Antrum served as the Director and Principal Solicitor of the National Children's and Youth Law Centre from 1997 until 1999. During that period he established the Lawstuff website (www.lawstuff.org.au) which provides young people with information about their legal rights and obligations in every Australian state and territory.

In the four years immediately prior to his appointment, Mr Antrum served as the General Counsel of the NSW Police Force. He has also worked as Counsel for the University of Western Sydney and as an arbitrator at the Workers Compensation Commission. He is a reserve officer with the Australian Army Legal Corps.

Mr Antrum was sworn in as a Magistrate of the Local Court on 17 January 2011.

Theo Tsavdaridis

Before his appointment to the bench of the Local Court, Mr Tsavdaridis practised law for 13 years, primarily in criminal, business and property law as well as commercial and corporate litigation.

Mr Tsavdaridis was a member of the Professional Conduct Committee and the Fidelity Fund Management Committee and was elected to the Council of the Law Society of NSW in 2010. Whilst in practice, he also participated in a pro-bono duty solicitor scheme, representing disadvantaged defendants at Newtown Local Court.

Mr Tsavdaridis was sworn in as a Magistrate of the Local Court on 17 January 2011.

Margaret McGlynn

Prior to her appointment as a Part-time Magistrate, Ms McGlynn worked for the Office of the Director of Public Prosecutions (ODPP) for the majority of her career, serving in the:

- Child Sexual Assault Unit;
- General Prosecutions Unit;

- Special Crimes Unit, which prosecutes all state criminal charges against members of the NSW Police Force as well as other sensitive matters; and,
- Advising Unit, which is responsible for Supreme Court and Court of Appeal litigation arising from Local and District Court determinations.

Ms McGlynn, who holds a Bachelor of Arts and a Graduate Law degree from the University of NSW, has also worked as an Associate to a District Court Judge, a solicitor at a major law firm and a lecturer at the College of Law.

Ms McGlynn was sworn in as a Part-time Magistrate of the Local Court on 7 February 2011.

Louise McManus

Ms McManus holds a Bachelor of Laws and a Bachelor of Arts. She has also obtained a Master of Philosophy in Criminology from the University of Cambridge.

Upon becoming a barrister in 1999, Ms McManus practised primarily in the criminal jurisdiction and appeared in jury trials for the prosecution and the defence. She has represented various parties before the Health Care Complaints Commission, Coroner's Court, Independent Commission Against Corruption, the Police Integrity Commission and the Special Commission of Inquiry into the Waterfall Rail Accident.

In 20 years as a legal practitioner, Ms McManus also conducted investigations for employers into bullying and harassment in the workplace, was a Member of the Social Security Appeals Tribunal and worked as a senior legal officer for the Commonwealth Director of Public Prosecutions and the National Crime Authority.

Ms McManus was sworn in as a Part-time Magistrate of the Local Court on 7 February 2011.

Shane McAnulty

Mr McAnulty completed a Bachelor of Laws degree from the University of Technology Sydney in 1989 and was admitted to the Bar in 1990.

Prior to his admission to the Bar, Mr McAnulty worked in the New South Wales Police Force and the Corporate Affairs Commission anti-fraud taskforce that examined the collapse of several merchant banks.

For the 20 years prior to his appointment as a Magistrate, Mr McAnulty practised primarily in criminal law in the District Court and the Local Court. He also appeared in a range of civil cases including matters before the Land and Environment Court, the Industrial Relations Commission and the Administrative Decisions Tribunal.

Mr McAnulty was sworn in as a Magistrate of the Local Court on 14 February 2011.

Mary Ryan

In the course of her legal career, Ms Ryan was the solicitor in charge of the Legal Aid Commission's Dubbo regional office and has worked for the Commission at Penrith, Mt Druitt and Manly.

Ms Ryan has also held positions at the Western Aboriginal Legal Service at Walgett and Bourke and the North Australian Aboriginal Justice Agency in the Northern Territory.

Ms Ryan was sworn in as a Magistrate of the Local Court on 28 February 2011.

Judicial retirements and resignations during 2011

His Honour Magistrate Stephen Vaughan Jackson (retired 7 January 2011)

His Honour Magistrate Ian Duncan McRae (retired 7 January 2011)

Her Honour Magistrate Judith Mary Fleming (retired 11 February 2011)

His Honour Magistrate David Bruce Armati (retired 4 October 2011)

His Honour Magistrate Bernard Joseph Kennedy (retired 14 November 2011)

Magistrate appointed to the District Court

His Honour Magistrate Gordon Lerve was appointed as an Acting Judge of the District Court on 19 September 2011. He has since been appointed a Judge of the District Court and was sworn in on 1 June 2012.

Acting Magistrates in 2011

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

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

Acting Magistrates in 2011 were:

Mr Robert Joseph Abood

Mr Peter Frederick Ashton

Mr John Anthony Bailey

Mr Leslie Brennan

Mr Gary John Cocks

Ms Elizabeth Corbett

Mr John Ormonde Crawford

Mr Colin Alan Elliott

Mr Kevin Charles Flack

Mr Andrew John Benson George

Mr Stephen Vaughan Jackson (from 28 June 2011)

Mr Graham Johnson

Mr Brian Anthony Lulham

Mr Paul Lyon

Ms Gail Frances Madgwick

Mr Michael Joseph Mahony

Mr John McIntosh

Mr Ian Duncan McRae (from 1 February 2011)

Mr Christopher McRobert

Mr Carl Milovanovich

Chief Magistrate's Executive Office

Mr Allan Darroll Moore (from 1 February 2011)
Mr Michael Morahan
Mr David Patrick O'Connor
Mr Michael Kevin Price
Mr Mark Robert Shepherd
Mr Anthony Alfred Spence (from 13 July 2011)
Mr George Zdenkowski

Small Claims assessors in 2011

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

Small Claims assessors in 2011 were:

Ms Danae Harvey
Ms Janice Connelly
Mr Stephen Olischlager

In 2011, the Executive Office consisted of seven staff:

Executive Officer

Jacinta Haywood/Ann Lambino

Policy Officer

Alison Passé-de Silva

Listing and Rostering Co-ordinator

Helena Potter

Courts Co-ordinator

Phillip Sutor

Executive Assistant to the Chief Magistrate

Theresa Lamp

Judicial Support Officer

Linda Lalin

Administrative Assistant

Lance Andrews

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

The work of the Local Court registries

management and co-ordination of the Downing Centre and Central Local Courts, the largest Local Court complex in the State.

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

Further information about the NSW Local Court can be found on the Local Court website on Lawlink, at <http://www.localcourt.lawlink.nsw.gov.au/localcourts/index.html>

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 therefore, it falls upon registry staff to explain the various court processes in a manner that is easily understood.

Registrars

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

The work of the registrar includes:

- Conduct of call-overs in both the civil and criminal jurisdiction;
- Conduct of pre-trial reviews in civil claims and small claims hearings;
- Issuing of search warrants;
- Determining various applications and motions in all jurisdictions;
- Management and supervision of the Court Registry;
- Swearing in of Justices of the Peace; and
- Limited responsibilities in relation to Births, Deaths and Marriages.

2 Court operations during 2011

- Criminal jurisdiction
- Civil jurisdiction
- Coronial jurisdiction
- Industrial jurisdiction

Criminal jurisdiction

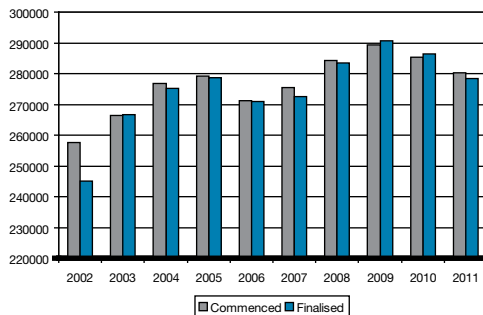
Criminal matters in 2011

Between 1 January 2011 and 31 December 2011:

- 280,307 criminal matters were commenced in the Local Court, representing a decrease of 2.76% from the previous year.
- 278,506 criminal matters were finalised, giving a clearance ratio for the period of 99.36%.

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

Criminal matters commenced and finalised



Although there has been a small drop in its recorded criminal caseload in 2010 and 2011, the Local Court remains one of the busiest in Australia.

In the 2010/11 financial year, the Court had the highest recorded criminal caseload in the Productivity Commission's annual Report on Government Services, which measures performance across the Commonwealth. For the eighth consecutive year, the Local Court of NSW outperformed other states and territories in the criminal jurisdiction, recording the lowest level of case backlogs across Australia's magistrates courts,¹ despite having the equal lowest number of magistrates per 100,000 people of a magistrates' court in the country.²

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 2011:

- 94.68% of matters were completed within 6 months of commencement.
- 98.92% of matters were completed within 12 months of commencement.

Developments in 2011

Online Court

February 2011 saw the commencement of a 12-month trial of an Online Court for the preliminary stages of committal proceedings involving legally represented defendants, marking the first use of an online court for criminal proceedings in Australia.

To facilitate the Online Court trial, the Parliament passed an amendment to s 56(3) of the *Criminal Procedure Act 1986* and the Attorney General issued an order under the *Electronic Transactions Act 2000*. These allow the procedural steps in the committal process to be conducted 'in the absence of the public' but provide for the right of a member of the public to obtain a printed copy of online court proceedings.

The practice and procedure regulating parties' conduct in online court proceedings is set out in Local Court Practice Note 1 of 2011. The Online Court can be used for uncontested matters including:

- Brief service orders
- The fixing of timetables
- Continuance of bail
- Bail variation applications by consent

The Online Court is not used to hear or determine contested matters. If an issue in an Online Court matter is the subject of dispute, it is removed to a physical courtroom for determination in the ordinary manner.

Once all procedural steps have been completed, the Online Court is concluded and the matter is returned to the physical courtroom to enable it to

¹ Productivity Commission, *Report on Government Services 2012* at 7.34 (Table 7.12)

² Above note 1 at 7.28 (Table 7.11)

be set down for hearing of a contested s 91/93 application, committal hearing, paper committal or waiver of committal, or such other steps as appropriate.

Domestic and personal violence

Final domestic violence orders increased from 21,744 in 2010 to 23,330 in 2011. Final personal violence orders decreased slightly from 6,514 in 2010 to 6,176 in 2011.

Apprehended Violence Statistics 2011

Domestic Violence

Lodgements

Provisional Orders	18,311
Application notices	14,119
Application variation/revocation	2,973
Total lodgements	35,403

Finalisations

Final Orders made	23,330
Complaints withdrawn/dismissed	10,180
Complaints dismissed after hearing	531
Application not served	330
Orders varied/revoked	2,546
Application to vary/revoke withdrawn/dismissed	506
Total finalisations	37,423

Personal Violence

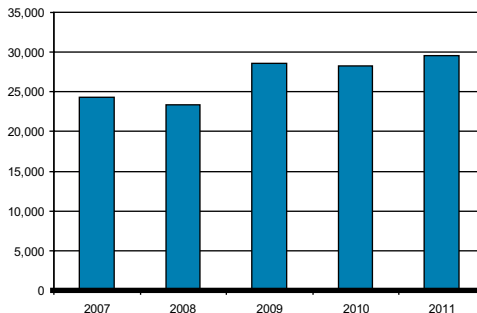
Lodgements

Provisional Orders	2,742
Application notices	8,021
Application variation/revocation	359
Total lodgements	11,122

Finalisations

Final Orders made by Court	6,176
Complaints withdrawn/dismissed	4,775
Complaints dismissed after hearing	181
Application not served	195
Orders varied/revoked	252
Application to vary/revoke withdrawn/dismissed	77
Total finalisations	11,656

Final domestic and personal violence orders



Due to source differences, no direct comparison can be made between figures for 2009-2011 and previous years.

The Local Court acknowledges the important work of, and the assistance the Court received in 2011 from:

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

Domestic Violence Intervention Court Model

The Domestic Violence Intervention Court Model (DVICM) continued to operate in the Local Court during 2011 at two locations, Wagga Wagga and Campbelltown. The DVICM aims to apply good practice in the criminal justice process for domestic violence matters and improve the coordination of services to victims and defendants.

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

Civil jurisdiction

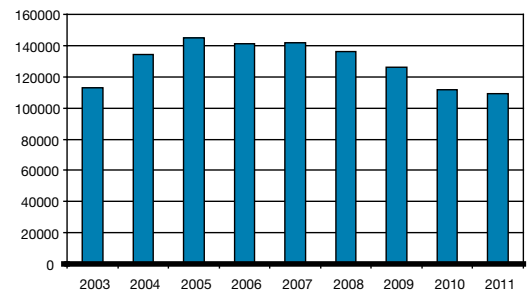
After reporting on an initial evaluation of the DVICM in 2008, in January 2012 the NSW Bureau of Crime Statistics and Research (BOCSAR) released the results of a follow-up study that sought to examine whether domestic violence police and court outcomes have changed since the commencement of the model.³ In relation to court outcomes, the report found:

- There was little evidence that the DVICM affected the proportion of defendants pleading guilty, the number of matters resulting in a dismissal, or the penalties being imposed for domestic violence offences;
- However, clear improvements in reducing court delay were observed, which coincided with the state-wide roll-out of Local Court Practice Notes regulating the procedure for summary matters involving domestic violence offences.

Civil matters in 2011

In the period 1 January 2011 to 31 December 2011, 109,323 civil actions were commenced in the Local Court, of which 88,246 were commenced in the Small Claims Division. 106,346 matters were finalised. Total civil filings decreased from 111,642 in 2010.

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.

Following the transition to the JusticeLink case management system in June 2010, data in relation to the timeliness of finalisation of civil matters was not available in 2010 and remains unavailable.

However, it can be reported that in 2011:

- In the Small Claims Division – 96% of matters were finalised within 12 months; and
- In the General Division – 94% of matters were finalised within 12 months.

Developments in 2011

New Practice Note

A new Practice Note for the civil jurisdiction, Practice Note Civ 1, was issued by the Chief Magistrate in March 2011. The Practice Note consolidated and replaced multiple existing practice notes with the aim of providing a 'one stop shop' for legal practitioners and members of the public in relation to the practice and procedure that applies in the Local Court's civil jurisdiction.

³ *Crime and Justice Bulletin No. 155 (January 2012), The Domestic Violence Intervention Court Model: A follow-up study*

Coronial jurisdiction

Her Honour Magistrate Mary Jerram is appointed as the State Coroner.

In 2011, the Deputy State Coroners were:

- Magistrate Scott Mitchell
- Magistrate Hugh Dillon
- Magistrate Paul MacMahon
- Magistrate Sharon Freund
- Magistrate Carmel Forbes
- Magistrate Mark Buscombe (Newcastle)
- Magistrate Ian Guy (Wollongong)
- Magistrate Malcolm MacPherson (regional)

Magistrates Forbes and Freund are part-time magistrates who share the position of Deputy State Coroner on a week-on, week-off basis.

Reduction of delays in coronial jurisdiction

The NSW coronial jurisdiction has achieved the second highest clearance rate as well as the lowest backlog of cases nationally for 2011.

Two main goals of the State Coroner since her appointment have been to reduce the backlog of outstanding matters and continue to implement better ways to manage the coronial caseload. As testament to these changes, nearly one thousand more matters were finalised in 2011 than in 2010. In 2010/11, the coronial jurisdiction achieved a clearance rate of nearly 109% compared to 97% in 2009/10.

Lectures, talks and conferences

During 2011, the State Coroner and some Deputy State Coroners presented numerous lectures and papers to various stakeholders and groups including:

- the NSW Bar Association
- the NSW Law Society
- Barristers Chambers
- the NSW Police Academy
- Forensic Odontologists Course
- NSW Fire Services
- Forensic Sciences Conference
- NSW Nurses
- NSW Health
- the Asia Pacific Coroners Annual Conference
- the College of Law

The State Coroner and three Deputy State Coroners attended the Asia Pacific Coroners Annual Conference, which was hosted by Queensland in 2011. Magistrate Dillon presented a paper at the conference and Mr Maurice Taylor, Co-ordinator of the Coronial Information & Support Unit, was the guest speaker at the conference dinner.

In 2012, the conference will be hosted by NSW and held in Sydney in November. The theme of the conference is 'Silent Witness; the place of the coronial system in a civilised society'.

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

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

During 2011, 29 deaths were reported pursuant to the requirement of section 23. This is a decrease from the number of deaths reported in 2010, when 41 such deaths were reported.

Children in care or disability deaths

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

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

- deaths of persons who are in a target group within the meaning of the *Disability Services Act 1993* and receive from a service provider, assistance to enable independent living in the community.

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

In 2011, 265 such deaths were reported to the State Coroner, compared to 187 in 2010.

Completion of cases

The State Coroner has a statutory obligation to ensure all deaths, fires and explosions are properly investigated. The State Coroner should also ensure that this is accomplished in a timely manner. A continuing factor impacting on the timely disposition of cases, particularly at Glebe, has been delays by the Department of Forensic Medicine (DOFM) to finalise post mortem reports. The State Coroner met with the new Director General of Health about this issue in 2011.

The DOFM's response continues to be that a critical shortage of Forensic Pathologists has affected severely the ability of Glebe DOFM to deliver timely reports following post mortems. The State Coroner has acknowledged the efforts of the DOFM in 2011 in reducing the backlog of outstanding reports and improving expediency in the completion of reports. The State Coroner is still concerned that delays are not within acceptable time frames and will continue to monitor the timeliness of the reports.

State Coroners Court Premises

The State Coroners Court only has available 2 courts to cater for 5 magistrates, which presents constant logistical difficulties. The coroners continue to use a courtroom at the Parramatta Local Court complex as a third Coroners Court.

Any new possible facility at Lidcombe is still some years from fruition. Therefore, planning has commenced to relocate the State Coroners Court to the Industrial Relations Commission at 50 Phillip St, Sydney. It is hoped that this will occur in late 2012 and resolve the crowded and cramped conditions currently being experienced at Glebe.

JusticeLink

In December 2011, JusticeLink was rolled out to the NSW coronial jurisdiction.

Unlike interstate coronial courts such as Queensland and Victoria, the NSW coronial jurisdiction has previously lacked an electronic file management system that efficiently provides the State Coroner with an overview of the caseload of coroners or enables the progress of individual matters to be tracked.

Full-time coroners carry heavy administrative loads. Much of their work is similar to that of litigation practitioners and is conducted in chambers, including the preparation of inquests; reading of briefs of evidence; provision of reasons for dispensing with inquests and written findings; and the drafting of correspondence.

Individual coroners have not previously had computerised file management tools, significantly impeding their efficiency in managing their individual caseloads.

While it is too soon to report on the efficacy of JusticeLink as a file management tool for individual coroners, it is hoped that it will have a positive impact on both their file and caseload management.

Domestic Violence Death Review Team

On 16 July 2010 the *Coroners Amendment (Domestic Violence Death Review Team) Act 2010* commenced, amending the *Coroners Act 2009* by inserting Chapter 9A and thereby establishing the Domestic Violence Death Review Team.

The Team is convened by the NSW State Coroner and is constituted by representatives from 11 key government stakeholders, including law enforcement, justice, health and social services, as well as four representatives from non-government agencies. The Team's secretariat is made up by the Manager (Ms Anna Butler), a Research Analyst (Ms Emma Buxton), and an administrative assistant (Ms Donna Schriever).

The Team's overarching objective is to reduce the incidence of domestic violence deaths and facilitate improvements in systems and services.

The core functions of the Team are to:

- review and analyse individual closed cases of domestic violence deaths;
- establish and maintain a database so as to identify patterns and trends relating to such deaths; and
- develop recommendations and undertake research that aims to prevent or reduce the likelihood of such deaths.

The Team met for the first time in March 2011 and has reviewed 17 cases to date. The Team's first Annual Report was tabled in Parliament in November 2011. The Team is developing its database with preliminary data testing to commence in early 2012.

Coroner's Court Statistics 2011

	2009	2010	2011
Deaths reported			
Glebe:	3611	3068	3128
Westmead:	N/A	N/A	N/A
Other State-wide:	2632	2380	2566
Total:	6243	5448	5694
Inquests dispensed with*			
Glebe:	2275	3045	3805
Westmead:	N/A	N/A	N/A
Other State-wide:	1904	1940	2134
Total:	4179	4985	5939
Inquests conducted			
Glebe:	94	150**	215**
Westmead:	N/A	N/A	N/A
Other State-wide:	41	46	75
Total:	165	196	290

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

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

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

Fires

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

Industrial jurisdiction

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

Case Load

There has been a decline in the number of prosecutions brought in this jurisdiction. Relevant factors have been the election by WorkCover New South Wales to bring *Occupational Health and Safety Act* prosecutions in the Industrial Court of New South Wales, as well as a reduction in enforcement prosecutions brought by the Office of Industrial Relations.

WorkCover has continued to prosecute breaches of Workers Compensation legislation in the Court, with 94 listings during 2011. *Industrial Relations Act* prosecutions were reduced to 31 matters.

Civil matters remained relatively constant with 178 new matters, of which 135 were under the Federal legislation and only 43 under New South Wales legislation. This continues the trend of recent years.

These statistics relate only to Sydney listings and do not include sittings of the Court in Newcastle.

Legislative change

During 2011, the *Occupational Health and Safety Act* was repealed and replaced by the *Work Health and Safety Act 2011*. The new legislation became operative on 1 January 2012. Prosecutions for breaches may be brought in the District Court or the Local Court.

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

- Diversionary programs
- Technology in the Local Court

Diversions programs

Magistrate's Early Referral Into Treatment Program

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

The MERIT program is designed to allow defendants to focus on treating drug problems independently from their legal matters.

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

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

During 2011 the program was available in 65 Local Courts, within all of the State's Area Health Services. 3,311 defendants were referred to MERIT and 1,988 were accepted, with 1,024 successfully completing the program.

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

Evaluations of MERIT have been consistently positive. In 2009, the NSW Bureau of Crime Statistics and Research found that completing

the MERIT program significantly reduced the number of defendants committing any type of offence by an estimated 12 percent.⁴

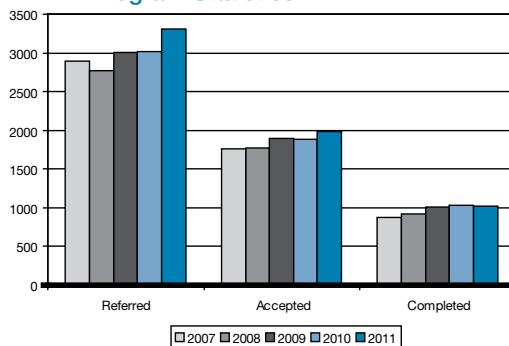
Alcohol MERIT

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

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

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

MERIT Program Statistics



Note that the annual number of program completions is not proportional to the annual number of program referrals.

The MERIT program is of 3 months duration. Some persons referred to the program after September 2011 will still be on the program at 31 December 2011, and therefore not accounted for in the completion figures. Similarly, the completion figures include persons who commenced MERIT from September to December 2010 and completed their contact with the program in 2011.

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

Circle Sentencing (Circle Courts)

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

As set out in clause 35 of the Criminal Procedure Regulation 2010, the aims of Circle Sentencing are:

- to include members of Aboriginal communities in the sentencing process,
- to increase the confidence of Aboriginal communities in the sentencing process,
- to reduce barriers between Aboriginal communities and the courts,
- to provide more appropriate sentencing options for Aboriginal offenders,
- to provide effective support to victims of offences by Aboriginal offenders,
- to provide for the greater participation of Aboriginal offenders and their victims in the sentencing process,
- to increase the awareness of Aboriginal offenders of the consequences of their offences on their victims and the Aboriginal communities to which they belong,
- to reduce recidivism in Aboriginal communities.

In 2011, Circle Sentencing was established in Blacktown. It also continued to be available in the following communities:

- Armidale
- Bourke
- Brewarrina
- Dubbo
- Kempsey
- Lismore
- Moree
- Nambucca Valley
- Nowra
- Mt Druitt
- Walgett

A total of 117 Circle Sentencing matters were finalised in 2011.

Forum Sentencing

The Forum Sentencing program is managed by the Crime Prevention Division of the Department of Attorney General and Justice. It currently operates at 37 Local Court locations across the State, having expanded to 18 additional court locations in 2011.

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

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

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

New locations in 2011 were:

- Ballina
- Bankstown
- Bellingen
- Casino
- Central
- Coffs Harbour
- Downing Centre
- Grafton
- Kogarah
- Kyogle
- Lismore
- Macksville
- Maclean
- Parramatta
- Raymond Terrace
- Ryde
- Sutherland
- Waverley

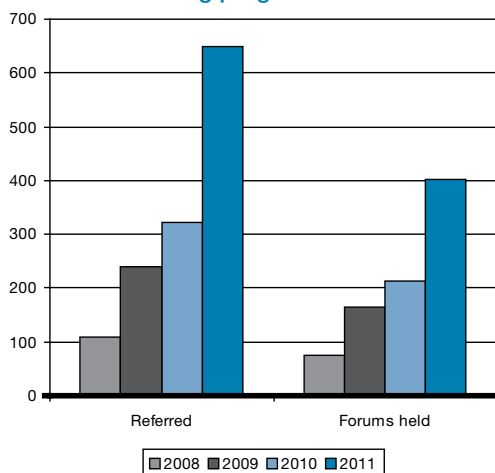
Forum Sentencing also continued to operate at:

- Liverpool
- Tweed Heads
- Byron Bay
- Murwillumbah
- Mullumbimby
- Campbelltown
- Newcastle
- Toronto
- Woy Woy
- Fairfield
- Camden
- Picton
- Moss Vale
- Burwood
- Newtown
- Balmain
- Belmont
- Gosford
- Wyong

Expansion to all Local Court locations is being staged over the next few years.

In 2011, 650 offenders were referred to the program and 401 forums took place.

Forum Sentencing program statistics



Mental Health Liaison Service

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

The Mental Health Liaison Service continued in 2011, operating in 20 Local Court locations.

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

In the 2010/11 financial year, 12,887 people were screened for mental health problems in court cells. Of this number, 2,066 received a comprehensive mental health assessment, of which 1,639 were found to have a mental illness.⁵

Traffic Offender Intervention Program

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

Although Traffic Offender Programs were historically the product of ad hoc local arrangements, Part 8 of the Regulations made pursuant to the *Criminal Procedure Act 1986* now provides for the referral of offenders to the Traffic Offender Intervention Program.

⁵ Figures obtained from Justice Health

Magistrates commenced referring defendants on 28 March 2008.

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

Unfortunately, at the time of reporting, data for 2011 was not available. It is hoped that this information will be available for reporting in 2012.

Court Referral of Eligible Defendants Into Treatment

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

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

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

Program operation in 2011

For the period 1 January 2011 until 31 December 2011:

- 375 referrals were made to the program at Burwood and Tamworth.
- Of the referrals, 257 defendants met CREDIT's eligibility criteria and entered the program.
- 352 assessments were undertaken.
- 203 case management plans were agreed upon and signed by the participant and CREDIT officer.
- 159 participants successfully completed their case management plan.

BOCSAR evaluation

The Bureau of Crime Statistics and Research (BOCSAR) was commissioned to conduct an evaluation of the Court Referral of Eligible Defendants into Treatment (CREDIT) program after the two-year trial period (24 August 2009 – 23 August 2011).

BOCSAR released the first of two reports evaluating the pilot program in February 2012.⁶ The report describes the key operating characteristics of the program (such as the number of CREDIT assessments and referrals) and the results of surveys designed to measure the degree of satisfaction felt by participants and key stakeholders with the CREDIT program.

Key findings of the report include:

- Over the two-year pilot period the CREDIT program received 719 referrals and conducted 637 assessments. A total of 451 defendants participated in the program.
- The average number of referrals to services per participant was 3.2 at Burwood and 2.4 at Tamworth. Most defendants who were referred for some form of treatment or support were accepted.
- The results of the interviews showed high levels of satisfaction among both stakeholders and program participants. The vast majority of participants (95.9%) reported that their life had changed by being on the CREDIT program.
- Both categories of respondents indicated a high level of satisfaction with CREDIT staff.
- While the overriding opinion of the program was positive and stakeholders suggested that it be implemented on a statewide basis, some improvements were recommended in order to facilitate beneficial outcomes for both program participants and the broader community. These include an enhancement of relevant services and clarification of the relationship between CREDIT and other court based programs.

The second report from BOCSAR will focus on the effectiveness of CREDIT in reducing the risk of re-offending. It is anticipated this report will be available in December 2012.

⁶ *Crime and Justice Bulletin No. 159 (February 2012), NSW Court Referral of Eligible Defendants into Treatment (CREDIT) pilot program: An evaluation*

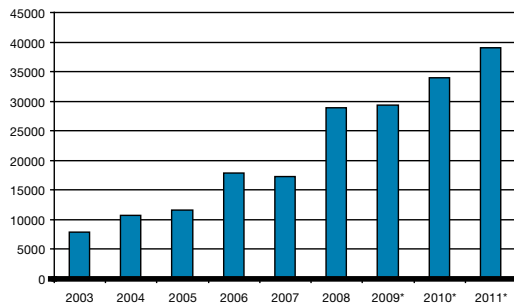
Technology in the Local Court

Audio Visual Link Technology (AVL)

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

In 2011, AVL was used to conduct over 39,000 appearances in the Local and Children's Courts. It is estimated that approximately 80% of those appearances were bail hearings.

Use of Audio Visual Link technology



* 2009-2011 figures indicate number of uses of AVL in the Local and Children's Courts, including bail hearings. Previous years' figures are indicative of number of uses of AVL for bail hearings in the Local and Children's Courts only.

In 2011, AVL facilities were available at 290 locations across the State, including the following Local Court locations:

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

CCTV – Remote Witnesses

Closed circuit television (CCTV) facilities have also been installed in 83 courts, allowing vulnerable witnesses to give evidence in sensitive matters such as sexual assault, from a remote location. This facility is highly utilised and provides some measure of comfort and security to victims of crime. In 2011, CCTV was used to allow 636 remote witnesses to give evidence and 62 protected witnesses to give evidence in the Local and Children's Courts.

Court lists online

The provision of online access to daily court lists for the Local Court 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 within Lawlink:

http://www.onlineregistry.lawlink.nsw.gov.au/onlineregistry/onlineregistry_index.html

Electronic lodgement – civil claims

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

Electronic lodgement – criminal processes

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

Local Court website

The Local Court website on Lawlink provides access information including Local Court Practice Notes, as well as forms and fees. The website can be found at:

<http://www.localcourt.lawlink.nsw.gov.au/localcourts/index.html>

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

<http://caselaw.lawlink.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 designed to:

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

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

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

During 2011, magistrates received more focused and tailored training as a result of continuing efforts to meet their educational needs.

Conferences and Seminars

During 2011:

- Magistrates attended 829 days of face-to-face judicial education, an increase of 8% over 2010.
- All 5 newly appointed magistrates attended a pre-bench training session designed to familiarise them with Local Court practice and procedure.
- 11 magistrates attended the Magistrates' Orientation Program. This five-day residential program, which focuses on court craft and judicial skills for new magistrates, received a 97% satisfaction rating from participants.
- The Local Court Annual Conference was held over three days in June 2011 for all New South Wales magistrates. The program focused on practical and interactive sessions, which related directly to the daily work of magistrates. Topics included eyewitness memory and assessment of credibility, tackling depression, family law, ethics, updates on criminal and civil law, ageing and offending, and stress management.
- Smaller, interactive metropolitan and regional seminars were attended by all magistrates. These interactive sessions structured around discussion and peer-based learning facilitate the development of judicial knowledge and skills. Topics included RTA truck loading cases, sentencing, mental health issues, fines, discretionary and mandatory exclusions set out in the *Evidence Act*, common defences, appeals, and cyber crime.
- Magistrates also attended twilight seminars on topics including "Blood Alcohol Analysis", "Civil Law", and "The Power of Sorry"
- Continuing our focus on skills development, 6 magistrates attended a cross-jurisdictional judgment writing workshop. These interactive workshops help magistrates develop and refine the ability to write clear, concise, well-structured judgments. Over 40% of magistrates have now attended one of these workshops.

- Magistrates were enthusiastic participants in the Judicial Commission's 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 visit organised by the Judicial Commission to the Aboriginal communities at Balund-a and Lismore, and in the Exchanging Ideas Conference. This last conference was a two-day residential program, which provided an important opportunity for social and professional interaction between judicial officers and Aboriginal community members, and some insights into Aboriginal culture. The conference provided the context for Aboriginal incarceration, discussed problems in custody for Aboriginal prisoners, and canvassed strategies for effective post-custody supervision, rehabilitation, mentoring or diversion.
- The Court continued to work with the Judicial Commission to ensure the Local Court Bench Book was regularly updated by magistrates to reflect developments in the law and sentencing practice.

Magistrates who attended Exchanging Ideas Conference

Magistrate Michael Antrum
 Magistrate Jennifer Atkinson
 Magistrate Mark Buscombe
 Magistrate Jayeann Carney
 Magistrate Jim Coombs
 Magistrate Stephen Corry
 Magistrate Robyn Denes
 Magistrate Douglas Dick
 Magistrate Sue Duncombe
 Magistrate Andrew Eckhold
 Magistrate Clare Farnan
 Magistrate Gabriel Fleming
 Magistrate Greg Grogin
 Chief Industrial Magistrate Greg Hart
 Deputy Chief Magistrate Jane Mottley
 Magistrate Paul Mulronev
 Magistrate Chris O'Brien
 Magistrate Teresa O'Sullivan
 Magistrate Robert Rabbidge
 Magistrate Brian van Zuylen

Magistrates who attended Community Visit to Balund-a and Lismore

Magistrate Michael Antrum
 Magistrate Jennifer Atkinson
 Magistrate Doug Dick
 Magistrate Megan Greenwood
 Magistrate Peter Miszalski
 Magistrate Beverley Schurr

Legal education in the community and participation in external bodies

In 2011, magistrates continued to be involved in legal education, with a number of magistrates regularly volunteering their time to preside over College of Law practice hearings and pleas of mitigation.

Magistrates' activities in 2011 are summarised below:

His Honour Judge Graeme Leslie Henson, Chief Magistrate

Membership of legal, cultural or benevolent organisations:

Member, Uniform Rules Committee

Member, Australian Institute of Judicial Administration

Member, Judicial Conference of Australia

Member, University of Wollongong Faculty of Law Advisory Committee

Director, Uniting Aged Care Sydney North Regional Board

Speaking or other engagements:

Mar NSW Young Lawyers, 'Navigating the Local Court'

May, Oct Bar Association, Address to Bar Readers

Conferences:

Mar, Oct Council of Chief Magistrates

Judicial Conference of Australia Governing Council

Aug Supreme Court of NSW Annual Conference

Oct NJCA Leadership Conference

Her Honour Deputy Chief Magistrate Jane Ellen Mottley

Speaking or other engagements:

Apr Panel member, Mental Health Courts Symposium

Jun Speaker, Justice Health Court Liaison Annual Conference

Membership of legal, cultural or benevolent organisations:

Member, Ngarra Yura Committee

Member, Uniform Rules Committee

Member, Standing Advisory Committee on Judicial Education

Member, JusticeLink Steering Committee

Member, MERIT Steering Committee

Member, Court Information Act Committee

Chair, Marine Appeals Tribunal

Part-time Commissioner, NSW Law Reform Commission

Her Honour Magistrate Jane Ariane Culver

Speaking or other engagements:

Presenter, Senior Prosecutors courses

Membership of legal, cultural or benevolent organisations:

Member, Criminal Law Committee of the Law Society of NSW

Member, NSW Caselaw Governance Committee

Member, Standing Advisory Committee on Judicial Education

Member, John Maddison Tower/Downing Centre Building Committee

Member, AGD Libraries Committee

His Honour Magistrate Christopher James Bone

Speaking or other engagements:

Judge, Batemans Bay Apex Club primary school public speaking competition

His Honour Magistrate Malcolm Ian MacPherson

Speaking or other engagements:

Sep Narrabri Rotary Club, 'The Role of the Coroner'

Membership of legal, cultural or benevolent organisations:

Member, Tamworth Rural Fire Service Communications Brigade

Co-ordinator, Tamworth West Public School Breakfast Club

Volunteer, Tamworth Visitor Information Centre

Her Honour Magistrate Daphne Anne Kok

Speaking or other engagements:

Industrial Relations Commission Conference, 'Interpreters in Court'

Panel speaker/commentator, UNSW Open Forum, 'Interpreting Justice'

Conferences:

Oct Judicial Conference of Australia Annual Colloquium

Membership of legal, cultural or benevolent organisations:

Chairperson, University of Sydney Law Extension Committee

Electoral Arbiter, University of Sydney Union

His Honour Magistrate Roger David Prowse

Membership of legal, cultural or benevolent organisations:

Board member, New England Hockey

Member, Ex Services Hockey Club

Manager, Ex Services C grade "Red" team (2011 premiers and minor premiers)

Branch coach, New England Football Referees Association

Life member, New England Football Referees Association

His Honour Magistrate Paul Raymond Mulroney

Speaking Engagements:

May State Library of NSW, 'Young People and Crime: Hot Topics 72'

May University of Technology Sydney, 'Children's Law'

Oct Salvation Army, 'Effective Applications under s 32 *Mental Health (Forensic Provisions) Act*'

Membership of legal, cultural or benevolent organisations:

Chair, Habitat for Humanity New South Wales

Board member, Habitat for Humanity Australia Ltd

Elder and Church Councillor, Uniting Church Bondi Junction

Member, NSW Committee for Discipline, Uniting Church

Children's Court Advisory Committee

Children's Court Education Committee

Chair, Children's Law News Committee

Member, Advisory panel – review of the *Young Offenders Act* and *Children (Criminal Proceedings) Act*

His Honour Magistrate Terence Timothy Lucas

Membership of legal, cultural or benevolent organisations:

Chairman, Central West Defence Reserves Support Council

Member, Group 10 Rugby League Judiciary

Commissioned officer, Royal Australia Naval Reserve

His Honour Magistrate James Coombs

Membership of legal, cultural or benevolent organisations:

Treasurer, Guthrie House

Her Honour Magistrate Fiona Toose

Membership of legal, cultural or benevolent organisations:

President, Penrith Rowing Club

Member, NSW Rowing

Participant, FISA World Masters Rowing (Poznan, Poland)

His Honour Magistrate Gordon Bruce Lerve

Speaking and other engagements:

Riverina Law Society

Armidale Aboriginal Legal Service

Dubbo Aboriginal Legal Service

Sydney Office of the Director of Public Prosecutions solicitors conference

Membership of legal, cultural or benevolent organisations:

Officer, RAAF Specialist Reserve (Legal)

Reviewing Judge Advocate (appointed pursuant to s 154, *Defence Force Discipline Act 1982*)

His Honour Magistrate Graham Thomas Blewitt AM

Speaking and other engagements:

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

May Media interviews, ABC radio & television and TV3 (New Zealand), War crimes and the arrest of Ratko Mladic

Jul-Dec Mentor, Sydney University Law Society Careers Mentoring program

His Honour Magistrate Gregory Grogin

Membership of legal, cultural or benevolent organisations:

Senior instructor, Australian Advocacy Institute

Presenter, NSW Bar Association Reader's Course

Participant, Judiciary forum for junior barristers

Honorary Secretary, Newington College Council

His Honour Magistrate Andrew Eckhold

Speaking and other engagements:

Oct Address to government lawyers and ALS, 'Advocacy Basics'

Her Honour Magistrate Jennifer Atkinson

Membership of legal, cultural or benevolent organisations:

Member, Uniform Rules Committee

His Honour Magistrate Michael Antrum

Speaking and other engagements:

May Speaker, Toongabbie Community Legal Centre opening

Sep Presenter, University of Western Sydney 'Three Minute Thesis' competition

Appendices

- The Court's time standards
- The Court's committees
- 2011 Court by Court statistics

The Court's time standards

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

Local Court Criminal Time Standards

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

Local Court Civil Time Standards

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

Coroner's Time Standards

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

Chief Industrial Magistrate's Time Standards

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

The Court's committees

As at 31 December 2011, committee members were:

Local Court Rule Committee

Judge Graeme Henson, Chief Magistrate
Deputy Chief Magistrate Jane Mottley
Deputy Chief Magistrate Jane Culver
Magistrate Antony Townsden
Magistrate Jennifer Atkinson
Mr Marcel Savary, Legislation and Policy
Mr Stephen Olischlager, Local Court of NSW
Mr Janis Watson Wood, Office of the Director of Public Prosecutions
Mr Craig Cooke, Local Courts Administration
Mr Chris Joyce, Community representative
Ms Elizabeth Beilby, Bar Association
Mr Andrew Kostopoulos, Bar Association
Mr Phil Gibson, Criminal Law Committee of the Law Society
Mr Mark Hodges, Law and Practice Committee of the Law Society
Mr Brian Sandland, Legal Aid Commission

Local Court Education Committee

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

Statute Law Revision and Procedures Committee

Chair: Deputy Chief Magistrate Jane Mottley
Deputy Chief Magistrate Jane Culver
Secretary: Ms Alison Passé-de Silva, Policy Officer, Local Court of NSW

Strategic Planning Review Council

Chair: Judge Graeme Henson, Chief Magistrate
Secretary: Ms Jacinta Haywood, Executive Officer
Deputy Chief Magistrate Jane Mottley
Deputy Chief Magistrate Jane Culver
State Coroner, Deputy Chief Magistrate Mary Jerram
Chief Industrial Magistrate Gregory Hart
Magistrate Anthony Murray
Magistrate Jeffrey Linden
Magistrate Alan Railton
Magistrate Michael Stoddart

Terms and Conditions of Service Committee

Chair: Judge Graeme Henson, Chief Magistrate
Secretary: Ms Jacinta Haywood, Executive Officer
Members: Deputy Chief Magistrate Jane Mottley
Deputy Chief Magistrate Jane Culver
Ms Alison Passé-de Silva, Policy Officer, Local Court of NSW

Ethics Committee (Ad hoc)

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

Court Management and Technology Committee

Deputy Chief Magistrate Jane Mottley

Deputy Chief Magistrate Jane Culver

Magistrate Sharon Freund

Magistrate Michael Connell

Magistrate Geoff Hiatt

Magistrate Terence Lucas

Magistrate Vivien Swain

Asset Management Services Committee

Chair: Judge Graeme Henson, Chief Magistrate

Secretary: Ms Jacinta Haywood, Executive Officer

Members: Mr Kerry Marshall, Acting Director
Asset Management Services

Local Court Bench Book Committee

Chair: Deputy Chief Magistrate Jane Culver

Deputy Chief Magistrate Jane Mottley

Magistrate Joan Baptie

Ms Roslyn Cook, Judicial Commission of NSW

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

2011 Court by Court statistics

	New General Criminal Matters	Finalised General Criminal Matters
Albion Park	563	607
Albury	2,614	2,611
Armidale	1,298	1,356
Ballina	1,180	1,170
Balmain	2,025	1,992
Balranald	257	271
Bankstown	9,002	9,656
Batemans Bay	1,270	1,332
Bathurst	1,987	1,874
Bega	923	959
Bellingen	296	291
Belmont	2,246	2,325
Blacktown	7,158	7,466
Blayney	123	128
Boggabilla	166	167
Bombala	54	56
Bourke	859	827
Braidwood	0	0
Brewarrina	313	311
Broken Hill	1,628	1,677
Burwood	11,601	11,521
Byron Bay	1,240	1,269
Camden	1,445	1,428
Campbelltown	8,183	8,062
Casino	896	905
Central	7,837	6,838
Cessnock	1,364	1,396
Cobar	217	201
Coffs Harbour	2,690	2,570
Condobolin	287	277
Cooma	680	678
Coonabarabran	398	393

	New General Criminal Matters	Finalised General Criminal Matters
Coonamble	416	391
Cootamundra	578	543
Corowa	217	213
Cowra	684	676
Crookwell	50	49
Deniliquin	867	844
Dubbo	2,858	2,772
Dunedoo	91	93
Dungog	65	65
East Maitland	6	6
Eden	207	199
Fairfield	6,695	6,570
Finley	371	358
Forbes	534	538
Forster	1,475	1,441
Gilgandra	226	201
Glen Innes	385	368
Gloucester	89	88
Gosford	5,245	5,074
Goulburn	2,782	2,871
Grafton	1,359	1,359
Grenfell	15	16
Griffith	2,251	2,262
Gulgong	89	92
Gundagai	231	224
Gunnedah	705	705
Hay	260	230
Hillston	89	93
Holbrook	273	266
Hornsby	5,049	5,015
Inverell	986	984
Junee	118	119
Katoomba	1,470	1,414

	New General Criminal Matters	Finalised General Criminal Matters
Kempsey	1,459	1,486
Kiama	245	244
Kogarah	3,156	3,371
Kurri Kurri	943	923
Kyogle	172	193
Lake Cargelligo	124	131
Leeton	688	702
Lightning Ridge	264	271
Lismore	2,804	2,716
Lithgow	1,075	1,118
Liverpool	10,341	10,867
Lockhart	0	0
Macksville	705	747
Maclean	475	441
Maitland	3,354	3,214
Manilla	0	0
Manly	4,647	4,486
Milton	764	755
Moama	265	246
Moree	1,598	1,557
Moruya	441	513
Moss Vale	1,777	1,819
Moulamein	0	1
Mt Druitt	5,021	4,989
Mudgee	1,333	1,256
Mullumbimby	293	286
Mungindi	50	49
Murrurundi	0	0
Murwillumbah	839	924
Muswellbrook	1,100	1,236
Narooma	431	328
Narrabri	432	418
Narrandera	478	550

	New General Criminal Matters	Finalised General Criminal Matters
Narromine	333	285
Newcastle	6,820	6,835
Newtown	3,858	3,551
North Sydney	1,668	1,433
Nowra	2,681	2,828
Nyngan	488	173
Oberon	80	80
Orange	2,256	2,238
Parkes	1,004	925
Parramatta	16,006	16,227
Peak Hill	113	104
Penrith	8,373	7,900
Picton	530	521
Port Kembla	1,246	1,259
Port Macquarie	2,271	2,182
Queanbeyan	2,050	2,140
Quirindi	264	261
Raymond Terrace	2,102	2,085
Richmond	0	0
Ryde	2,415	2,476
Rylstone	125	137
Scone	305	316
Singleton	959	1,042
Sutherland	6,783	5,608
Sydney Downing Centre	23,135	22,985
Tamworth	3,003	3,027
Taree	2,638	2,606
Temora	202	219
Tenterfield	320	331
Toronto	2,801	2,783
Tumbarumba	53	55
Tumut	590	585

	New General Criminal Matters	Finalised General Criminal Matters
Tweed Heads	2,236	2,309
Wagga Wagga	3,518	3,529
Walcha	96	97
Walgett	834	823
Wallsend	1	1
Warialda	40	44
Warren	251	208
Wauchope	230	232
Waverley	5,552	6,578
Wee Waa	111	110
Wellington	661	542
Wentworth	749	734
West Wyalong	399	379
Wilcannia	321	343
Windsor	2,071	1,972
Wollongong	6,997	7,065
Woy Woy	1,229	1,236
Wyong	5,212	5,030
Yass	477	482
Young	1,040	1,005
TOTAL	280,307	278,506





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ISSN 1444-1020 (Print)

ISSN 1834-6839 (Online)