

Local Court of New South Wales
Annual Review 2009



Local Court
of New South Wales

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Foreword by Chief Magistrate of New South Wales

It is with pleasure that I present the Local Court Annual Review for 2009. The past year has been marked by the challenge of managing a diverse and increasing workload, which the Court has continued to meet with dedication and equanimity. It has once again performed strongly in the Productivity Commission's Report on Government Services, recording the lowest level of backlogs of any Magistrates' court in the country in its criminal jurisdiction. However, it would be near-sighted to focus upon that outcome without considering the paramount commitment of the Court to provide justice to those who appear before it. To this end, in 2009 the Court continued to embrace and implement a range of legislative changes as well as technological and diversionary measures.

On 6 July 2009, the *Local Court Act 2007* commenced. Although the Act largely re-enacts the provisions of the previous *Local Courts Act 1982* and the Court's jurisdictional limits remain the same, there have been some significant changes. The Act has replaced the 148 Local Courts that were separately constituted under the previous legislation with a single Local Court that sits in locations across the State. The move reflects a similar change in 1973 when the various District Courts of the State were unified into a single District Court sitting in different locations. It is anticipated that the creation of a single Local Court will have significant administrative benefits for parties to proceedings, who are now able to file documents and make enquiries about the status of their cases at any registry rather than at the particular Local Court registry at which the proceedings were commenced, as was previously the case.

A change was also made to the qualifications required for appointment as a Magistrate, with new appointees now required to have at least 5 years' standing as Australian lawyers. It has been a requirement that Magistrates be legally qualified since 1955.

A single Local Court Rule Committee for the making of rules in relation to criminal, civil and application proceedings has replaced the two committees that previously existed. The Committee is composed of the Chief Magistrate, at least one other Magistrate, a Court officer, and a representative from each of the Bar Association, Law Society, and Department of Justice and Attorney General. Where the Committee is making rules about civil proceedings, a representative of consumer groups is also to be included. Where rules about criminal or application proceedings are being made, representatives of the Director of Public Prosecutions and Legal Aid Commission are to be included.

Significant change has been effected in the Children's Court. In April 2009, the NSW Parliament passed the *Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009* in response to the Wood Special Commission of Inquiry into child protection in New South Wales. In his Report, the Hon. James Wood AO QC made extensive recommendations for reform in the child protection system, including modifications to the operations of the Children's Court. The new legislative provisions are being progressively proclaimed, with the first provisions having commenced on 1 June 2009.

On that date, Judge Mark Marien SC of the District Court was appointed as the first President to head the Children's Court, following the Wood Report's recommendation of such an appointment in order to "reflect the importance of the care and protection of children or young persons and the complexity of many of the cases heard in the jurisdiction." Judge Marien's oversight of the Children's Court follows several years of service by Magistrate Scott Mitchell as the former Senior Children's Magistrate.

The new legislation has adopted the Wood Report's recommendation of the appointment of sufficient specialist Children's Magistrates to ensure that the number of care and protection matters in rural and regional areas heard by non-specialist Magistrates is reduced. Specialist Children's Magistrates may be appointed by the Chief Magistrate in consultation with the President. 14 Magistrates will be sitting as Children's Magistrates, together with Judge Marien, in 2010.

In the coronial jurisdiction, the *Coroners Act 2009* was passed by the NSW Parliament in June 2009 and proclaimed on 1 January 2010. It elevates the State Coroner to the status of Deputy Chief

Magistrate of the Local Court. An overview of the operation of the coronial jurisdiction in 2009 and further discussion of changes to the coronial jurisdiction that will be implemented in 2010 following the proclamation of the new Act may be found in the section on the coronial jurisdiction in Part 2.

In the criminal jurisdiction, in August 2009, a pilot of a new diversionary scheme known as the Court Early Referral of Eligible Defendants Into Treatment (CREDIT) program commenced operating at the Local Court at Tamworth and Burwood. The program operates prior to a plea being entered and aims to provide defendants with access to a range of services, tailored to best assist an individual in his or her particular circumstances to address the issues that may have contributed to offending behaviour. It is hoped that the CREDIT program will prove a valuable addition to the suite of diversionary programs now operating within the Local Court.

From 1 July 2009, the Rural Alcohol Diversion program operating at the Local Court at Orange and Bathurst was merged into the Magistrates Early Referral Into Treatment (MERIT) program, which has been targeted at defendants with illicit drug use issues. The MERIT program at Manly was also expanded to enable referral of defendants who displayed a history of alcohol, rather than illicit drug, abuse. The potential for the growth of MERIT, which has shown increasing promise in reducing re-offending and improving health outcomes of defendants with substance abuse problems, to include defendants with alcohol problems, is an exciting prospect for the Court.

The Court has also maintained its commitment to pursuing constructive and positive outcomes for indigenous members of the community who appear before it. In 2009, Circle Sentencing – an alternative sentencing scheme for identified Aboriginal offenders that allows for the direct involvement of community elders in the sentencing process – was expanded to the Local Court at Macksville.

Throughout the year, the Court has continued to increase the use of courtroom technology. Audio Visual Link (AVL) facilities are now available in 37 Local Court locations and four Children's Court locations throughout the State. AVL technology, which is primarily used for bail applications and the taking of evidence from witnesses outside the jurisdiction, has been shown to have significant benefit to the community (and to prisoners) in reducing the rigours and costs of transporting prisoners to appear before the Court in person. It is anticipated that its availability and use will carry on growing in coming years.

Finally, in April 2009, following a number of appointments of Magistrates to higher courts in recent years, Her Honour Deputy Chief Magistrate Helen Syme was appointed as a Judge of the District Court of New South Wales. Judge Syme served the Local Court as a Magistrate from 1996 and a Deputy Chief Magistrate from 2001. Announcement of her appointment by the Attorney General included recognition that "As Deputy Chief Magistrate, Ms Syme has presided over some of the most serious and complex matters to come before the Local Court in recent years" – a reflection of the increasingly complex jurisdiction of the Court itself, which remains Australia's busiest and largest.

This Review provides a brief overview of its operations in 2009.

Graeme Henson
Chief Magistrate

1. An overview of the Local Court

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

Jurisdictions and divisions

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

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

As at 31 December 2009, there were 134 Magistrates (128 full time Magistrates and 6 part time) who preside at 148 locations throughout New South Wales.

Children's Court

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

From 1 June 2009, the Children's Court has been headed by its inaugural President, Judge Mark Marien SC of the District Court. As the oversight of, and reporting responsibility for, the Children's Court now lies with the President, a separate chapter commenting on the operation of the Children's Court will no longer be included in the Local Court's Annual Review.

Coronial jurisdiction

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

A death must be reported to the State Coroner or Deputy State Coroner where 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.

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

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

Industrial jurisdiction

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

The Industrial jurisdiction deals with such matters as:

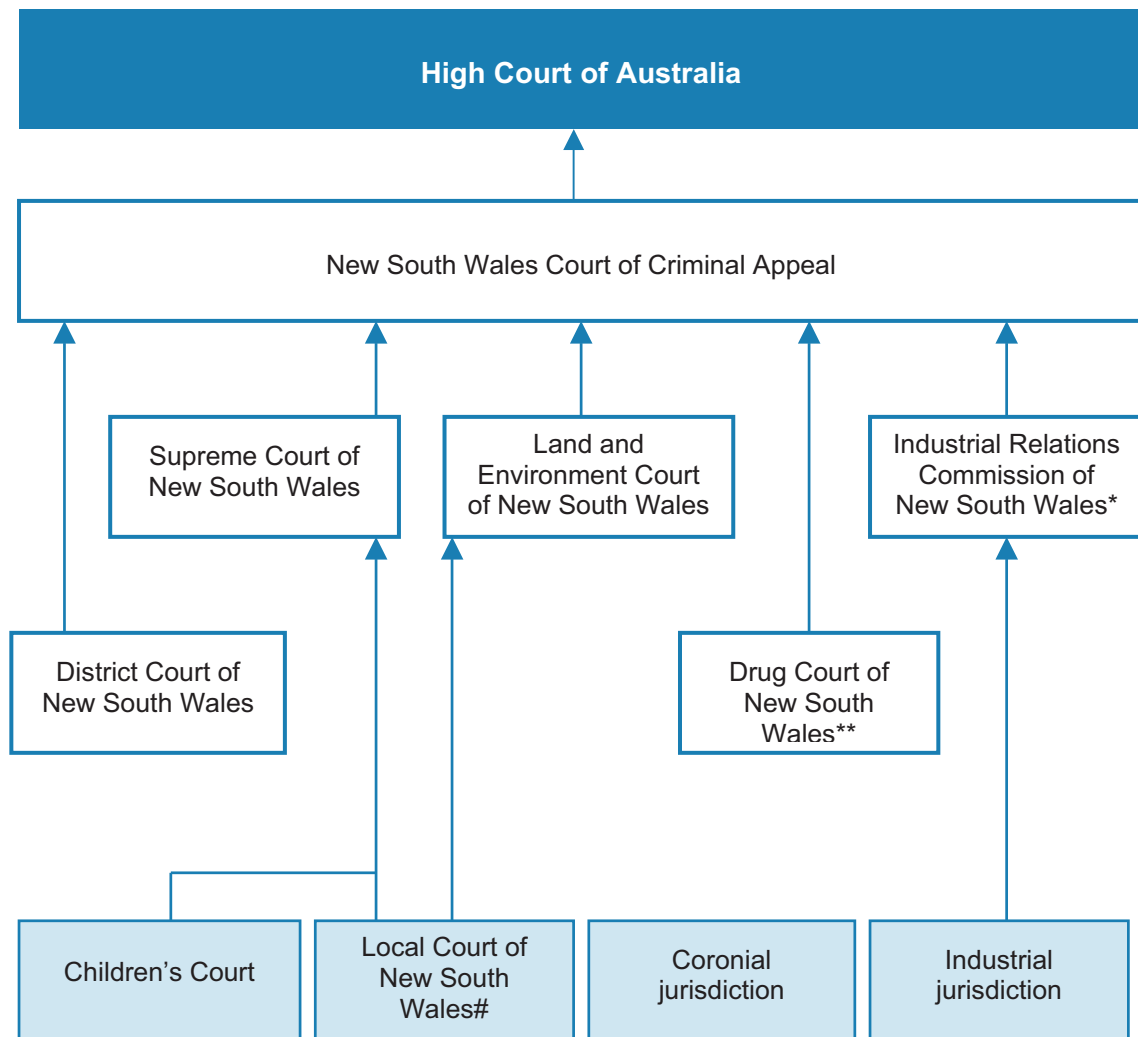
- recovery of money owing under Industrial Instruments, for example, Awards, Enterprise Agreements and Statutory Entitlements;
- prosecutions for breach of industrial instruments;
- appeals from various administrative decisions; and
- prosecutions for statutory breaches.

Mental health

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

Although legislation was enacted in late 2008 to transfer this jurisdiction to the Mental Health Review Tribunal, it is yet to commence. In 2009 Magistrates continued to carry out mental health inquiries under the *Mental Health Act*. It is anticipated that the new legislation will commence in June 2010 and Magistrates' responsibilities will cease at that time.

New South Wales Court System – Criminal Jurisdiction



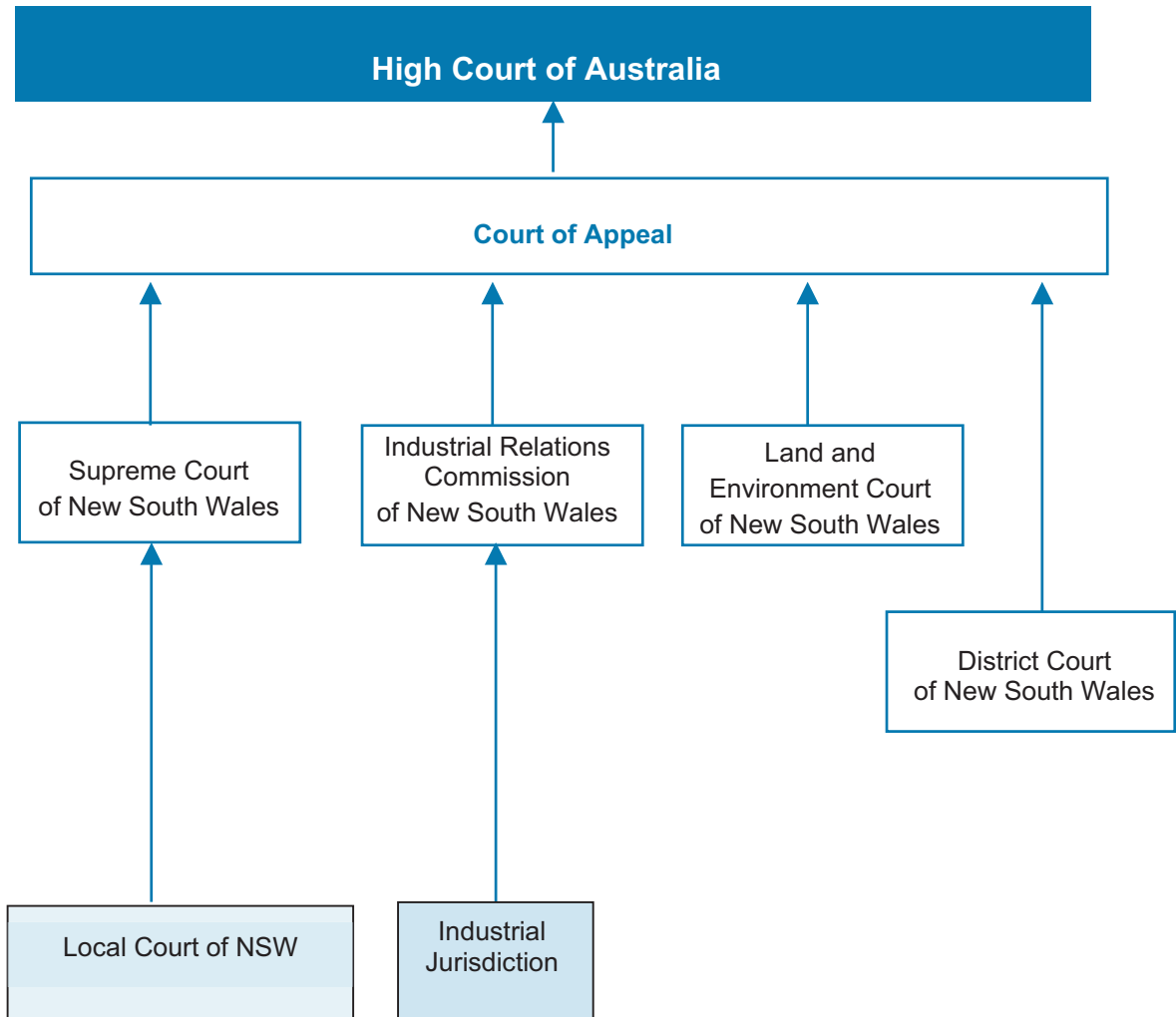
Note: the above is a simplified diagram. Actual appeal rights are determined by the relevant legislation.

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

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

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

New South Wales Court System – Civil Jurisdiction



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

The Magistrates

The Judicial Officers of the Court are the Magistrates. The Governor of New South Wales appoints Magistrates pursuant to section 13 of the *Local Court Act* 2007 on the advice of the Executive Council.

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

As at 31 December 2009 the Judicial Officers of the Court were as follows:

Chief Magistrate

His Honour Magistrate Graeme Leslie Henson

Deputy Chief Magistrates

Her Honour Magistrate Helen Lorraine Syme (until 14 April 2009)

His Honour Magistrate Paul Stanislaus Cloran

Her Honour Magistrate Jane Mottley (from 26 May 2009)

Her Honour Magistrate Mary Stella Jerram (State Coroner)

Chief Industrial Magistrate

His Honour Magistrate Gregory James Tulk Hart

Magistrates

His Honour Magistrate Richard Peter Miszalski
His Honour Magistrate Darryl John Pearce
His Honour Magistrate David Bruce Armati
His Honour Magistrate Christopher James Bone
His Honour Magistrate William Grenville Pierce
Her Honour Magistrate Dr Patricia O'Shane AM
His Honour Magistrate Ian Duncan McRae
His Honour Magistrate Paul Anthony Sloane
His Honour Magistrate Wayne Henry Evans
His Honour Magistrate Jeffrey Alan Linden
His Honour Magistrate Bernard Joseph Kennedy
His Honour Magistrate Paul Patrick Falzon
His Honour Magistrate Allan Darroll Moore
His Honour Magistrate Thomas Hugh Hodgson
His Honour Magistrate Gary John Cocks
Her Honour Magistrate Janet Christina Ruth Stevenson
His Honour Magistrate Nicholas Gustav Ernest Reimer
His Honour Magistrate Malcolm Ian MacPherson
His Honour Magistrate Christopher Wayne McRobert
Her Honour Magistrate Daphne Anne Kok
His Honour Magistrate Geoffrey Edward Bradd
His Honour Magistrate Dennis Harvey Burdett
His Honour Magistrate Scott Mitchell
Her Honour Magistrate Carolyn Jane Barkell
His Honour Magistrate Allan Wilson Railton
His Honour Magistrate Dr Roger Alasdair Brown
His Honour Magistrate Ross Kim Pogson
Her Honour Magistrate Jennifer Ethel Betts
His Honour Magistrate Stephen Vaughan Jackson
His Honour Magistrate Douglas Raymond Dick
Her Honour Magistrate Judith Mary Fleming

His Honour Magistrate Shaughan McCosker
Her Honour Magistrate Sharron Maree Crews
His Honour Magistrate Hugh Christopher Bryant Dillon
Her Honour Magistrate Julie Anne Huber
His Honour Magistrate Michael Stoddart
His Honour Magistrate Brian Vincent Maloney
Her Honour Magistrate Jacqueline Mary Milledge
Her Honour Magistrate Lee Anne Gilmour
His Honour Magistrate Phillip Alan Moon
Her Honour Magistrate Janet Wahlquist
Her Honour Magistrate Jennifer Anne Giles
His Honour Magistrate Christopher Longley
Her Honour Magistrate Gail Frances Madgwick
His Honour Magistrate Anthony Kevin Murray
His Honour Magistrate Garry James Still
His Honour Magistrate William John Brydon
Her Honour Magistrate Christine Mary Haskett
Her Honour Magistrate Jayeann Carney
His Honour Magistrate Robert Scott Rabbidge
Her Honour Magistrate Beverley Anne Schurr
His Honour Magistrate David Michael Heilpern
His Honour Magistrate Roger David Prowse
Her Honour Magistrate Suzanne Gaye Seagrave
Her Honour Magistrate Eve Wynhausen
His Honour Magistrate Ian James Guy
Her Honour Magistrate Hilary Rae Hannam
His Honour Magistrate Daniel Reiss
Her Honour Magistrate Joanne Keogh
His Honour Magistrate Paul Raymond Mulroney
His Honour Magistrate Terence Timothy Lucas
His Honour Magistrate Terence Murphy PSM
Her Honour Magistrate Elaine Truscott
Her Honour Magistrate Paula Mary Russell
Her Honour Magistrate Helen Gay Barry
Her Honour Magistrate Georgia Knight
Her Honour Magistrate Carmel Ann Forbes
Her Honour Magistrate Lisa Veronica Stapleton
His Honour Magistrate Robert Allen Walker
Her Honour Magistrate Margaret Quinn PSM
His Honour Magistrate John Andrews
His Honour Magistrate Howard Charles Hamilton
His Honour Magistrate Anthony Joseph Marsden
His Honour Magistrate James Coombs
Her Honour Magistrate Fiona Toose
His Honour Magistrate Graeme Curran
Her Honour Magistrate Joan Margaret Baptie
Her Honour Magistrate Elizabeth Anne Ellis
Her Honour Magistrate Clare Farnan
Her Honour Magistrate Nancy Louise Hennessy
Her Honour Magistrate Dorelle Pinch
His Honour Magistrate Paul Anthony MacMahon
His Honour Magistrate Jeffrey Raymond Hogg
His Honour Magistrate Ronald John Maiden

Her Honour Magistrate Jane Ariane Culver
His Honour Magistrate Michael North Holmes
His Honour Magistrate Gordon Bruce Lerve
Her Honour Magistrate Vivien Margaret Swain
His Honour Magistrate Graham Thomas Blewitt AM
His Honour Magistrate Timothy Bernard Keady
His Honour Magistrate Peter Sampson Dare SC
Her Honour Magistrate Annette Christine Sinclair
Her Honour Magistrate Robyn Eva Denes
Her Honour Magistrate Sharon Claire Freund
Her Honour Magistrate Geraldine Beattie
Her Honour Magistrate Jacqueline Maree Trad
His Honour Magistrate Glenn James Bartley
His Honour Magistrate Antony Edward Townsden
His Honour Magistrate Leslie William Mabbutt
His Honour Magistrate John Daniel Favretto
Her Honour Magistrate Dr Gabriel Catherine Fleming
Her Honour Magistrate Alison Mary Viney
His Honour Magistrate Christopher Gerard O'Brien
His Honour Magistrate Mark Richardson
His Honour Magistrate Robert Hilary Williams
His Honour Magistrate Geoffrey James Dunlevy
Her Honour Magistrate Sharon Lee Holdsworth
His Honour Magistrate Michael John Connell
His Honour Magistrate Geoffrey Graeme Hiatt
His Honour Magistrate Brian van Zuylen
His Honour Magistrate Peter Bugden
Her Honour Magistrate Margot Gai Stubbs
His Honour Magistrate Roger James Clisdell
His Honour Magistrate Michael Gary Dakin
Her Honour Magistrate Michelle Norma Goodwin
His Honour Magistrate Stephen Corry
Her Honour Magistrate Susan McIntyre
His Honour Magistrate Michael Gerard Allen
Her Honour Magistrate Elizabeth Ryan
His Honour Magistrate Glenn Walsh
Her Honour Magistrate Ellen Skinner
His Honour Magistrate Mark Buscombe
His Honour Magistrate Ian Cheetham
His Honour Magistrate Bruce Williams
Her Honour Magistrate Teresa O'Sullivan

Judicial appointments in 2009

Michael Allen

Mr Allen was sworn in as a Magistrate of the Local Court of New South Wales on 27 January 2009. Just prior to his appointment, Mr Allen worked as a Barrister at Orange in Central Western New South Wales. Mr Allen holds a Bachelor of Arts (1981) from the University of Sydney and Bachelor of Laws (1984) from the University of Sydney. Mr Allen was admitted as a solicitor of the Supreme Court of New South Wales on 23 December 1985 and was employed firstly with White Barnes Maguire, Solicitors, then at the Penrith Office of the Director of Public Prosecutions NSW (1988-1989). From 1989 to 1991, Mr Allen was employed in private practice in Queanbeyan, Canberra and Yass and from 1991 to 1999, he worked as a solicitor and senior solicitor for the Legal Aid Commission of New South Wales. Mr Allen was then employed as a Solicitor Advocate in Criminal Law with Mark Mulock & Co Solicitors from 1999 to 2002. On 9 August 2002, Mr Allen was admitted as a Barrister and until his appointment worked predominantly in criminal law.

Elizabeth Ryan

Ms Ryan was sworn in as a Magistrate of the Local Court on 29 May 2009. Immediately prior to her appointment, Ms Ryan was the Senior Assistant Director of the Tax and Economic Crime Branch of the Commonwealth Director of Public Prosecutions, Sydney Office. As a part-time university lecturer and public speaker, Ms Ryan also delivered workshops and presentations on combating economic crime, cyber crime and money laundering. During her 22 years as a lawyer, Ms Ryan appeared in most NSW courts, including in a range of criminal and civil proceedings before the Local Courts. Ms Ryan has also worked as a volunteer at the Inner City Legal Centre in Darlinghurst and the Macquarie Legal Centre in Parramatta, where her clients included people with a disability as well as people from disadvantaged social backgrounds and culturally and linguistically diverse communities.

Glenn Walsh

Mr Walsh was sworn in as a Magistrate of the Local Court on 24 August 2009. Mr Walsh graduated from the University of Sydney in 1982 and holds a Bachelor of Arts and a Bachelor of Laws. He was admitted to practice as a solicitor in 1983 and practiced as a suburban solicitor becoming an accredited specialist in criminal law in 1991. For the period 1992-1996, Mr Walsh was a member of the Criminal Law Committee of the Law Society. From 1998-2003, he practiced as a solicitor in his own firm, and in 2003 was admitted to the Bar, where he has practised widely throughout the range of jurisdictions.

Ellen Skinner

Ms Skinner was sworn in as a Magistrate of the Local Court on 24 August 2009. Ms Skinner graduated from the Australian National University Canberra in 1998 with a Bachelor of Arts and Bachelor of Laws. After a short career in the media, Ms Skinner practiced as a solicitor within the Legal Aid Commission from 2002-2006. From 2006-2007, she was employed as a solicitor in the Office of the Director of Public Prosecutions, and since June 2007 until her appointment, was a Managing Solicitor within the Aboriginal Legal Service (Redfern).

Mark Buscombe

Mr Buscombe was sworn in as a Magistrate of the Local Court on 13 October 2009. Mr Buscombe graduated from the Australian National University in 1982 with a Bachelor of Arts and a Bachelor of Laws. Until 1990, Mr Buscombe practiced as a solicitor in city and country practices. Mr Buscombe became Director of the Civil Forfeiture Division of the NSW Crime Commission from 1990-1993, and then Senior Assistant Director with the Commonwealth Director of Public Prosecutions office in Sydney from 1993-1997. Mr Buscombe was called to the Bar in 1997 and practised almost exclusively in criminal matters, appearing for both government agencies and defendants.

Ian Cheetham

Mr Cheetham was sworn in as a Magistrate of the Local Court on 2 November 2009. Mr Cheetham graduated from the University of Sydney with a Bachelor of Economics in 1975 and a Bachelor of Laws in 1978, and was admitted as a solicitor in 1978. An accredited specialist in business law since 1996, Mr Cheetham was also president of the Southern Tablelands Solicitors Association between 2003 and 2005. Immediately prior to his appointment, Mr Cheetham was employed by the firm Clayton Utz in Canberra. Mr Cheetham has experience in complex business and commercial transactions, and in both criminal and planning law.

Bruce Williams

Mr Williams was sworn in as a Magistrate of the Local Court on 23 November 2009. Mr Williams holds a Diploma in Law (Barristers Admission Board) and is an Accredited Specialist in Criminal Law. Beginning his career in 1972, Mr Williams worked in legal sections of the Attorney General's Department of NSW before being appointed a solicitor for the Director of Public Prosecutions (DPP). Mr Williams worked for the Special Crimes Team of the DPP until 1981, when he became proprietor of a legal partnership. While in private practice, Mr Williams appeared primarily in criminal and civil claims matters, and also worked in commercial law and probate. Mr Williams has also undertaken pro bono work for a women's shelter in Taree, founded a private charity, and lectured high school students on driver safety issues and the dangers of drugs and alcohol.

Teresa O'Sullivan

Ms O'Sullivan was sworn in as a Magistrate of the Local Court on 30 November 2009. Ms O'Sullivan graduated from the University of Technology Queensland with a Bachelor of Laws in 1986 and is an accredited specialist in Children's Law. Ms O'Sullivan has been practicing criminal and civil law for more than 20 years in Queensland, Northern Territory and the United Kingdom and was named Children's Lawyer of the Year at the National Children's and Youth Law Centre Awards in 1997. Ms O'Sullivan spent five years working with Indigenous people in Central Australia and in 2002 was appointed solicitor in charge of the Central Australian Aboriginal Family Legal Unit in Alice Springs. In 2003, Ms O'Sullivan returned to Sydney as Solicitor in Charge of Legal Aid's Children's Legal Service until taking a position as Senior Advocate and Solicitor in Charge of Legal Aid's Coronial Inquest Unit, which she held until prior to her appointment.

Judicial retirements during 2009

Mr James Edward Garbett (retired 27 February 2009)

Ms Elizabeth Corbett (retired 10 July 2009)

Mr Ross Clugston (retired 2 October 2009)

Mr Paul Victor Johnson (retired 2 October 2009)

Mr Michael Francis Morahan OAM (retired 6 November 2009)

Mr Colin Alan Elliot (retired 26 November 2009)

Mr Anthony Alfred Spence (retired 18 December 2009)

Mr Leslie John Brennan (retired 31 December 2009)

Mr Paul Alexander Lyon (retired 31 December 2009)

Mr Dragan Carl Milovanovich (retired 31 December 2009)

Magistrate appointed as Judge of the District Court

Her Honour Deputy Chief Magistrate Helen Syme was sworn in as a Judge of the District Court on 14 April 2009.

Acting Magistrates in 2009

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 and at certain Mental Health Inquiries within the Sydney metropolitan, Wollongong and Newcastle areas. They may also be used to cover absences on sick leave and extended leave.

Mr Robert Joseph Abood
Mr Peter Frederick Ashton
Mr John Anthony Bailey
Mr Thomas Geoffrey Cleary
Mr Errol John Considine, OAM
Ms Elizabeth Corbett
Mr John Ormonde Crawford
Mr Michael Anthony Dowd
Mr Colin Alan Elliot
Mr Kevin Charles Flack
Mr James Garbett
Mr Andrew John Benson George
Mr Charles Augustine Gilmore
Mr Graham Johnson
Mr Brian Anthony Lulham
Mr Michael Joseph Mahony
Mr Kevin Ronald Maughan
Mr John McIntosh
Mr George Ashley Miller
Mr Michael Morahan
Mr Peter Montague Norton
Mr David Patrick O'Connor
Mr Michael Kevin Price
Mr Harley Richard Rustin
Mr Mark Robert Shepherd
Mr James Lawrence Swanson
Ms Inaam Tabbaa
Mr George Zdenkowski

Small Claims Assessors in 2009

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.

Ms Danae Harvey
Ms Janice Connelly
Mr Steven Olischlager

Chief Magistrate's executive office

In 2009, the Executive Office consisted of seven staff:

Executive Officer

Jacinta Haywood

Policy Officer

Bridget Thompson/Anna Harding

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

Matthew Kelleher/Emily Davis

The New South Wales Local Court has the largest number of Judicial Officers in a summary jurisdiction in Australia. Under the direction of the Chief Magistrate, the staff of the Chief Magistrate's Executive Office provide statewide administrative support to 134 Magistrates (128 full time Magistrates and 6 part time Magistrates) and 28 Acting Magistrates.

One of the primary functions of the Chief Magistrate's Executive Office is to assist the Chief Magistrate in organising and managing the sittings of the Local Court at 148 locations throughout the State. The Executive Office is responsible for the publication of sittings schedules, rosters, Chief Magistrate's circulars, Local Court Practice Directions/Notes, listing of cases and collation of statistical information. The Executive Office co-ordinates Magistrates' travel across the State to ensure requirements for sittings are met and co-ordinates Magistrates' attendance at various conferences throughout the year. The Executive office also assists the Chief Magistrate in discharging ceremonial functions such as the swearing in of newly appointed Magistrates.

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

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

Further information about the NSW Local Court can be found on the Local Court website on Lawlink, at http://www.lawlink.nsw.gov.au/lawlink/local_Courts/ll_localCourts.nsf/pages/lc_index

The work of the Local Court registries

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

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

Registrars

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

The work of the Registrar includes:

- conduct of call-overs in both the civil and criminal jurisdiction;
- conduct of pre-trial reviews in civil claims and small claims hearings;
- issuing of search warrants;
- determining various applications and motions in all jurisdictions;
- management and supervision of the Court Registry;
- swearing in of Justices of the Peace; and
- limited responsibilities in relation to Births, Deaths and Marriages.

2 Court operations during 2009

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

Criminal jurisdiction

JusticeLink

In 2009, a new integrated computer case management system known as JusticeLink was extended to the criminal jurisdiction of the Local Court. JusticeLink is designed to connect the State's Supreme, District and Local Courts, Coroner's Court and Children's Court.

In July, JusticeLink was introduced to the Local Court in all locations that were using the computerised General Local Court (GLC) case management facility. By November, all remaining courts were computerised and commenced using JusticeLink.

The transition to JusticeLink, which utilises a different method for counting matters, has limited the data currently available to enable reporting on the Local Court's caseload for 2009. However, **initial analysis of preliminary data from JusticeLink suggests that the former GLC system has been underreporting the workload of the Local Court in the criminal jurisdiction.**

It is hoped that a more complete appraisal of the Local Court's workload will be able to be made in 2010. For the present, the information in this chapter has been based upon analysis of data obtained from the former GLC system **for the period 1 January 2009 to 30 June 2009.** Unfortunately, data on specific matters reported upon in prior years, including finalisation rates, pending caseloads, and domestic and personal violence, is not available.

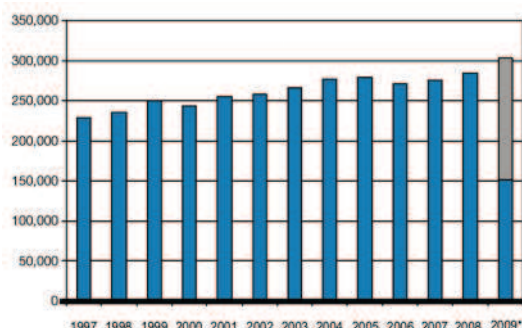
Criminal matters in the first half of 2009

Between 1 January 2009 and 30 June 2009:

- 151,497 criminal matters were commenced in the Local Court. Assuming a comparative number of criminal matters were commenced in the second half of the year, this amounts to a projected annual figure of 302,994 new criminal matters and appears to continue the trend of an increase in the Court's caseload.
- 149,049 criminal matters were finalised, giving a clearance ratio for the period of 98.38%.
- 8,755 defended trials were finalised by the Local Court.

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

Criminal matters commenced



Total 2009 figure comprises a projected figure based on 6 months' commenced criminal matters in the period 1 January 2009 to 30 June 2009.

As the criminal case workload of the Court continues to increase, the Local Court has been confronted with difficult resource and management issues. It is a credit to the dedication and commitment of the magistracy that the Court continues to lead the way in the delivery of justice within the criminal jurisdiction.

According to the Productivity Commission's Report on Government Services 2010, which measures performance across the Commonwealth, the Local Court of NSW has again outperformed other states and territories, recording the lowest level of case backlogs across Australia's Magistrates courts.¹ This is despite its increasingly heavy workload and that the proportion of magisterial resources allocated to the Court being significantly less than the comparative allocation to other states and territories.²

Developments in 2009

During 2009, the Court continued to further involve itself in alternative approaches to the traditional dispensation of criminal cases. Part 3 of this Review deals in greater detail with the various diversionary programs conducted within the Court. These programs do not operate within higher jurisdictions. It is important to note that the success of such initiatives depend on intensive participation by the Court in overseeing both the direction and outcomes in the field of therapeutic jurisprudence. Taken into consideration with the commitment to meeting the Court's time standards it is appropriate to add a necessary caution that if workloads continue to rise without an increase in resources the time will come when the qualitative outcome, in terms of maintaining a high professional standard, will conflict with demand for expedition.

Following the commencement of the *Local Court Act 2007* and its creation of a single Local Court Rules Committee, the *Local Courts (Civil Procedure) Rules 2005* and the *Local Court (Criminal and Applications Procedure) Rules 2003* were replaced by the *Local Court Rules 2009* on 18 December 2009. Whilst the new Rules substantially consolidate the old Rules, some changes were made. In the criminal jurisdiction, the rules of service were extended to assist with the expedient service of documents and now include the effecting of service by the following means:

- In addition to personal service, service of a court attendance notice in summary proceedings may be effected by post addressed to the person's residential address.
- Service can be effected upon a Legal Practitioner who has either filed an appearance in the proceedings or has agreed to accept service
- If service by post can be effected, proof of service may be shown if a document is posted to an address on a person's current driver's licence or motor vehicle registration, as recorded on the RTA's database.

Domestic and personal violence

As noted above, data on the caseload of the Court in the area of domestic and personal violence is not yet available for 2009.

The Local Court acknowledges the important work of, and the assistance the Court received in 2009 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 2009 at two locations, Wagga Wagga and Campbelltown.

¹ *Productivity Commission, Report on Government Services 2010 at 7.28 (Table 7.9)*

² *Based on number of full-time equivalent Judicial Officers per 100,000 people, in Productivity Commission, Report on Government Services 2010 at 7.34 (Table 7.12)*

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

Following formal evaluation in 2007 a program of "Domestic Violence Evidence Kits" (DVEK) continued to be rolled out across the State during 2009. The kits place photography and video equipment into first response police vehicles attending domestic violence incidents.

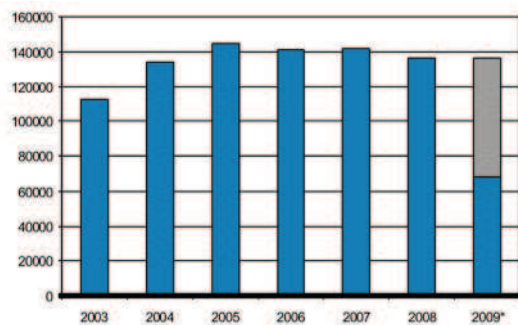
Civil jurisdiction

As with the criminal jurisdiction, the available data on the caseload of the Local Court's civil jurisdiction is limited to the first 6 months of 2009. Similarly no data is available on finalisation rates in 2009.

In the period 1 January 2009 to 30 June 2009, 68,103 civil actions were commenced in the Local Court, with 61,825 finalised. 52,638 of these actions were commenced in the Small Claims division.

Assuming a similar number of actions were commenced in the latter half of 2009, it appears that filings have remained relatively steady since 2008.

Civil actions commenced



* Total 2009 figure comprises a projected figure based on 6 months' commenced civil matters in the period 1 January 2009 to 30 June 2009.

It is thought that defects in the civil claims statistical database that have been identified in previous years continued to underreport the caseload and finalisations of the Court. It is hoped that the introduction of JusticeLink to the civil registry in 2010 will resolve this long-standing concern.

The Local Court has continued to offer hearings in all contested matters within a period of six months from the date of filing a Defence, with the vast majority of matters concluded within 12 months. The continued practice of requiring witness statements to be served but not filed, except by special order in longer cases, has contributed significantly to the efficient determination of matters. During 2009, very few matters were "not reached".

Developments in 2009

In 2009, the number of matters concerned with motor vehicle cost of repairs continued to decline. This follows the introduction in 2007 of Practice Note 6, "Quantum of Damages (Motor Vehicle Accidents)", which was introduced to deal with the disproportionate amount of hearing time spent dealing with disputes between insurers over fair and reasonable costs of repairs to motor vehicles. The Practice Note seeks to ensure that firstly, from an early point of time, the Court and all parties are cognizant of the amount in dispute between the parties in relation to the cost of repairs and secondly, to provide procedural certainty as to the maximum costs generally awarded in proceedings to which the Practice Note applies.

Following the commencement of the *Local Court Act 2007* on 6 July 2009, which replaced the separately constituted Local Courts with a single Local Court sitting in different locations across the State, Practice Note 1 of 2009 was issued on 2 November 2009. It provides a quick and cheap process for motions for change of venue in civil proceedings in the Local Court. Whereas previously parties seeking a change of venue were required to file an application to be heard before a Magistrate, a party must now file a notice of motion at the time of filing the defence which will be determined in chambers.

In December 2009, the Court reissued Practice Note 2 of 2005, which sets out case management procedure in the Small Claims Division. A number of amendments were made to adapt or clarify procedural requirements, including:

- The Court may order a matter to be transferred to the General Division at any time before judgment on the court's own motion or no later than 28 days before the hearing on the application of any of the parties.
- The Court may require parties to attend mediation.
- The parties must identify the issues in dispute and disclose the statements and documents upon which they propose to rely at the hearing.
- Interlocutory applications are to be made at the Pre Trial Review
- Parties will not be permitted to rely on documents or statements at the hearing that have not been filed and served unless the court grants leave.
- A "formal trial" is not available in the Small Claims Division. There is no right to call witnesses to give evidence or to cross-examine a witness.

There were no significant legislative changes affecting the civil jurisdiction during 2009. However, a decision in the High Court has continued to emphasise the importance of the timely and affordable resolution of proceedings as a principle of case management.

In last year's Review, attention was drawn to the case of *Dennis v Australian Broadcasting Corporation* [2008] NSWCA 37. The New South Wales Court of Appeal's decision in that case highlighted the power of statutory provisions such as section 56(2) of the *Civil Procedure Act* 2005, requiring the Courts to seek to 'facilitate the just, quick and cheap resolution of the real issues in the proceedings', in dealing with case management, interlocutory applications and motions.

The High Court has now reinforced that position in *Aon Risk Services Australia Limited v Australian National University* [2009] HCA 27. In allowing Aon's appeal against a decision that the ANU should be permitted to amend a pleading immediately prior to hearing, Gummow, Hayne, Crennan, Kiefel and Bell JJ noted that there is no automatic entitlement to amend a pleading to raise an arguable claim provided that costs are paid to the other party by way of compensation. In determining interlocutory matters, modern rules of case management which require the timely disposal of cases and the limitation of costs are to be applied. Their Honours noted (at [113]):

In the past it has been left largely to the parties to prepare for trial and to seek the court's assistance as required. Those times are long gone. The allocation of power, between litigants and the courts arises from tradition and from principle and policy. It is recognised by the courts that the resolution of disputes serves the public as a whole, not merely the parties to the proceedings.

Coronial jurisdiction

The State Coroner is Her Honour Deputy Chief Magistrate Mary Jerram.

In 2009, the Deputy State Coroners were:

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

On 31 December 2009, Deputy State Coroner His Honour Magistrate Milovanovich commenced retirement and was replaced by Magistrate Scott Mitchell.

Magistrate Ian Guy (Wollongong) and Magistrate Elaine Truscott (Newcastle) were also appointed NSW Deputy State Coroners in 2009.

Reduction of delays in coronial jurisdiction

A main priority of the State Coroner continues to be the reduction in delays in the finalisation of coronial files. Implementation of a number of new practices and procedures has reduced significantly, and continues to reduce, these delays. The Productivity Commission's Report on Government Services for the financial year 2008/2009 showed a continued reduction of cases older than 12 months as well as an overall clearance rate of over 98.5%.

Legislative change

The *Coroners Act* 2009 was assented to in June 2009 and commenced on 1 January, 2010.

The new Act has modernised the coronial jurisdiction, with an emphasis on creating a more effective framework for Coroners to investigate deaths and make findings and recommendations to prevent similar deaths.

One of the most significant amendments under the new Act is that only Magistrates and Australian lawyers can be appointed as Coroners. Non-Magistrate Coroners are now appointed as Assistant Coroners. This caused a degree of disappointment amongst those staff affected by this change. Rural Magistrates now undertake the role of Coroner supported by Assistant Coroners. The State Coroner will be closely monitoring the effect of the Act, and if required will advise the Attorney General of the need for amendments to the Act.

Lectures, Talks and Conferences

During 2009, the State Coroner and each of the Deputy State Coroners presented numerous lectures and papers to various stakeholders and groups. These included the NSW Bar Association, the NSW Law Society, Barristers Chambers, NSW Police Women's Conference, the NSW Police Academy, Forensic Odontologists Course, NSW Fire Services, Forensic Sciences Conference, NSW Nurses, NSW Health and the Asia Pacific Coroners Annual Conference, the College of Law, and the UTS Students Conference.

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

Section 13A of the *Coroners Act* 1980 stipulates that if a person dies during the course of a police operation or whilst in custody, that death must be reported to the State Coroner or Deputy State Coroner and an inquest must be conducted into the circumstances of the death. A summary of all Section 13A deaths is provided to the Attorney General for each twelve-month period.

³ Productivity Commission, *Report on Government Services 2010 at 7.40 (Table 7.17)*

During 2009, 30 deaths were reported pursuant to the requirement of Section 13A. This is a small increase on the number of deaths reported in 2008, when 27 such deaths were reported.

Children in care or disability deaths

Under section 13AB of the *Coroners Act* 1980 it is mandatory to report to the State Coroner or Deputy State Coroner the following deaths:

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

In 2009, 200 such deaths were reported to the State Coroner, compared to 222 in 2008. Whilst Section 13AB ensures mandatory reporting, unlike deaths reported pursuant to Section 13A, there is no mandatory requirement to conduct an inquest. Should an inquest be necessary, however, only the State Coroner or Deputy State Coroner may conduct it.

Fires

Section 15 of the *Coroners Act* 1980 gives the Coroner jurisdiction to hold an inquiry into the cause and origin of fires and explosions where property has been damaged or destroyed. Generally, fires account for less than 10% of matters reported to a Coroner and much less result in an inquiry.

Domestic Violence Homicide Review Team

In December 2009, the Attorney General announced the formation of the Domestic Violence Homicide Review Team that will operate within the NSW Department of Justice and Attorney General and be chaired by the State Coroner. The review team will look closely at closed coronial cases where deaths have involved domestic homicide with a view to identifying trends, preventions and possible recommendations. Provision has been made for the State Coroner to step down as chair if there is a conflict with a case. Funding will also be provided for three additional staff to be employed to carry out the functions of the team.

Completion of cases

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

According to the Department of Forensic Medicine, a critical worldwide shortage of Forensic Pathologists has impacted severely on the ability of both Glebe and previously Westmead Departments of Forensic Medicine to deliver timely reports following post mortems. The State Coroner is concerned that these delays, which can be up to 15 months from the date of death, are unacceptable in terms of finalising coronial and criminal matters as well as causing added distress to next of kin.

The Glebe Department of Forensic Medicine has recruited three Pathologists who commenced in 2009. Whilst there are still delays being experienced in the provision of post mortem reports, it is hoped that these will decrease to an acceptable level in 2010.

Sitting Hours:

In 2009, 539 sitting days were recorded at the State Coroners Court, Glebe, compared to 384 sitting days in 2008. This is an increase of 205 days.

Coroner's Court statistics 2009

	2007	2008	2009
Deaths reported			
Glebe:	2282	2447	3611
Westmead:	1261	1111	N/A
Other statewide:	2604	2716	2632
Total:	6147	6274	6243
Inquests dispensed with*			
Glebe:	2069	1832	2275
Westmead:	995	1069	N/A
Other statewide:	1935	2144	1904
Total:	4999	5045	4179
Inquests conducted			
Glebe:	102	113	94
Westmead:	50	65	N/A
Other statewide:	57	65	41
Total	209	243	165

* 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.

Industrial jurisdiction

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

Case Load

As with the criminal and civil jurisdictions of the Court, due to the transition to the new JusticeLink system, precise figures as to the caseload of the industrial jurisdiction in 2009 are not presently available.

However, the following general variations to the overall caseload of the industrial jurisdiction were observed:

- Prosecutions under the *Occupational Health and Safety Act 2000* diminished dramatically, these now being heard in the Industrial Court of New South Wales.
- Prosecutions continued under the *Workers Compensation Act 1987*, both against employers who failed to insure employees and persons endeavouring to defraud the system.
- Civil claims remained a substantial portion of the workload in the industrial jurisdiction. However, as in 2007 and 2008, 2009 saw the continuation of an increasing number of matters being brought under the federal jurisdiction rather than the NSW *Industrial Relations Act 1996*.
- Prosecutions filed by the Office of Industrial Relations (OIR) under the *Industrial Relations Act* continued, but also decreased in number now that matters brought against incorporated defendants are heard in the federal jurisdiction.

Legislative change

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

The relevant legislation to enable the transfer has passed through both houses of Parliament. It is anticipated that the new structure will come into effect later in 2010 following the Governor's assent, to occur once all transitional arrangements have been made.

Mental health

Magistrates conduct mental health inquiries in accordance with the *Mental Health Act 2007* to review the need for continued detention of any person who has been involuntarily admitted to a hospital for psychiatric treatment. In 2009, Magistrates attended at 43 different hospitals throughout the State in order to conduct these inquiries.

In 2009, there were 10,933 mental health inquiries conducted by Magistrates.*

Mental Health inquiries – outcome	
Adjourned	6,231
Discharge or deferred discharge	85
Reclassify from Involuntary to informal	376
Involuntary Patient Order	3,380
Community Treatment Order	861
TOTAL	10,933

* The figures included this year, as in 2007 and 2008, are provided by the Mental Health Review Tribunal, based on Hospitals' completion of form 19B in compliance with the Mental Health Act 1990. This is due to a concern that figures in previous years underreported the number of inquiries conducted by Magistrates. In previous years figures have been provided by the Mental Health Advocacy Service, therefore, the figures included above are not directly comparable to 2005 and previous years.

Legislation enacted in late 2008 transfers this jurisdiction to the Mental Health Review Tribunal. It is anticipated this legislation will commence on 21 June 2010. Magistrates will no longer have responsibility for the conduct of mental health inquiries from that time.

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 three-month drug treatment and rehabilitation program based in the Local Court that provides adult defendants an opportunity to break the drug crime related cycle.

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

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

During 2009 the program was available in 63 Local Courts, within all of the State's Area Health Services. Evaluations of MERIT have been consistently positive. In 2009, the NSW Bureau of Crime Statistics and Research found that completing the MERIT program significantly reduced the number of defendants committing any type of offence by an estimated 12 percent.

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 2009, 3,004 defendants were referred to MERIT and 1,897 were accepted, with 1,013 successfully completing the program. As at 31 December 2009, there were 47 referrals still under assessment and 385 still participating in treatment.

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

Rural Alcohol Diversion Program

The Rural Alcohol Diversion (RAD) Program, available at Orange and Bathurst Local Courts, is based on the operating model of the MERIT program but provides adult defendants with *alcohol* abuse or dependence problems the opportunity of rehabilitation as part of the bail process.

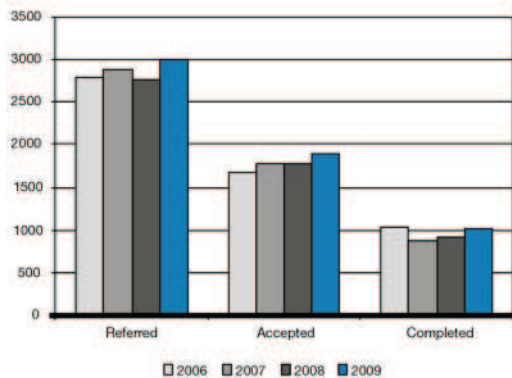
During the first half of 2009, the Rural Alcohol Diversion Program operated at Orange and Bathurst Local Courts.

On 1 July 2009, the program was merged with the MERIT program operating at these courts. At these locations, MERIT staff now provide treatment to defendants with drug and/or alcohol issues.

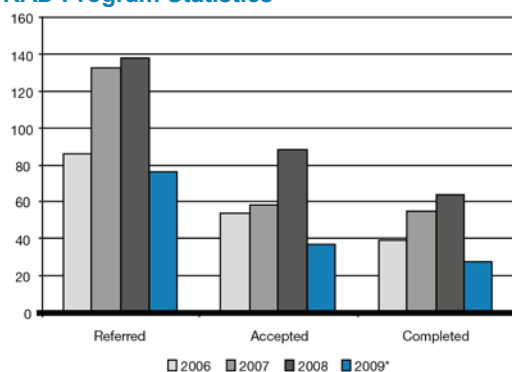
As at 30 June 2009, 76 defendants were referred to the program, 37 were accepted and 28 had successfully completed the program.

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

MERIT Program Statistics



RAD Program Statistics



* 2009 figures for half year to 30 June 2009

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

The MERIT program is of 3 months duration. As such, some persons referred to the program after September 2009 will still be on the program at 31 December 2009 and therefore, not accounted for in the completion figures. Similarly, the completion figures include persons who commenced MERIT or RAD from September to December 2008 and completed their contact with the program in 2009.

Circle Sentencing (Circle Courts)

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

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

- to include members of Aboriginal communities in the sentencing process
- increasing the confidence of Aboriginal communities in the sentencing process
- reducing barriers between Aboriginal communities and the Courts
- providing more appropriate sentencing options for Aboriginal offenders
- providing effective support to victims of offences by Aboriginal offenders
- greater participation of Aboriginal offenders and the victims in the process
- raising awareness of the consequences of offences on victims and communities
- reducing recidivism, or habitual relapse into crime, in Aboriginal communities

During 2009, 133 circles were conducted. The program operated at Local Courts in Nowra, Dubbo, Walgett, Brewarrina, Bourke, Lismore, Armidale, Kempsey, Mt Druitt and Macksville.

Forum Sentencing

The Forum Sentencing Program is managed by the Crime Prevention Division of the NSW Department of Justice and Attorney General and currently operates at 13 Local Court locations across the State.

The Forum Sentencing program is open to all adults who have committed offences which expose them to the likely prospect of imprisonment, other than offenders who have previously been sentenced to a term of imprisonment or a suspended term of imprisonment. Certain regulatory driving offences are also excluded.

Forum Sentencing brings an offender and victim together with a facilitator, police officer and support people to discuss the harm caused by an offence and prepare an 'intervention plan' for the offender. It is available post-plea, with the intervention plan taken into account by the Court at the time of sentencing.

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

Expansion to all New South Wales Local Court locations will be staged over five years. In 2009 the program expanded to include Fairfield Local Court, and also continued to operate at the courthouses at:

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

For the 2009 calendar year, 239 offenders were referred to the program and 164 conferences took place.

Mental Health Liaison Service

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

The Mental Health Liaison Service continued in 2009, operating in 19 Local Court locations:

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

In the 2008/09 financial year, 14,758 people were screened for mental health problems in Court cells. Of this number, 2,314 received a comprehensive mental health assessment.

Traffic Offender Programs

Traffic Offender Programs are 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.

Historically Traffic Offender Programs were the product of local arrangements rather than being a policy of the government or established under legislation. As a result there was a difference of opinion between members of the Court over the authority of the Court to refer people to such programs. This in turn led to inconsistency of approach throughout the State. That potential for inconsistency in approach has now been largely cured.

Schedule 6 of the Regulations made pursuant to the *Criminal Procedure Act 1986* now provides for the referral of offenders to Traffic Offender Programs. Magistrates commenced referring defendants on 28 March 2008.

There are currently 56 traffic course providers across New South Wales to whom referrals may be made.

Court Early Referral of Eligible Defendants Into Treatment

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

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

Defendants are referred to the program prior to entering a plea.

From commencement in August 2009 until 31 December 2009, 117 defendants were referred to the program at Burwood and Tamworth. Of these, 67 met CREDIT's eligibility criteria and entered into the program. 42 clients went on to agree to a treatment plan. At 31 December 2009, 15 participants had completed their treatment plan.

⁵ Figures provided by Justice Health

Technology in the Local Court

Audio Visual Link Technology (AVL)

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

In 2009, the use of AVL technology has continued to transform the Local Court's management of proceedings and assist the Court in ensuring access to justice, particularly in the reduction of the number of in-person appearances required of inmates or detainees in custodial matters and the facilitation of the taking of evidence from certain witnesses. Bail hearings remain the first priority when allocating AVL resources, followed by mentions in criminal matters and arraignments.

In 2009, AVL was used to conduct 29,323 appearances in the Local and Children's Courts. It is estimated that approximately 80% of those appearances were bail hearings.

In 2009, AVL facilities were available at 363 locations across the State, including the following Local Court locations:

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

It is anticipated that the demand for AVL technology in criminal proceedings will continue to rise with the growth of the New South Wales prison population and corresponding rise in criminal court appearances. In the period July 2008 to June 2009, the average daily number of individuals in full-time custody rose from 9,634 to 10,068.

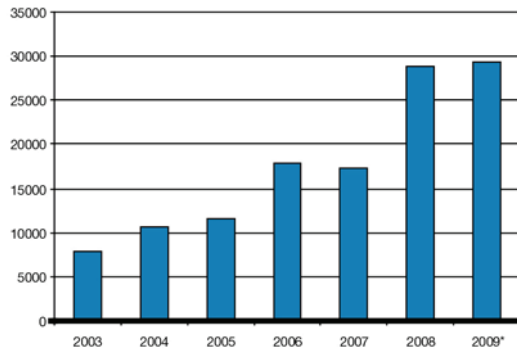
The implementation of AVL facilities throughout the State across Courts, correctional facilities and juvenile justice centres, Legal Aid Commission offices and police centres will continue in 2010.

Practice Note 7 of 2008, which establishes arrangements for the use of AVL in criminal and

⁶ *Corrective Services NSW, Annual Report 2008/09 at 140*

certain civil matters and sets out priorities for the use of AVL, and Practice Note 5 of 2007 which continues to provides for the use of AVL wherever practical and for courts without AVL facilities to adjourn all matters (other than matters for hearing or sentence) where accused persons are in custody, to the nearest or appropriate allocated court with AVL facilities, both continue to apply.

Use of Audio Visual Link technology



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

CCTV – Remote Witnesses

Closed circuit television (CCTV) facilities have also been installed in 83 courts, allowing vulnerable witnesses to give evidence in sensitive matters such as sexual assault, from a remote location. This facility is highly utilised and provides some measure of comfort and security to victims of crime. Data available for the 2008/09 financial year indicates that in that period, CCTV was used to allow 450 witnesses to give evidence remotely and 275 protected witnesses to give evidence in the Local and Children's Courts.

Court lists online

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

Civil claims – online court

2009 saw the continuation of a pilot program of online Courts established in late 2008 for defended proceedings commenced under the *Civil Procedure Act 2005* in the Downing Centre Local Court. Messages may be posted in the online Court by authorised legal practitioners and issues determined by a Judicial Officer. It is hoped that the program will enhance accessibility as well as reduce costs for parties. The program is governed by Practice Note 6 of 2008.

Electronic lodgement – civil claims

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

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

Electronic lodgement – criminal processes

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

Local Court website

The Local Court website on Lawlink provides access to Magistrate's judgments as well as Local Court Practice Notes. This can be found at: http://www.lawlink.nsw.gov.au/lawlink/local_Courts//localCourts.nsf/pages/lc_index Local Court judgments continue to be published on the Caselaw NSW website. These decisions can be found at: http://www.lawlink.nsw.gov.au/lawlink/caselaw//caselaw.nsf/pages/cl_lc

4 Judicial education and community involvement

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

Judicial education and professional development

The Local Court, in partnership with the Judicial Commission of New South Wales, provides a continuing judicial education program designed to meet the differing needs of Magistrates throughout the State. The program aims 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; and
- Result in a better informed and professional judiciary.

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

The Local Court Education Committee develops each education program based on the identified needs of Magistrates. The Committee receives input regarding topics, presenters and format from Magistrates, other participants involved in the administration of justice and community representatives.

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

Conferences and Seminars

During 2009:

- Magistrates attended 737 days of face-to-face judicial education, an average of 5.4 days of judicial education per Magistrate.
- All 11 newly appointed Magistrates attended a pre-bench training session designed to familiarise them with Local Court practice and procedure.
- 6 Magistrates from the Local Court attended the five-day residential Magistrates' Orientation Program, which focuses on court craft and judicial skills for new Magistrates.
- The Local Court Annual Conference was held over three days in July 2009 for all New South Wales Magistrates. The program focused on practical sessions relating directly to the daily work of Magistrates, including:
 - Current trends in drugs;
 - Child sexual abuse;
 - Recent developments in criminal and civil law;
 - Life after prison.

Day two of the conference was devoted to an oral judgments workshop, which aimed to help participants improve their structuring and giving of oral judgments.

- Smaller, interactive metropolitan and regional seminars were attended by all Magistrates. These interactive sessions based around discussion and peer-based learning facilitate the development of judicial knowledge and skills. Topics included:
 - Pre-trial management of civil matters;
 - Managing expert witnesses;
 - Forensic procedure;
 - The Judicial Information Research System (JIRS) and the sentencing date calculator;
 - Amendments to the *Evidence Act*, hearsay, and disqualification periods under the

- road transport legislation;
 - The *Law Enforcement (Powers and Responsibilities) Act*, and dealing with self-represented litigants.
- Magistrates also attended twilight seminars on such topics as:
 - Recent Amendments to the *Evidence Act*;
 - Courts, DoCS and Child Protection in NSW.
 - Continuing a focus on skills development, 14 Magistrates attended a judgment writing workshop for the Local Court. These interactive workshops help Magistrates develop and refine the ability to write clear, concise, well-structured judgments. Around 40% of Magistrates have now attended one of these workshops.
 - Magistrates were enthusiastic participants in the Judicial Commission's Ngara Yura Program, which aims to increase awareness among judicial officers about contemporary Aboriginal society, customs and traditions, and their effect on Aboriginal people in the justice system. The "Exchanging Ideas" Conference brought together judicial officers from all levels of the courts and Aboriginal community members from across NSW to discuss a diverse range of matters relating to Aboriginal cultural, social and legal issues. It provided a unique opportunity for a discussion of the ways judicial officers may contribute to the just treatment of Aboriginal people in the court system. Over a quarter of all participants were from the Local Court. Magistrates were also well-represented in the visit organised by the Judicial Commission to the Aboriginal communities at Wallaga Lake and Narooma. A list of participants from the Local Court who attended the "Exchanging Ideas" conference an/or community visits are available at the end of this chapter.
 - Two Magistrates participated in the 360 degree feedback program conducted for a cross-jurisdictional group of Judges and Magistrates. The program is designed to provide judicial officers with candid, constructive feedback on their performance, and assist in their personal and professional development.
 - The Local Court trialled the mutual observation program to provide Magistrates with the opportunity to reflect on their own practice and learn from their peers by observing them on the bench. The focus is on the observing Magistrate who is provided with a checklist of things to look for to assist him or her on the bench, such as good communication and courtroom procedure. All Magistrates were trained in how to give and receive constructive feedback
 - The Local Court continued to work with the Judicial Commission to ensure the Local Courts Bench Book was regularly updated by Magistrates to reflect developments in the law and sentencing practice.

Legal education in the community and participation in external bodies

In 2009, 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 2009 are summarised below:

His Honour Chief Magistrate Graeme Leslie Henson

Membership of legal, cultural or benevolent organisations:

Member Uniform Rules Committee
Member Australian Institute of Judicial Administration
Member Judicial Conference of Australia
University of Wollongong Faculty of Law Advisory Committee
Director, Uniting Aged Care Sydney North Regional Board

His Honour Deputy Chief Magistrate Paul Stanislaus Cloran

Conferences:

25-29 Oct National Judicial College of Australia
25 Aug Presenter, International Conference on Training of the Judiciary

Membership of legal, cultural or benevolent organisations:

Secretary, Rosemount Youth and Family Services
Chair, Marine Appeals Tribunal
Member, Criminal Law Committee of Law Society of NSW.
Member, Uniform Rules Committee
Member, Advisory Committee, Institute of Criminology
Member, Australian Institute of Judicial Administration
Member, Judicial Conference of Australia
Member, Court Security Operations Committee
Member, Cross Justice Agency - Video Conferencing Steering Committee
Member, JusticeLink Steering Committee
Member, NSW Caselaw Governance Committee

Her Honour Deputy Chief Magistrate Jane Ellen Mottley

Membership of legal, cultural or benevolent organisations:

Member, Ngara Yura Committee
Member, Uniform Rules Committee
Member, Standing Advisory Committee on Judicial Education

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

Speaking Engagements:

College of Law
Legal Aid Commission
NSW Policewomen's Conference
UTS Students Conference
NSW Fire Services

His Honour Magistrate David Bruce Armati

Membership of legal, cultural or benevolent organisations:

Honorary Life Vice President, Commonwealth Magistrates and Judges Association

His Honour Magistrate Malcolm Ian MacPherson

Membership of legal, cultural or benevolent organisations:

Senior Vice-President, Association of Australian Magistrates
Member, Rural Fire Service Hornsby/Ku-ring-gai Communications Brigade

Publications:

Author, 'Bench Notes' (newsletter of the Association of Australian Magistrates)

Her Honour Magistrate Daphne Anne Kok

Membership of legal, cultural or benevolent organisations:

Chairperson, University of Sydney Law Extension Committee
Electoral Arbiter, University of Sydney Union
Member of the Executive, Association of Australian Magistrates

His Honour Magistrate Geoffrey Edward Bradd

Conferences:

6-7 Feb National Judicial College of Australia, "Judicial Reasoning"

His Honour Magistrate Stephen Vaughan Jackson

Membership of legal, cultural or benevolent organisations:

Rural Fire Service, Lower Hunter Valley
Administration Director and Public Officer, Rotary Club of Cessnock
Honorary Legal Officer and Public Officer, Rotary International District 9670 Inc.
Board member, Northnet Inc.

His Honour Magistrate Douglas Raymond Dick

Speaking Engagements:

Host, "Agencies – What do we do" interagency forum
Host, "Exchanging Ideas" interagency forum

His Honour Magistrate Hugh Christopher Bryant Dillon

Conferences:

Nov Conference of the International Organisation for Judicial Training

Speaking Engagements:

UNSW Law Students, "Coronial Law"
Bar Readers, "Coronial Law and Practice"

Publications:

Co-author, Waller's Coronial Law and Practice in NSW (4th edition, LexisNexis)

Membership of legal, cultural or benevolent organisations:

NSW Regional Convenor, National Judicial College of Australia
Member, National Judicial College of Australia Programs Advisory Committee.
Visiting Fellow and part-time lecturer, University of NSW Law School

Her Honour Magistrate Eve Wynhausen

Membership of legal, cultural or benevolent organisations:

Waverley Action for Youth Services Committee

Magistrate Hilary Rae Hannam

Conferences:

6 Mar NSW Drug Court conference
22 Sep UNSW Faculty of Law, "Alcohol restrictions in indigenous communities"

Speaking Engagements:

21 Jul City of Sydney Rotary Club, "The Youth Drug and Alcohol Court"

Membership of legal, cultural or benevolent organisations:

Mentor, UNSW law student mentoring program

Fundraiser with the Rotary Club of Mosman, Samoan hospital appeal

Publications:

Author, "The Youth Drug and Alcohol Court. An Alternative to Custody", Indigenous Law Bulletin Volume 7 Issue 13

His Honour Magistrate Paul Raymond Mulroney

Speaking Engagements:

Jul Law Society, Children's Law conference

Oct Legal Aid, Child Protection Law conference

Membership of legal, cultural or benevolent organisations:

Chair, Habitat for Humanity New South Wales

Elder and Church Councillor, Uniting Church Bondi Junction

Member, committee for discipline New South Wales Synod Uniting Church

Member, Children's Court Advisory Committee

His Honour Magistrate James Coombs

Speaking Engagements:

MHS Summer Forum, "The co-incidence of Mental Illness and incarceration"

Membership of legal, cultural or benevolent organisations:

Honorary treasurer, Guthrie House

Her Honour Magistrate Fiona Toose

Membership of legal, cultural or benevolent organisations:

Vice President, Penrith rowing club

Participant, World Masters Games (October)

Her Honour Magistrate Jane Ariane Culver

Speaking Engagements:

26 Jun Judicial College of Victoria, Uniform Evidence Act conference, "Adducing evidence"

His Honour Magistrate Michael North Holmes

Membership of legal, cultural or benevolent organisations:

Member, Australasian Institute of Judicial Administration.

Member, The Judicial Conference of Australia

Member, Armidale Motor Cycle Club

Member, Australian Alpacas Association

His Honour Magistrate Graham Thomas Blewitt AM

Speaking Engagements:

16 May International Law students at University of NSW, "Experiences with the United Nations International Criminal Tribunal for the former Yugoslavia"

4 Aug Panel member, Australian Red Cross 2009 Humanitarian Law Perspectives Seminar, "Impunity and Immunity? Prosecuting Heads of State"

7 Aug International Law students at University of Wollongong, "Experiences with the United Nations International Criminal Tribunal for the former Yugoslavia"

15 Sep Life Without Barriers, "Children in care"

Her Honour Magistrate Robyn Eva Denes

Speaking Engagements:

13 Dec Southern Cross University Law School, Summer Advocacy Program

Her Honour Magistrate Jacqueline Maree Trad

Speaking Engagements:

11 May Toronto Rotary Club, "Family and Community Responsibility"

His Honour Magistrate Christopher Gerard O'Brien

Speaking engagements:

May Co-presenter, Young Lawyers & St George Sutherland Regional Law Society,
"Update on Traffic Laws"

His Honour Magistrate Robert Hilary Williams

Membership of legal, cultural or benevolent organisations:

President, Manly Life Saving Club

Director, Surf Lifesaving Sydney Northern Beaches

Magistrates who attended the "Exchanging Ideas" Conference

Deputy Chief Magistrate Paul Stanislaus Cloran, Downing Centre Local Court

Chief Industrial Magistrate Gregory James Tulk Hart, Industrial Magistrate's Court

Magistrate Dr Patricia O'Shane AM, Downing Centre Local Court

Magistrate Ian Duncan McRae, Mt Druitt Local Court

Magistrate Malcolm Ian MacPherson, Glebe Coroner's Court

Magistrate Geoffrey Edward Bradd, Downing Centre Local Court

Magistrate Douglas Raymond Dick, Nowra Local Court

Magistrate Judith Mary Fleming, Coffs Harbour Local Court

Magistrate Janet Wahlquist, Liverpool Local Court

Magistrate Eve Wynhausen, Bidura Children's Court

Magistrate Hilary Rae Hannam, Parramatta Children's Court

Magistrate Joanne Keogh, Parramatta Children's Court

Magistrate Paul Raymond Mulroney, Campbelltown Children's Court

Magistrate James Coombs, Sutherland Local Court

Magistrate Fiona Toose, Mt Druitt Local Court

Magistrate Clare Farnan, Sutherland Local Court

Magistrate Robert Rabbidge, Wollongong Local Court

Magistrate Vivien Margaret Swain, Blacktown Local Court

Magistrate Brian van Zuylen, Queanbeyan Local Court

Magistrate Peter Bugden, Parramatta Children's Court

Magistrate Stephen Corry, Burwood Local Court

Acting Magistrate Inaam Tabbaa, Downing Centre Local Court

Magistrates who attended Community Visits to Wallaga Lake and Narooma

Magistrate Richard Peter Myszalski, Hornsby Local Court

Magistrate Christopher James Bone, Bateman's Bay Local Court

Magistrate Malcolm MacPherson, Glebe Coroners Court

Magistrate Douglas Raymond Dick, Nowra Local Court

Magistrate Michael Stoddart, Wollongong Local Court

Magistrate James Coombs, Sutherland Local Court

Magistrate Brian Van Zuylen, Queanbeyan Local Court

Appendices

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

The Court's time standards

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

Local Court Criminal Time Standards

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

Local Court Civil Time Standards

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

Children's Court Criminal Time Standards

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

Children's Court Care Time Standards

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

Coroner's Time Standards

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

Chief Industrial Magistrate's Time Standards

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

The Court's committees

As at 31 December 2009, committee members were:

Local Court Rule Committee

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

Local Court Education Committee

Chair: Deputy Chief Magistrate Paul Cloran
Secretary: Ruth Windeler, Education Director, Judicial Commission of NSW
Magistrate David Heilpern
Magistrate Ian Guy
Magistrate Beverley Schurr
Magistrate Roger Prowse
Magistrate Gordon Lerve
Magistrate Julie Huber
Magistrate Judith Fleming
Magistrate Sharon Freund

Strategic Planning Review Council

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

Terms and Conditions of Service Committee

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

Ethics Committee (Ad hoc)

Chair: Chief Magistrate Graeme Henson
Deputy Chief Magistrate Paul Cloran
Deputy Chief Magistrate Jane Mottley

Court Management and Technology Committee

Deputy Chief Magistrate Paul Cloran
Magistrate Sharon Freund
Magistrate Michael Connell
Magistrate Geoff Hiatt
Magistrate Terence Lucas
Magistrate Vivien Swain

Asset Management Services Committee

Chair: Chief Magistrate Graeme Henson
Secretary: Ms Jacinta Haywood, Executive Officer
Magistrate Scott Mitchell
Mr Kerry Marshall, Acting Director Asset Management Services
Ms Kylie Nicholls, Policy Manager, Court Services.
Mr Chris Allen, Sheriff of New South Wales
Mr Blair Foots, Assistant Director Asset Management Services
Mr Simon Smith, Manager Facility Maintenance

Local Court Bench Book Committee

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

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