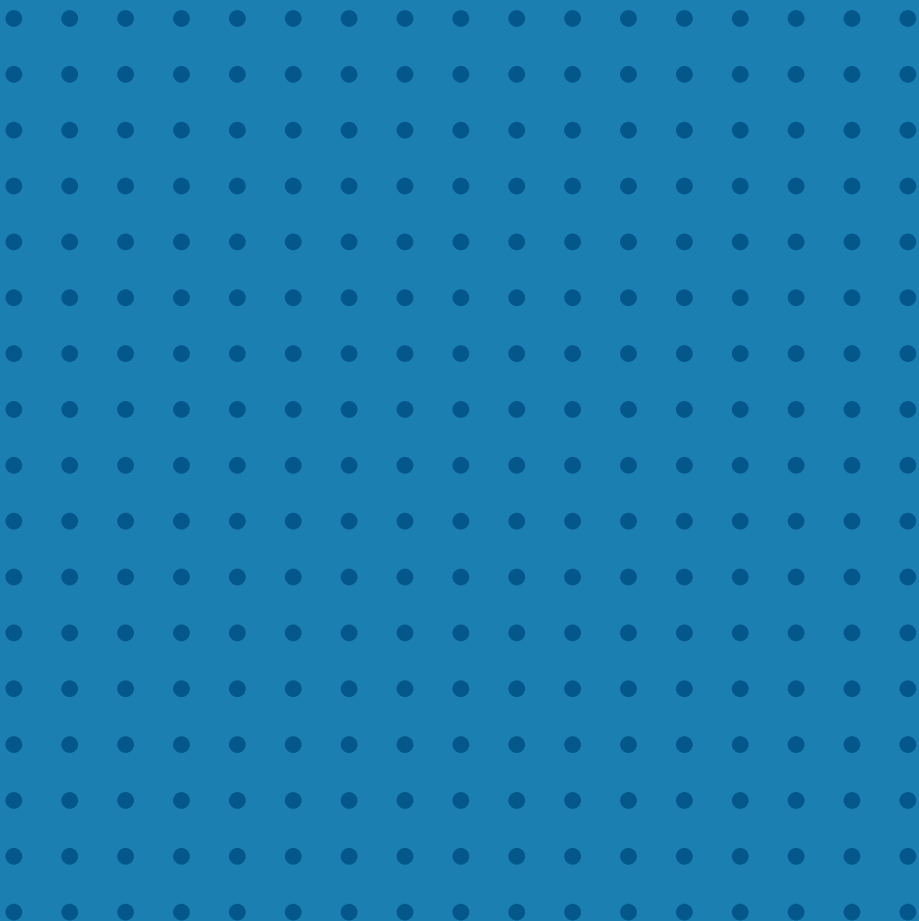
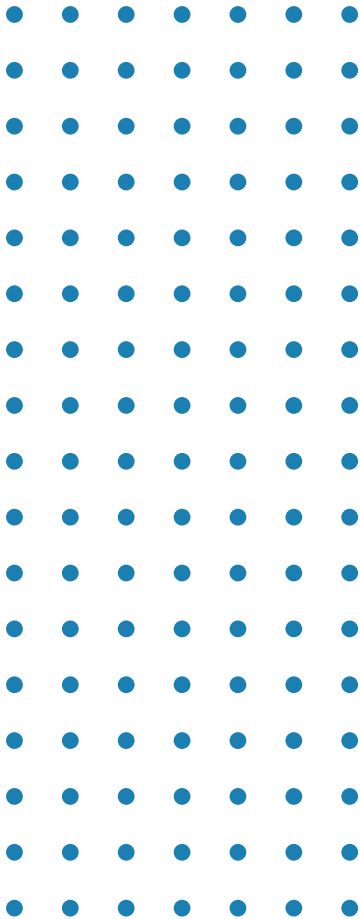


Local Court of New South Wales Annual Review 2006



Local Courts
of New South Wales



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Foreword by Chief Magistrate of New South Wales

It is with great pleasure that I present the Local Court Annual Review for 2006. The past year has been one in which the Court consolidated its reputation for effective Case Management and professionalism. It has also been a year of change.

In August 2006 my predecessor, His Honour Judge Price was appointed to the Supreme Court of New South Wales. Earlier in the year Her Honour Magistrate Sweeney was appointed as a Judge of the District Court. Both these appointments reflect the increasing reality that the Local Court is a highly competent, professional level of the judiciary with an ability to do justice to those who appear before it and to provide an opportunity for those skills to be carried forward in appointment to higher judicial office.

The 2006 Review provides a quantitative measure of the Court's caseload and efficiency. It also provides an overview of the Court's involvement in the development of new Court models and diversionary programmes, as well as outlining the contribution of the Magistrates of the Court to educational and other community initiatives.

In the area of quantitative appraisal the success of a court is judged in part by its productivity. Statistics presented in this Review clearly demonstrate the Court's commitment to productivity and its achievements. Timeliness indicators have improved steadily over a number of years despite a significantly increased caseload. The New South Wales Local Court has consistently performed strongly in the Australian Productivity Commission's report on government services. For the fourth year in a row, the Court ranked first in the time taken to deal with criminal matters. This is a commendable result, achieved against a continuum of rising workloads but no increase in judicial resources.

While these results are gratifying, ultimately the most important performance measure for any court must be the quality of justice for those who come before it. With that in mind, the Court is committed to the continuing professional development of judicial officers, as described in Part four of the Review.

Measuring the quality of justice is not something that can be attributed to mere statistics. There are other means however of identifying the direction the Court has taken in improving its professional standards.

In recent years it has become clear that the finalisation of increasingly serious criminal offences within the Local Court has become an important and realistic option for the Office of the Director of Public Prosecutions. The complexity and objective seriousness of matters brought to finality by way of findings of summary hearings and sentence has increased significantly. Many would see this is an expression of confidence in the capacity of the Court to do justice and part of the fruits of its long held philosophy that continuing judicial education ultimately contributes to enhancing the quality of decision making brought to bear in its discrete areas of jurisdiction.

The Local Court has embraced and implemented a range of progressive legislative and administrative initiatives. The Uniform Civil Procedure Rules have impacted on the standardisation of approach within the civil jurisdiction of all courts. Aided by Practice Notes designed to assist in meeting the legislative underpinning of the civil jurisdiction the Court has made significant inroads into its civil caseload and has been active in making recommendations for further reform.

In the criminal jurisdiction alternative sentencing approaches such as Circle Sentencing for identified Aboriginal offenders and the Magistrates Early Referral Into Treatment (MERIT) programmes continue to show promise in terms of addressing aspects of causation of offending and rates of recidivism. The commitment by the Court in pursuing constructive and positive outcomes for these types of programmes saw an expansion of a number of Local Court diversionary schemes during 2006.

Mental Health Liaison Services expanded to three new locations (Burwood, Central and Wagga Wagga Local Courts). The MERIT

programme expanded to three new Courts, (Waverley, Newtown and Fairfield Local Courts). This programme is now available in 60 Local Courts throughout the State. The Circle Sentencing programme was expanded to the Mount Druitt Local Court. The Domestic Violence Intervention Model operated in Wagga Wagga and Campbelltown Local Courts and shows significant promise within this important area.

During the year, the Court also continued to increase the use of courtroom technology. Audio Visual Technology to conduct bail hearings and take evidence from witnesses outside the jurisdiction is available in 22 Local Courts and five Children's Courts throughout the State and the Court is committed to extending its capacity in this promising area. Closed circuit television facilities, which facilitate vulnerable witnesses giving evidence in sensitive matters, are also available in a number of Local Courts. In the latter part of the year a comprehensive review of the coronial jurisdiction was commenced with a view to enhancing the capacity of the Court to deal with inquests and fire inquiries in a more orderly and timely manner. This review is to be completed in the first half of 2007.

As the busiest and largest Court in Australia, the New South Wales Local Court is the primary interface between the community and the legal system in this State. Since its inception, the Court's jurisdiction has grown steadily more diverse and complex. Today it covers civil, criminal, mental health, children's criminal and care, coronial, industrial, liquor licensing and mining matters. The diversity of matters and attendant caseload means that the efficient operation of the Local Court system depends on an effective partnership between the Magistrates, the Chief Magistrate's Office and the Local Courts Administration. This Review gives some small insight into the outstanding work in each of these areas.

Graeme Henson
Chief Magistrate

1 An overview of the Local Court

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

Jurisdiction and divisions

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

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

There are currently 136 Magistrates who preside at 156 locations throughout New South Wales.

Children's Court

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

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

The majority of cases concerning allegations of crime committed by children and young people aged between 10 and 18 years are finalised in the Children's Court.

The Court also has responsibility for supervising the grants and revocations of parole.

It is a specialist Court with 12 Children's Magistrates and five Children's Registrars. All Magistrates have Children's Court experience before taking responsibility for a country circuit. In November 2006, a new Children's Court was opened at Parramatta, co-locating a wide range of support services in a modern purpose built complex, which is now the headquarters of the Children's Court.

Coroner's Court

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

A death must be reported to the State Coroner or Deputy State Coroner where that person dies during the course of a police operation or whilst in custody and an inquest must be conducted into the circumstances of that death.

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

Industrial jurisdiction

The Chief Industrial Magistrate's Court has both civil and criminal jurisdiction under a broad range of State and Commonwealth legislation.

The Court 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 (Licenses); and
- prosecutions for statutory breaches.

The Licensing Court

The Licensing Court of New South Wales has state-wide jurisdiction under the *Liquor Act 1982*, the *Registered Clubs Act 1976* and the *Gaming Machines Act 2001* to deal specifically with applications for the grant of new licences, transfer of licences, breaches, complaints and disciplinary proceedings against licensees. Members of the Court are also Magistrates under the *Local Courts Act 1982*.

The Licensing Court has 67 Registries outside the Sydney metropolitan area, each serviced by Local Court Magistrates who deal with a limited number of matters under delegation from the Chairperson.

The Court also deals with applications for certificates of registration for registered clubs and is responsible for dealing with breaches and disciplinary proceedings arising under registered club laws.

Mental health

Magistrates have responsibilities under the *Mental Health Act 1990* to review the need for continued detention of any person who has been involuntarily admitted to a hospital for psychiatric treatment and when appropriate, to approve the discharge of persons subject to a community treatment order. To carry out the role, Magistrates attend hospitals throughout the State.

Mining jurisdiction

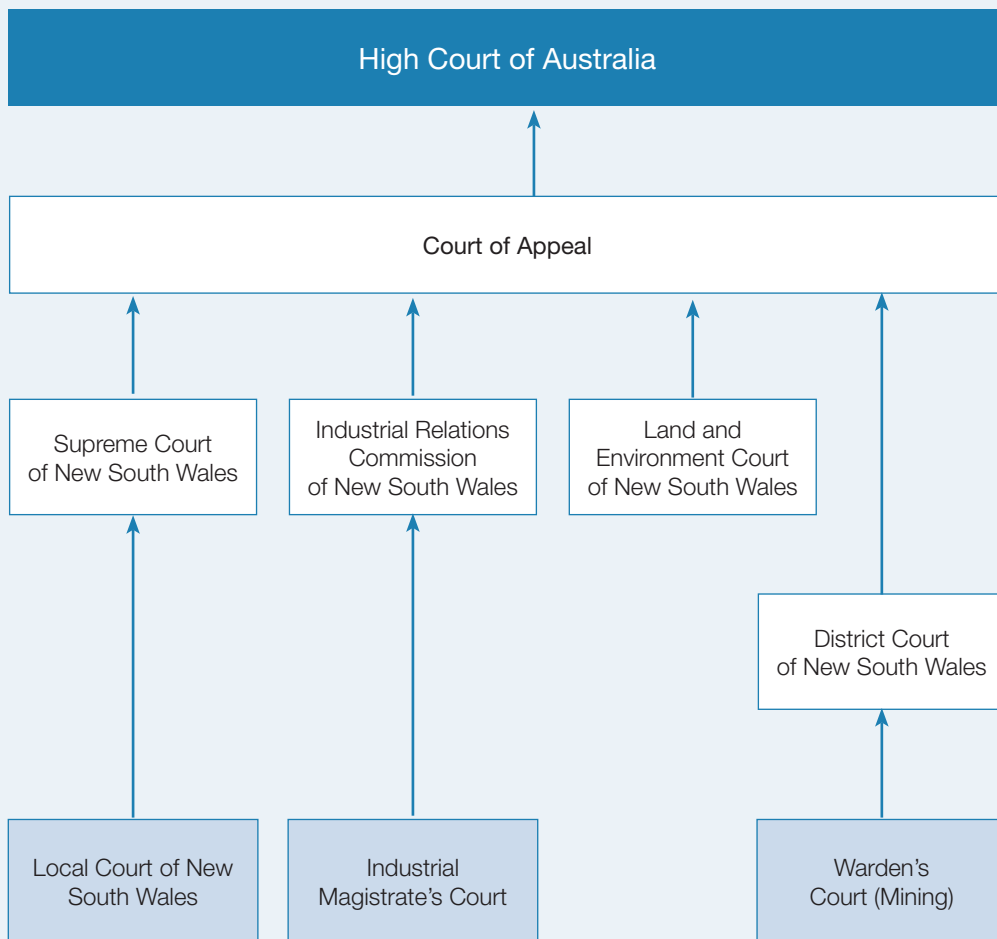
All Local Court Magistrates are commissioned as Mining Wardens, under the *Mining Act 1992*. The authority of the Chief Mining Warden is found in section 293(2) of the *Mining Act 1992*.

Due to the specialised nature of the work, the practice is for the Chief Mining Warden to deal with all matters before the Warden's Court throughout New South Wales, including administrative functions. As mining disputes generally arise in rural and remote areas, most cases are heard in country courthouses for the convenience of all parties involved.

The work in this jurisdiction derives from the *Mining Act 1992*, the *Petroleum (Onshore) Act 1991* and their respective Regulations. As a result, the work is wide ranging, but falls into several distinct categories including:

- determination of disputes between miners and landholders such as boundaries, possession of mining land, trespass, rights to minerals or water etc.;
- assessment of compensation payable to a landholder as a result of prospecting or mining activities or when a right of way is granted over land; and
- public inquiries, as directed by the Minister for Primary Industries, into any matter arising from the Acts, including objections to applications for prospecting and mining titles and often involving environmental considerations. This is an administrative process and the rules of natural justice apply. A report is prepared, with recommendations, which is submitted to the Minister and if necessary, to Cabinet.

New South Wales Court System – Civil Jurisdiction



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

The Magistrates

The Judicial Officers of the Court are the Magistrates. The Governor of New South Wales appoints Magistrates pursuant to section 12 of the *Local Courts Act* 1982 on the advice of the Executive Council.

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

As at 31 December 2006 the Judicial Officers of the Court were as follows:

Chief Magistrate

His Honour Chief Magistrate Graeme Leslie Henson (from 28 August 2006)

His Honour Judge Derek Price (until 27 August 2006)

Deputy Chief Magistrates

Her Honour Deputy Chief Magistrate Helen Syme

His Honour Deputy Chief Magistrate Paul Stanislaus Cloran (from 3 October 2006)

His Honour Deputy Chief Magistrate Graeme Leslie Henson (until 28 August 2006)

Senior Children's Magistrate

His Honour Magistrate Scott Mitchell

Chairperson Licensing Court of New South Wales

His Honour Magistrate David Bruce Armati

State Coroner of New South Wales

His Honour Magistrate John Birley Abernethy

Chief Industrial Magistrate

His Honour Magistrate Gregory James Tulk Hart

Chief Mining Warden

His Honour Magistrate John Anthony Bailey

Magistrates

His Honour Magistrate Richard Peter Miszalski

His Honour Magistrate Darryl John Pearce

His Honour Magistrate John Ormonde Crawford

His Honour Magistrate Christopher James Bone

His Honour Magistrate Paul Alexander Lyon

His Honour Magistrate David Patrick O'Connor

His Honour Magistrate Peter Frederick Ashton

His Honour Magistrate William Grenville Pierce

His Honour Magistrate Laurence Lawson

Her Honour Magistrate Dr Patricia O'Shane AM

His Honour Magistrate Graham Johnson

His Honour Magistrate Michael Francis Morahan

His Honour Magistrate Ian Duncan McRae

His Honour Magistrate Paul Anthony Sloane

His Honour Magistrate Wayne Henry Evans

His Honour Magistrate Colin Alan Elliot

His Honour Magistrate Jeffrey Alan Linden

His Honour Magistrate Bernard Joseph Kennedy

His Honour Magistrate Paul Patrick Falzon

His Honour Magistrate Allan Darroll Moore

His Honour Magistrate Thomas Hugh Hodgson

His Honour Magistrate Dragan Carl Milovanovich, Deputy State Coroner

His Honour Magistrate Gary John Cocks

His Honour Magistrate Ian Phillip Barnett

His Honour Magistrate Ross Clugston

Her Honour Magistrate Janet Christina Ruth Stevenson

His Honour Magistrate Leslie John Brennan

His Honour Magistrate Nicholas Gustav Ernest Reimer

His Honour Magistrate Anthony Alfred Spence

His Honour Magistrate Mark Robert Shepherd

His Honour Magistrate Malcolm Ian MacPherson

His Honour Magistrate Christopher Wayne McRobert

Her Honour Magistrate Daphne Anne Kok

His Honour Magistrate Paul Victor Johnson

His Honour Magistrate Geoffrey Edward Bradd

His Honour Magistrate Dennis Harvey Burdett

His Honour Magistrate Andrew John Benson George

His Honour Magistrate James Edward Garbett

His Honour Magistrate Brian Anthony Lulham

His Honour Magistrate Richard Wallace Wakely

His Honour Magistrate Michael Anthony Dowd

Her Honour Magistrate Carolyn Jane Barkell

His Honour Magistrate Allan Wilson Railton

Her Honour Magistrate Jillian Mary Orchiston

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,
 Senior Deputy State Coroner
 Her Honour Magistrate Lee Anne Gilmour
 His Honour Magistrate Phillip Alan Moon
 Her Honour Magistrate Janet Wahluquist
 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
 His Honour Magistrate John McIntosh
 Her Honour Magistrate Beverley Anne Schurr
 His Honour Magistrate David Michael Heilpern
 His Honour Magistrate Roger David Prowse
 His Honour Magistrate Sean Anthony Flood
 Her Honour Magistrate Suzanne Gaye Seagrave
 Her Honour Magistrate Eve Wynhausen
 His Honour Magistrate Ian James Guy
 Her Honour Magistrate Hilary Rae Hannam
 His Honour Magistrate Daniel Reiss
 Her Honour Magistrate Joanne Keogh
 Her Honour Magistrate Jane Ellen Mottley
 His Honour Magistrate Paul Raymond Mulroney
 His Honour Magistrate George Zdenkowski
 His Honour Magistrate Terence Timothy Lucas
 Her Honour Magistrate Elizabeth Corbett
 His Honour Magistrate Terence Murphy
 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
 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,
 Deputy President of the Administrative
 Decisions Tribunal
 Her Honour Magistrate Dorelle Pinch,
 Deputy State Coroner
 His Honour Magistrate Paul Anthony MacMahon
 His Honour Magistrate Jeffrey Raymond Hogg
 His Honour Magistrate Ronald John Maiden
 Her Honour Magistrate Jane Ariane Culver
 His Honour Magistrate Michael North Holmes
 His Honour Magistrate Gordon Bruce Lerve
 Her Honour Magistrate Vivian Margaret Swain
 His Honour Magistrate
 Graham Thomas Blewitt AM
 His Honour Magistrate Timothy Bernard Keady
 His Honour Magistrate Peter Sampson Dare SC
 Her Honour Magistrate Annette Christine Sinclair
 Her Honour Magistrate Robyn Eva Denes

Her Honour Magistrate Sharon Claire Freund
Her Honour Magistrate Geraldine Beattie
Her Honour Magistrate Jacqueline Maree Trad
His Honour Magistrate Glenn James Bartley
His Honour Magistrate Antony Edward Townsden
His Honour Magistrate Leslie William Mabbutt
His Honour Magistrate John Daniel Favretto
Her Honour Magistrate Mary Stella Jerram
Her Honour Magistrate Gabriel Catherine Fleming
Her Honour Magistrate Alison Mary Viney

Judicial appointments during 2006

Ms Robyn Eva Denes

Ms Robyn Eva Denes was sworn in as a Magistrate of the Local Court on 25 January 2006. Ms Denes began her career at the Office of the Director of Public Prosecutions in June 1990 having graduated with a BA/LLB from the University of New South Wales.

Ms Denes also teaches advocacy as part of the University of Technology, Sydney's Practical Legal Training programme.

Ms Sharon Claire Freund

Ms Sharon Claire Freund was sworn in as a Magistrate of the Local Court on 25 January 2006. Ms Freund was admitted as a solicitor in 1991 having graduated with a Bachelor of Laws & Bachelor of Science degree from the University of New South Wales. In 1997 she obtained a Masters of Law degree.

Ms Freund was a Partner/Consultant with Diamond Peisah & Co solicitors from 1997. She has been an Arbitrator of the District Court and Local Court and Alternate Chairperson of the Appeals Board Soccer New South Wales.

Ms Geraldine Beattie

Ms Geraldine Beattie was sworn in as a Magistrate of the Local Court on 25 January 2006. Ms Beattie was admitted as a solicitor in December 1994. She holds a Bachelor of Arts, Diploma of Education and Bachelor of Laws (First Class Honours) from the University of Sydney.

Prior to completing her law degree Ms Beattie was a secondary school teacher. Following completion of her law degree, Ms Beattie worked as a solicitor in private practice mainly in the area of construction law. She joined the Office of the Director of Public Prosecutions in 1996.

Ms Jacqueline Maree Trad

Ms Jacqueline Maree Trad was sworn in as a Magistrate of the Local Court on 25 January 2006. Ms Trad joined the Public Service in March 1985 and held a number of positions with the Department of Community Services, the Department of Housing and the Office of the New South Wales Ombudsman.

In 1992 Ms Trad commenced with the Office of the Chief Magistrate as a Policy Officer Legislative Services and commenced part time studies through the Legal Practitioners Admissions Board and was awarded a Diploma in Law in June 1997.

In 1999 and up until being appointed as a Magistrate, Ms Trad took up a position with the Hon Bob Debus MP as policy adviser, first in the portfolio of Corrective Services and then, in 2000, in the Attorney General's portfolio.

Mr Glenn James Bartley

Mr Glenn James Bartley was sworn in as a Magistrate of the Local Court on 22 March 2006. Mr Bartley was admitted to the New South Wales Bar on 16 July 1976 and has practised at the New South Wales Bar continuously from 1976 until his appointment as a Magistrate in March 2006.

Mr Bartley was also a member of the New South Wales Bar Association's Criminal Law Committee, the National Child Sexual Assault Reform Committee and a consultant to the Women's Legal Resources Centre.

Mr Antony Edward Townsden

Mr Antony Edward Townsden was sworn in as a Magistrate of the Local Court on 20 April 2006.

Mr Townsden was admitted as a solicitor of the Supreme Court of New South Wales in June 1990. Since that time he has worked as a solicitor with the Legal Aid Commission and in recent years has occupied the position of Director Criminal Law.

Mr Leslie William Mabbutt

Mr Leslie William Mabbutt was sworn in as a Magistrate of the Local Court on 31 July 2006. Mr Mabbutt holds a degree of Bachelor of Laws and was admitted as a solicitor of the Supreme Court of New South Wales in 2003.

From 1999, after an initial period of service in the New South Wales Police, Mr Mabbutt occupied the position of Executive Officer, Chief Magistrate's Office.

Mr John Daniel Favretto

Mr John Daniel Favretto was sworn in as a Magistrate of the Local Court on 16 October 2006. Mr Favretto was admitted as a solicitor of the Supreme Court of New South Wales in 1979.

Mr Favretto held various positions with the Crown Solicitor's, the Office of the Director of Public Prosecutions (New South Wales) before being called to the Bar in 2001. He was appointed Acting Crown Prosecutor from 2001 to 2005 and Crown Prosecutor in 2005 and 2006.

Mr Favretto is co-author of LexisNexis Butterworths loose-leaf service, "Sentencing Law New South Wales".

Ms Mary Stella Jerram

Ms Mary Stella Jerram was re-appointed on 23 October 2006 after a short retirement from the Local Court Bench.

Ms Jerram began her career as a secondary school teacher. Following completion of her Law degree, she was admitted as a solicitor Supreme Court of New South Wales in May 1983.

Ms Jerram was appointed as a Magistrate of the Local Court on 14 June 1994 and appointed Deputy Chief Magistrate on 20 March 2000.

On 22 November 2001 Deputy Chief Magistrate Jerram entered a short retirement. From December 2001 up until immediately prior to her re-appointment, Ms Jerram continued to work on an ad-hoc basis as an Acting Magistrate.

Dr Gabriel Catherine Fleming

Dr Gabriel Catherine Fleming was sworn in as a Magistrate of the Local Court on 23 October 2006. Dr Fleming holds a Bachelor of Social Studies and Bachelor of Laws as well as a Master of Public Policy and Phd in Law from the University of Sydney.

Prior to her appointment as Magistrate, Dr Fleming was the Deputy President of the Workers Compensation Commission, a statutory position she held for approximately five years.

Ms Alison Mary Viney

Ms Alison Mary Viney was sworn in as a Magistrate of the Local Court on 20 November 2006. Ms Viney holds a Bachelor of Arts and Bachelor of Laws and was admitted as a solicitor of the Supreme Court of New South Wales in 1986. Ms Viney began her career as an advocate in the Office of the Director of Public Prosecutions.

In August 2001 Ms Viney was appointed Director of the Legal Representation Office, which provides representation to individuals called before the Independent Commission Against Corruption and the Police Integrity Commission.

In November 2003 Ms Viney took up the role of Chief Executive Officer at HealthQuest, a self funded New South Wales statutory health corporation established under the New South Wales Health Services Act.

Judicial retirements and resignations during 2006

Mr Maxwell Francis Taylor
(retired 8 January 2006)

Mr Robert Joseph Abood
(retired 16 February 2006)

Mr Michael Kevin Price
(retired 17 March 2006)

Mr Denis Arthur Collins
(retired 31 March 2006)

Ms Deborah Anne Sweeney
(resigned 20 April 2006)

Ms Elaine Gweneth Schnelle
(resigned 3 July 2006)

His Honour Judge Price
(resigned 27 August 2006)

Mr Alan Thomas Cullen
(retired 6 October 2006)

Mr Bryan Robert Wilson
(retired 31 October 2006)

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

Mr Ian Phillip Barnett
Ms Jillian Mary Orchiston

Magistrates appointed as Members of the Victims Compensation Tribunal

Mr Cecil Roy Brahe and as Chairperson of the
Victims Compensation Tribunal

Mr Thomas Geoffrey Cleary
Mr Charles Augustine Gilmore

Other appointments

His Honour Judge Price, Chief Magistrate, was appointed as a Judge of the Supreme Court of New South Wales on 28 August 2006

Ms Deborah Anne Sweeney, Magistrate, was appointed as a Judge of the District Court of New South Wales on 21 April 2006

Acting Magistrates

Mr Robert Joseph Abood
(from 17 February 2006)

Mr Malcolm Cooper Beveridge

Mr Cecil Roy Brahe

Mr Barry John Bright

Mr Alan John Clarke

Mr Thomas Geoffrey Cleary

Mr Errol John Considine, OAM

Mr Kevin Charles Flack

Mr Terrance Gordon Forbes

Mr Charles Augustine Gilmore

Mr Langdon William Gould

Mr Peter Damien Gould (until 30 June 2006)

Ms Lilian Horler (until 30 June 2006)

Mr Stanley David Kitchener Hyde

Ms Mary Stella Jerram (until 22 October 2006)

Mr Vincent Dereck Kearney

Mr Gregory John McCarry
(until 30 August 2006)

Mr Leonard Ross McDermid

Mr Michael Joseph Mahony

Mr Kevin Ronald Maughan

Mr George Ashley Miller

Mr Peter Montague Norton

Mr Michael Kevin Price (from 18 March 2006)

Mr Harley Richard Rustin

Ms Susanne Elizabeth Schreiner

Mr Ross Arthur Sterland

Mr James Lawrence Swanson

Mr Craig Lowery Thompson

Small Claims Assessors

Mr Graham Roberts

Ms Danae Harvey

Ms Janice Connelly

Chief Magistrate's executive office

As at 31 December 2006, the Executive Office consisted of seven staff:

Executive Officer

Jacinta Haywood

Policy Officer

Bridget Thomson

Listing and Rostering Co-ordinator

Helena Potter

Courts Co-ordinator

Phillip Sutor

Executive Assistant to the Chief Magistrate

Theresa Lamp

Judicial Support Officer

Linda Lalin

Administrative Assistant

Sara Kamel

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 in the Chief Magistrate's Executive Office provide state-wide administrative support to 136 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 156 Local Courts throughout New South Wales.

The Executive Office is responsible for the publication of sittings schedules, rosters, Chief Magistrate's circulars, Local Court Practice Directions/Notes, listing of cases and collation of statistical information. The Executive Office co-ordinates Magistrate's travel across the State to ensure requirements for sittings are met and co-ordinate Magistrates attendance at various conferences throughout the year.

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 and provides research and project support as required by the Chief Magistrate.

Further information about the New South Wales Local Court can be found on the Local Court website on Lawlink, at 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 both easily understood and accessible.

Registrars

Registrars are appointed to each Local Court by the Governor pursuant to section 10 of the *Local Courts Act* 1983. The Registrars have a number of quasi-judicial functions conferred upon them by legislation.

The Work of the Registrar includes:

- conduct of call-overs in both civil and criminal jurisdiction;
- conduct of Pre-trial Reviews in civil claims small claims hearings;
- issuing of Search Warrants;
- consideration of various applications and motions in all jurisdictions;
- management and supervision of the Court Registry;
- swearing in of Justices of the Peace; and
- limited responsibilities in relation to Births, Deaths and Marriages.

Children's Registrars

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

Chamber Registrars

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

2 Court operations during 2006

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

Criminal jurisdiction

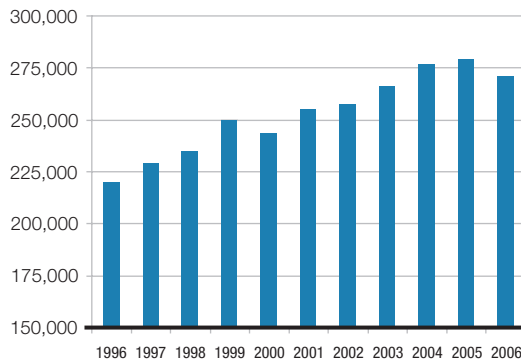
As at 31 December 2006:

- 271,091 criminal matters commenced in the Local Court
- 270,995 criminal matters were finalised, giving a clearance ratio of 99.96%
- 20,236 defended trials were finalised by the Local Court

These figures are statewide for all Local Courts. In previous years figures have been estimated from 83% of cases on the GLC case management system, therefore no direct comparison can be made to figures reported in the 2005 annual review.

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

Criminal matters commenced



The criminal case workload of the Court continues to increase as the historical perspective set out above confirms. Against this background, the Local Court has been confronted with difficult resource and management issues. It is a credit to the dedication and commitment of the magistracy that the Court continues to lead the way in the delivery of justice within the criminal jurisdiction.

According to the Productivity Commission's Report on Government Services 2007, which measures performance across the Commonwealth, the Local Court of New South Wales has again outperformed other states and territories. This is despite its increasingly heavy workload and the proportion of magisterial resources allocated to the Court being significantly less than the comparative allocation to other states and territories.¹

During the period in question, the Court continued to further involve itself in alternative approaches to the traditional dispensation of criminal cases. Part 3 of this Review deals in greater detail with the various diversionary programmes conducted within the Court. For cogent reasons, these programmes do not operate within the higher jurisdictions, however, it is important to note that the success of such initiatives depend on more 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 the success of the Court continues. It is, however, appropriate to add a necessary caution that if workloads continue to rise without an increase in resources the time will come when the qualitative outcome, in terms of maintaining a high professional standard, will conflict with demand for expedition.

Timeliness

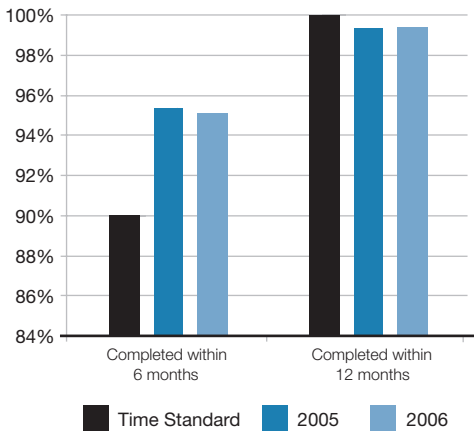
- The pending caseload reduced by 14.6% (reducing by 4,298 matters)
- 95.09% of matters were completed within six months of commencement
- 99.35% of matters were completed within 12 months of commencement

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

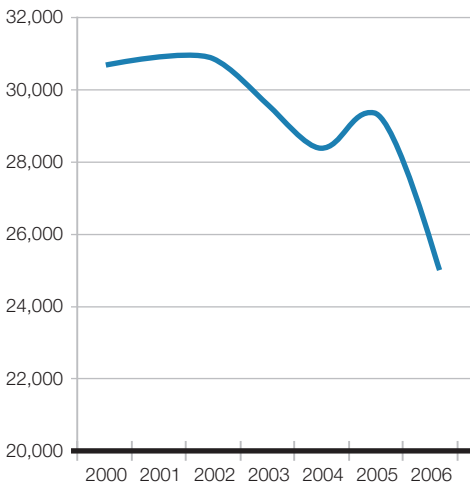
In accordance with published time standards, the Court aims to finalise 100% of summary criminal trials within 12 months of commencement.

¹ Report on Government Services 2007 at 6.31

Finalised Matters



Pending criminal caseload



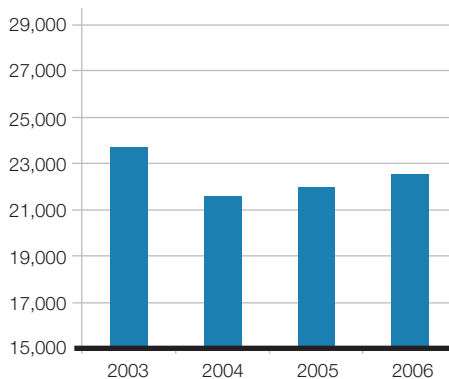
Domestic and personal violence

The caseload of the Court in the area of domestic and personal violence remained constant in 2006. Final domestic violence orders made by the Court increased by 3.3% from 16,339 in 2005 to 16874 in 2006. Final personal violence orders made by the Court decreased very slightly from 5664 in 2005 to 5631 in 2006.

The Local Court acknowledges the important work of, and the assistance the Court received in 2006 from:

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

Personal and Domestic Violence Orders



Apprehended Violence Statistics 2006

Domestic Violence	
Telephone Interim Orders	12,753
Interim Orders/Summons	2,134
Summons	16,421
Warrants	202
Application variation/revocation	1,327
TOTAL DOMESTIC VIOLENCE PROCESS ISSUED	32,837
Final Orders made by Court	16,874
% of Final Orders made by Court out of the total process issued	53.55%
Complaints withdrawn/dismissed	13,000
Complaints dismissed after hearing	692
Complaints where SNS/NRS	5,100
Orders Varied	2,361
Personal Violence	
Telephone Interim Orders	613
Interim Orders/Summons	1,184
Summons	8,961
Warrants	80
Application variation/revocation	306
TOTAL PERSONAL VIOLENCE PROCESS ISSUED	11,144
Final Orders made by Court	5,631
% of Final Orders made by Court out of the total process issued	51.96%

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

Domestic Violence Intervention Court Model

During 2006, the Domestic Violence Intervention Court Model (DVICM) continued in two locations in New South Wales, Wagga Wagga Local Court and Campbelltown Local Court. The DVICM deals with criminal domestic violence matters and is an integrated criminal justice and community social/welfare response to domestic violence. It relies on the inter-agency cooperation between the New South Wales Attorney General's Department, New South Wales Police, Department of Corrective Services, Legal Aid and Department of Community Services.

DVICM aims to promote a productive and cooperative relationship between police and the Courts and bring about proactive responses from police, improved evidence collection, and better support for victims.

The DVICM focuses on increasing accountability for perpetrators of domestic violence whilst providing greater support and safety for victims from the time domestic violence is reported until finalisation of associated Court proceedings.

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.

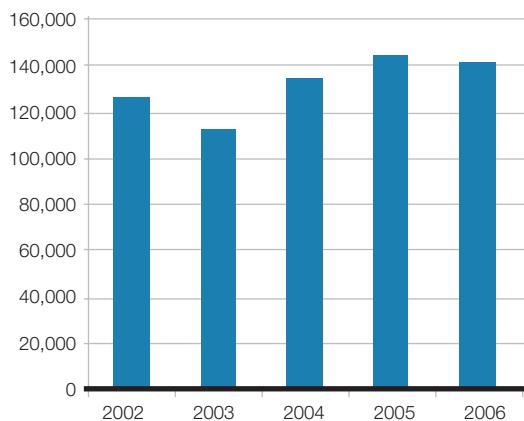
It is expected that the outcome of these two pilot Courts will be formally evaluated in 2007. Preliminary indicators have been very positive.

Civil jurisdiction

In 2006, 140,914 civil actions were commenced in the Local Court with 151,211 finalised. This represents a slight decrease in filings from 2005. 116,201 of these actions were commenced in the Small Claims Division.

9,925 matters were finalised by Court hearings in the General and Small Claims Divisions. The majority of matters are finalised other than by hearing in Court (i.e. matters are settled or default judgement is entered).

Civil actions commenced



The Court aims to finalise 100% of all civil proceedings within 12 months of commencement. As at 31 December 2006 the number of General Division matters disposed of within 12 months remained constant from 2005 at 89.29%. The number of Small Claims actions completed within 12 months increased to 97.01% from 95% in 2005.

Defects in the civil claims statistical database that have been identified in previous years continue to under report the caseload and finalisations of the Court.

The most significant feature of 2006 was the continued introduction of the Uniform *Civil Procedure Act* 2005. Civil matters in the Supreme Court, District Court and Local Court are now governed by the same Act and Rules, which benefits not only the Court, but also practitioners and litigants.

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 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 2006, very few matters were “not reached”.

Whilst there is great diversity in the cases that come before the Court, during 2006 a disproportionate amount of hearing time was spent hearing disputes between insurers over fair and reasonable costs of repairs to motor vehicles damaged in an accident.

Claims by insurance companies seeking to recover deposits forfeited by the default of purchasers, also take up a significant amount of the Court’s time.

The Court has observed a marked increase in the number of unrepresented litigants appearing before the Court. Where the legal issues are complicated, the presence of unrepresented litigants presents a significant challenge to the Court.

Children's Court

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

A significant development in the Children's Court during 2006, one year on from its centenary (26 September 2005), has been the commencement of the Court's operations at two new Courthouses.

In April 2006, the Children's Court at Broadmeadow opened and on 6 November 2006, the Premier of New South Wales opened the new Children's Court at Parramatta.

The new Children's Court at Parramatta is now the headquarters of the Children's Court of New South Wales and contains six Courtrooms and two mediation conference rooms. It also constitutes the first phase of the new Parramatta Justice Precinct.

Consequent on these developments, the Court's operations at Cobham and Bidura were reorganised. Cobham continues to deal with juvenile crime, but no longer deals with Care and Protection matters, whilst Bidura now deals with both juvenile Crime and Care matters, as the primary face of the Children's Court in the eastern Sydney region. On 9 November 2006, the Children's Court at St James and the Children's Court at Lidcombe both closed. Consolidation of the Children's Court in Parramatta has meant Family Court filings have ceased, due to the location of the Federal Magistrates Court in Parramatta.

Children's Court Registries continued to operate at Bidura, Cobham, Campbelltown, Central Coast (Wyong and Woy Woy), Broadmeadow, Illawarra (Port Kembla and Nowra) in 2006 and at St James until November 2006, when the Court commenced its operations at Parramatta.

The policy of attaching all newly appointed Magistrates to the Children's Court for a period of at least three months before being assigned to a country circuit continued during 2006. The purpose of this initiative is to ensure Magistrates have up to date expertise in dealing with children's matters, enabling the Court to improve its service to the children and families in the parts of the State where specialist Children's Magistrates do

not ordinarily preside. Nevertheless, the Chief Magistrate continued the practice of authorising sittings of specialist Children's Magistrates in country centres to hear and determine matters of particular complexity or otherwise where a need appeared.

The Children's Court also maintained in 2006, its active role of advising Government on matters of law reform relating to children and young persons. The Senior Children's Magistrate chaired, and several other Children's Magistrates are members of, the Children's Court Advisory Committee and the Children's Court frequently consults with various government and non-government agencies concerning juvenile justice and the care and protection of children. A working party comprising representatives of the Children's Court, the Attorney-General's Department, the Legal Aid Commission and the Department of Community Services meets monthly.

Children's Court Care jurisdiction

Pursuant to the *Children and Young Persons (Care and Protection) Act* 1998, the Children's Court has the responsibility of making orders for the emergency and/or the longer term removal of children from the care of their parents, orders for the allocation of parental responsibility to the Minister for Community Services and/or to other suitable carers and orders for supervision of placements and for contact. Where it appears appropriate, the Court may continue to monitor the progress of children in Care by requiring the Department of Community Services to provide updating reports regarding children the subject of Care Orders.

Standard Directions and Time Standards designed to facilitate preparation of Care cases for trial and eliminate unacceptable delay, continued to apply during 2006. The overwhelming bulk of Care applications were determined and finalised within six months of their commencement. In matters relating to Care and Protection, the Court continued to regard delay as contrary to the best interests of children and young persons.

In the 12 months to the 31 December 2006:

- 4,993 Care matters commenced in the Children's Court
- 4,875 Care matters were finalised, giving a clearance ratio of 97.64%.

These figures are state-wide for all Local Courts. In previous years figures have been estimated from 83% of cases on the GLC case management system, therefore no direct comparison can be made to figures reported in the 2005 annual review. During 2006 a number of Care matters were transferred to Parramatta as a result of the closure of St James Children's Court. These matters have been included for the purposes of recording matters commenced

The Children's Registrars attached to the Court assist in the areas of case management and alternative dispute resolution. They conduct regular call overs of Care cases and preside over preliminary conferences pursuant to section 65 of the *Children and Young Persons (Care and Protection) Act 1998* which are the Court's chief ADR mechanism. Children's Registrars are allocated to Courts across the State as required and make regular and frequent scheduled visits to major country centres.

Criminal jurisdiction

In the 12 months to the 31 December 2006:

- 14,615 criminal matters commenced in the Children's Court
- 14,763 criminal matters were finalised, a clearance rate of 101.01%
- 1,205 defended trials were finalised by the Court

These figures are state-wide for all Local Courts. In previous years figures have been estimated from 83% of cases on the GLC case management system, therefore no direct comparison can be made to figures reported in the 2005 annual review.

Timeliness

- The pending caseload remained constant (at 26 matters, compared to 24 in 2005)
- 91.77% of matters were completed within six months of commencement
- 99.05% of matters were completed within 12 months of commencement

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

The diversion of offenders under the *Young Offenders Act 1997* continued during 2006 to reduce the number of less serious matters coming before the Court.

Youth Drug and Alcohol Court

The Youth Drug and Alcohol Court aims to reduce re-offending by young people by helping them overcome their drug or alcohol problem. The programme operates by deferring sentencing of young offenders while he or she undertakes a rehabilitation plan. The young offender appears before a Magistrate every fortnight for review.

During 2006, the Youth Drug and Alcohol Court sat at Bidura, Cobham, Campbelltown and Parramatta. 86 young offenders were referred to the programme and 46 were accepted and commenced the programme. There were 19 graduates from the programme in 2006 and as at 31 December 2006, 29 young offenders were continuing to participate in the programme

Children's Court Clinic

The Children's Court Clinic continued during 2006 to provide independent clinical assessments of children and young persons and their families. An assessment order is made when the Court requires specialist information from a clinician to assist it in the determination of Care cases. Specialist psychiatrists, psychologists, paediatricians and other practitioners are attached to the Clinic to deal with and report on issues such as parenting capacity, bonding and attachment or a child's need for contact in the event that out-of-home Care Orders are to be made. Following assessment, the Clinic provides written reports to the Court and clinicians make themselves available for examination before the Court. In November 2006, the Clinic relocated from its former premises at Hospital Road, Sydney to the new Children's Court building at Parramatta.

Coroner's Court

The State Coroner of New South Wales is His Honour Magistrate John Birley Abernethy, the Senior Deputy State Coroner is Her Honour Magistrate Jacqueline Mary Milledge and the Deputy State Coroners are His Honour Magistrate Dragan Carl Milovanovich, and Her Honour Magistrate Dorelle Pinch.

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 can only 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.

During 2006, 30 deaths were reported pursuant to the requirement of Section 13A, 3 of the deceased were Aboriginal. This compares to 2005, where 26 such deaths were reported, 4 of which were Aboriginal.

Whilst the overall figure reported has increased, this should not be regarded as an "upward trend", as the number of deaths reported pursuant to section 13A since 1997 have decreased significantly. The reason for the overall increase in 2006 is currently being examined.

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 2006, 210 such deaths were reported to the State Coroner. Whilst the section requires mandatory reporting, there is no mandatory requirement to conduct an inquest. Should an inquest be necessary, however, only the State Coroner or Deputy State Coroner may conduct it.

Completion of cases

The State Coroner has a statutory obligation to ensure all deaths, fires and explosions are properly investigated. The primary investigative agency for the Coroner is the New South Wales Police. Other organisations including WorkCover, the New South Wales Mines Investigation Unit, the Office of Transport Safety Investigation and the Australian Transport Safety Bureau (ATSB) support coronial investigations with the provision of their own expert briefs of evidence.

Many matters are complex and require lengthy investigations. The Coroner relies on the expertise of other agencies and is dependant on these other agencies completing their investigations in a reasonable time frame. In particular, a factor impacting on the timely disposition of cases, particularly at Glebe, has been delay by the Department of Forensic Medicine (DOFM) to finalise post mortem reports.

The end of 2005 saw a steady decrease in delays in the provision of these reports, due to a full complement of forensic pathologists located at the DOFM. In early 2006 this improvement in service delivery continued, however, due to a critical shortage of forensic pathologists at the Westmead mortuary, the DOFM at Glebe assisted by taking over 500 matters to perform post mortem examinations.

This impacted on the ability of pathologists at Glebe to deliver timely reports following post mortems, with consequential impact on the timeliness in completion of coronial work.

Industrial jurisdiction

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

Case Load

In 2006 the total number of cases filed in the Industrial Court decreased marginally from 1301 to 1201. These figures do not, however, include Industrial matters heard in Newcastle. 2006 saw a reduction in the number of civil claims lodged from 584 (in 2005) to 437.

Other trends included:

- Prosecutions filed by the Office of Industrial Relations (OIR) increased to 318 in 2006 (from 246 in 2005);
- Lodgements by the Workcover Authority of New South Wales appeared to plateau during 2006. In 2005 there was a significant decrease in lodgements from 689 (in 2004) down to 471. There were 437 lodgements in 2006.

Legislative Change

The 2006 calendar year saw a significant change in the Federal industrial law with the Commonwealth Work Choices legislation being gazetted to come into law on 27th March 2006. In September 2006 the High Court of Australia by a 5:2 majority upheld the constitutional validity of the legislation. The legislation overrides State industrial law in circumstances where the relevant employer is a constitutional corporation namely, a trading, financial or foreign corporation.

It is too early to assess how this fundamental change in industrial law will impact upon the work of the Chief Industrial Magistrate's Court. The 2007 calendar year is likely to be an interesting time of change in the Court as the impact of such far-reaching legislation takes effect.

Coroner's Court statistics 2006

	2005	2006
Deaths reported		
Glebe:	2022	1979
Westmead:	1433	1455
Other State-wide:	2510	2439
TOTAL	5965	5873
Inquests dispensed with*		
Glebe:	1616	1500
Westmead:	1105	940
Other State-wide:	1928	1929
TOTAL	4649	4369
Inquests conducted		
Glebe:	77	83
Westmead:	56	67
Other State-wide:	54	62
TOTAL	187	212

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

Fires

Generally, fires account for less than 10% of matters reported to a Coroner and much less result in an inquiry. The past few summers have seen a number of bush fires reported to the State Coroner. These fires primarily result in destruction of vegetation and wildlife, however, some property damage is occasioned and some also result in the loss of human life.

In 2006, 679 bushfires were reported to the State Coroner through the Deputy State Coroner Westmead. A special police task force was established to account for and investigate these fires. Operation "Tronto 4" is a continuation of the work undertaken by the previous "Tronto" police investigators.

Licensing Court

The Chairperson of the Licensing Court of New South Wales is His Honour Magistrate David Bruce Armati. Magistrates appointed to the Licensing Court during 2006 were Her Honour Magistrate Daphne Anne Kok, His Honour Magistrate Peter Frederick Ashton and Mr Denis Arthur Collins (until retirement on 31 March 2006).

In 2006 the workload of the Licensing Court remained constant from 2005, whilst the Court was reduced to three Licensing Magistrates.

Licensing Court statistics 2006

Appeals		
Full Bench 3	District Court 8 (6 appellants)	Supreme Court 1
Applications*		
Lodged 13,890	Finalised 13,784	
Prosecutions		
Lodged 626	Finalised 566	
Casino Prosecutions		
Lodged 37	Finalised 38	
Temporary closure orders (Principal Registrar)		
1		

* Unlike in prior years, the number of applications reported this year includes 5,114 Board related matters (which often accompany Court matters) as well as Court matters to more appropriately reflect the work load of the Magistrates.

When there is no objection lodged to an application, one of the Licensing Magistrates or the Principal Registrar is able to deal with the matter in chambers. In 2006, 8,907 such applications were dealt with in chambers, of which, 6,979 were dealt with by the Principal Registrar.

Liquor Administration Board

The members of the Liquor Administration Board (LAB) are the Licensing Magistrates. The LAB is responsible for approving gaming machines and determining various applications in relation to poker machines, determining social impact assessments of liquor and gaming applications and carrying out community development and support expenditure assessment matters.

Statistics and details on these LAB duties are set out in the LAB's Annual Report along with an overview of the Policy Determinations that were issued in 2006.

Noise Complaints

Liquor Administration Board Members preside over conferences to hear complaints about noise and other nuisance that may arise from licensed premises. These informal hearings are designed to deal with disturbances caused to communities in the neighbourhood of licensed premises. During 2006, 71 such conferences were held over 48 sitting days.

Mental health

Magistrates conduct mental health inquiries in accordance with the *Mental Health Act* 1990 to review the need for continued detention of any person who has been involuntarily admitted to a hospital for psychiatric treatment. In 2006, Magistrates attended at 43 different hospitals throughout the State in order to conduct these inquiries.

In 2006 there were 12,323 mental health inquiries conducted by Magistrates.*

Mental Health inquiries – outcome	
Adjourned	7,202
Discharge or deferred discharge	155
Reclassify from Invol to informal	635
Temporary Patient Order	2,746
Community Treatment Order	1,579
Community Counselling Order	6
TOTAL	12,323

* The figures included this year 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 previous years.

Mining jurisdiction

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

Although this jurisdiction does not experience the volume of other jurisdictions, the nature of the disputes and the unlimited monetary jurisdiction of the Court means that very few contested matters can be finalised in less than two hearing days. Some matters occupy the Court's time for up to two or more weeks.

Once again this year, the majority of disputes arose in the Lightning Ridge mineral claims district. This was notwithstanding the decrease in the number of mineral claims issued in that district, compared to 2005.

During 2006 there was an increase of almost 100% in the number of matters filed in the Court, compared to 2005. This steep increase has not only arrested the gradual decline in numbers over the past years, but has placed the numbers in the region they were some 5 years ago.

Disposal rates during 2006 were:

- 67% of the matters were disposed of within 3 weeks;
- 75% within 6 weeks;
- 78% within 12 weeks; and
- 89% within 6 months

The operations of the Warden's Courts were not affected by any amendments to the relevant Acts which govern the Court's jurisdiction during 2006.

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

- Diversionary programmes and other aspects of the Court's work
- Diversionary programmes
- Children's Court diversion programmes
- Technology in the Local Court

Diversions programmes

Magistrate's Early Referral Into Treatment Programme

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

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

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

During 2006 the MERIT programme expanded to Waverly Local Court, Newtown Local Court and Fairfield Local Court. The programme is now available in 60 Local Courts throughout the State.

During 2006, 2,784 defendants were referred to MERIT, 1,675 were accepted with 1,047 successfully completing the programme.

MERIT is a Commonwealth and State initiative and funding is provided through the National Illicit Drug Strategy. The Court works in partnership with the New South Wales Attorney General's Department, New South Wales Police Service, New South Wales Health and Probation and Parole in the expansion and development of MERIT.

Rural Alcohol Diversion Programme

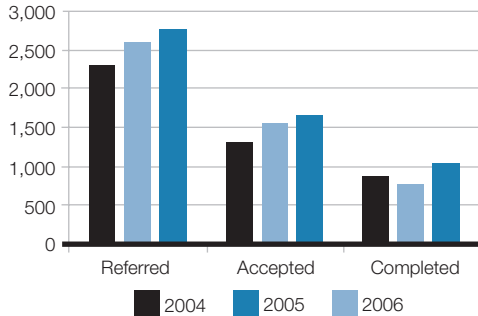
The Rural Alcohol Diversion (RAD) Programme is founded on the operating model of the MERIT programme and provides adult defendants with alcohol abuse or dependence problems the opportunity of rehabilitation as part of the bail process. The Rural Alcohol Diversion Programme is a pilot programme and currently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

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

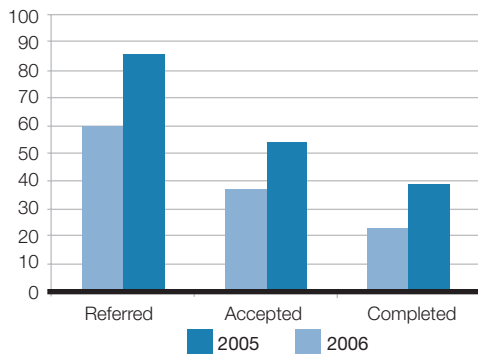
Defendants are closely case-managed throughout the programme and the Magistrate receives regular reports from the RAD Caseworker. The final hearing and sentence generally coincide with the completion of the treatment programme. Magistrates are then able to consider the defendant's progress in treatment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

During 2006, 86 defendants were referred to the programme, of whom 54 were accepted. As at 31 December 2006, 39 defendants had successfully completed the programme.

MERIT Programme Statistics



RAD Programme Statistics



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

The MERIT and RAD programmes are of 3 months duration. As such, persons referred to the programmes after September 2006 will still be on the programme at 31 December 2006 and therefore, not accounted for in the completion figures. Similarly, the completion figures include persons who commenced MERIT or RAD from September to December 2005 and completed their contact with the programme in 2006.

Circle Sentencing (Circle Courts)

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

During 2006, the programme operated at Local Courts in Nowra, Dubbo, Walgett, Brewarrina, Bourke, Lismore, Armidale and Kempsey, with the programme to expand into Western Sydney (at Mt Druitt). As set out in the Criminal Procedure Amendment (Circle Sentencing Programme) Regulation 2005, Circle Sentencing aims include:

- 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.

Young Adult Conferencing

Community Conferencing for Young Adults commenced at Liverpool Local Court and the Tweed Heads Local Court Circuit as a two year pilot programme in October 2005. The programme is available to offenders between the age of 18 and 25 who have committed offences, which expose them to the likely prospect of imprisonment.

Young Adult Conferencing 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.

The intervention plan may include the making of an apology or reparation to the victim, participation in an appropriate programme, such as drug and alcohol rehabilitation and other measures aimed to help young adult offenders address their offending behaviour and integrate into the community.

Whilst the programme does not apply to serious crimes of violence, it essentially provides Magistrates with another sentencing option and targets offenders who are otherwise likely to be imprisoned. The Intervention Plan is taken into account by the Court at the time of sentencing.

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 2006, operating in 17 Local Courts.

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

In the 2005/06 financial year, 17,993 people were screened for mental health problems in Court cells. Of this number, 2,373 received a comprehensive mental health assessment. 84% of those screened were found to be suffering a severe mental illness, mental disorder or condition. (Source: Justice Health 2005/2006 Annual Report)

In 2006 the programme expanded to Burwood, Central and Wagga Wagga Local Courts.

Telehealth video conferencing facilities operated in Broken Hill and Griffith during 2006, facilitating the presentation of persons before a psychiatrist in Sydney through the use of Audio Visual Link Technology.

Children's Court diversion programmes

Youth Drug and Alcohol Court

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

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

In 2005, the programme was expanded to cover the whole of the Sydney metropolitan area and, during 2006, the Youth Drug and Alcohol Court sat at Bidura, Cobham, Campbelltown and Parramatta (since the opening of the new Children's Court in Parramatta in November 2006).

In 2006, 86 young offenders were referred and 46 were accepted and commenced the programme. There were 19 graduates in 2006 and as at 31 December 2006, 29 young offenders were continuing to participate in the programme.

Intensive Court Supervision programme

The intensive Court Supervision (ICS) programme was developed to provide Magistrates with alternatives for eligible children and young people who would otherwise be facing custody. The programme is designed for serious young offenders in rural areas and relies on intense supervision and support. The ICS programme commenced as a trial at Brewarrina in March 2005 and extended to Bourke in December 2005. The programme is presently under review by the Premier's Department. During 2006, seven referrals were made to ICS and there have subsequently been a further three referrals.

The programme involves the collaboration of Community Justice Centres, the Department of Juvenile Justice, community members and the Children's Court. It aims to reduce recidivism by addressing health and social deficits and by integrating young offenders into productive community life, including through employment, sport, cultural activity and education. While diversion can be applied at any of several stages in the juvenile justice process, the intention of the ICS programme focuses particularly on the post-plea, pre-sentence phase where young offenders may be subject to orders consistent with section 33(1)(c2) *Children's (Criminal Proceedings) Act, 1987*.

Following referral to the programme, young persons are assessed by a dedicated juvenile justice officer, who is responsible for supervision, co-ordination of service and participation of the young person in the programme. Work then follows with the young person and his or her family to identify issues relating to their offending behaviour and to develop a plan relevant to the particular needs of the young offender. The juvenile justice officer will assume the added responsibility of monitoring the young offender's participation in the programme and provide comprehensive written reports to the Court in relation to the young offender's progress and compliance.

Mental Health Liaison Service

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

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.

The Primary use of AVL is to conduct bail hearings, however, the AVL technology has also been used to take evidence from witnesses outside the jurisdiction, which includes witnesses from interstate and overseas. In 2006 AVL was used to conduct 17,834 bail hearings, an increase of 53% from 2005. The technology continues to assist the Court in ensuring access to justice.

In 2006 the following Local and Children's Courts had AVL facilities available:

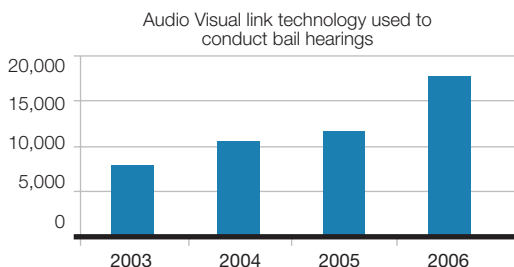
Local Courts

Bankstown	Liverpool
Blacktown	Mt Druitt
Bourke	Newcastle
Burwood	Orange
Broken Hill	Parramatta
Campbelltown	Penrith
Central	Port Macquarie
Downing Centre	Tamworth
Dubbo	Wagga Wagga
Goulburn	Wentworth
Lismore	Wollongong

Children's Courts

Bidura	Lidcombe
Broadmeadow	Parramatta
Campbelltown	Woy Woy

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



CCTV – Remote Witnesses

Closed circuit television (CCTV) facilities have also been installed in 71 Courts, allowing vulnerable witnesses to give evidence in sensitive matters such as sexual assault, from a remote location. This facility is highly utilised and provides some measure of comfort and security to victims of crime. During 2006, CCTV was used to allow 449 remote witnesses to give evidence (an increase from 309 in 2005) and 144 protected witnesses to give evidence (an increase from 78 in 2005).

Court lists online

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

Electronic lodgement – civil claims

Electronic lodgement of civil claims allows Court users to lodge initiating process and file for default judgment. Electronic lodgement results in increased timeliness in Court practices and procedures. The Court continually investigates whether work practices and procedures can potentially be undertaken electronically.

Electronic lodgement – criminal processes

New South Wales 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 New South Wales 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 www.lawlink.nsw.gov.au/lawlink/local_courts/ll_localcourts.nsf/pages/lc_index

4. Judicial education and community involvement

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

Judicial education and professional development

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

The Local Court, in partnership with the Judicial Commission, continues to provide a comprehensive and diverse programme of continuing judicial education for Magistrates, ranging from Orientation Programmes for new appointees to specialist seminars on recent developments in the law.

The strategic objectives of judicial education, as supported by both the Judicial Commission and the Court, are:

- to contribute to high standards of judicial performance;
- to provide Judicial Officers with up-to-date information on law, justice and related areas; and
- to assist in the development of appropriate skills and values.

Education programmes for Magistrates are developed by the Local Courts Education Committee following consultation with, and based on the needs of, Magistrates. Magistrates as well as community representatives and other participants involved in the administration of justice provide input regarding educational topics, presenters and format.

The Committee is composed of Judicial Officers of the Court and the Education Director of the Judicial Commission. The Chair of the Committee, a Deputy Chief Magistrate, is also a member of the Judicial Commission's Standing Advisory Committee on Judicial Education.

In 2006 Magistrates attended more than 750 days of face-to-face judicial education. Pre-Bench training sessions designed to familiarise new Magistrates with Local Court practice and procedure were conducted for 10 new Magistrates.

A highlight of the educational programme in 2006 was the offering of the first judgment writing session for Magistrates and Judges.

Professor James Raymond, conducted a practical two-day workshop for Magistrates and Judges, which covered topics including designing and writing a judgment, using plain English and revising a judgment. A second workshop is being offered in 2007.

Magistrates also attended small group, interactive metropolitan and regional seminars. These seminars focussed on the new Uniform Civil Procedure Rules, Sentencing, Absent Witnesses, Defendants and Prosecutors, Court Security and Domestic Violence.

Attendance at conferences and external education allow Magistrates to establish networks both domestically and internationally. During 2006 Magistrates took advantage of opportunities to attend conferences as listed below.

The Local Courts Annual Conference was held over three days in August 2006 for all New South Wales Magistrates. The Conference focussed on recent developments in criminal and civil law, the role of Department of Community Services in Care Proceedings, Assistance for Litigants, the Use and Abuse of DNA Evidence, Forensic Document Examination, the *Law Enforcement (Powers and Responsibilities) Act 2002* and Mental Health.

Two Children's Court Conferences were held in February and May 2006. Topics included Assessment Orders, *doli incapax*, Juvenile Justice Directions, Sentencing Young Aboriginal Offenders, Joint Investigation and Response Team (JIRT), Children and Sexualised Behaviours and Courtroom Technology.

Magistrates also attended twilight seminars on such topics as s 294A *Criminal Procedure Act* – Unrepresented Accused in Sexual Offences and the Judiciary in England and Wales.

Magistrates also worked on the Advisory Committee responsible for the design and content of the *Equality Before the Law Bench Book*, launched by the Attorney General on 21 June 2006 in the Banco Court of the New South Wales Supreme Court. The *Equality before the Law Bench Book* aims to substantially enhance the ability of Courts to deliver equal justice according to the law by providing information and

guidance for all Judicial Officers about the differing needs of particular community groups, and how to take account of these needs in Court proceedings in a fair and legally appropriate manner.

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

Judicial assistance programme

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

Legal education in the community and participation in external bodies

A number of Magistrates regularly volunteer their time to preside over College of Law practice hearings and pleas of mitigation.

Magistrate's activities in 2006 are summarised below:

His Honour Chief Magistrate Graeme Henson

Speaking Engagements:

12 Dec Practical Advocacy Skills for Young Practitioners New South Wales 2006, "Criminal Case Processing"

Membership of legal, cultural or benevolent organisations:

Board Member, Uniting Aged Care Sydney North Regional Board

His Honour Deputy Chief Magistrate Paul Cloran

Conferences:

10-15 Sep Commonwealth Magistrates and Judges Association Conference (Toronto)

Membership of legal, cultural or benevolent organisations:

Acting Chair, Rosemount Youth and Family Services

His Honour Magistrate David Bruce Armati – Chairperson Licensing Court of New South Wales

Conferences:

10-15 Sep Commonwealth Magistrates and Judges Association Conference (Toronto)

9-12 Jun Australian Association of Magistrates (Perth)

Membership of legal, cultural or benevolent organisations:

Vice President, Commonwealth Magistrates and Judges Association

Member, Commonwealth Day Council

His Honour Magistrate Ian McRae

Speaking Engagements:

2006 Traffic Offenders Annual Programme

Court Volunteers Orientation Programme

Membership of legal, cultural or benevolent organisations:

Chairman, Carrington Centennial Trust dispute committee

Member, Advisory Board, The Shed

Regular meetings with Aboriginal drug and rehabilitation centre (and local Aboriginal Elders)

His Honour Magistrate Wayne Evans

Conferences:

10-15 Sep Commonwealth Magistrates and Judges Association Conference (Toronto)

Membership of legal, cultural or benevolent organisations:

Co-founder and Member, Point Zero

Co-founder and Member, Power of Choice

His Honour Magistrate Carl Milovanovich – Deputy State Coroner

Conferences:

21-24 Nov Australasian Coroners Society Annual Meeting and Conference (Port Moresby)

Speaking Engagements:

8 Feb RPA Hospital – Presentation to Doctors and Hospital Administrators on identifying reportable deaths following HCCC Walker Inquiry

6 Mar 2006 Legal Studies State Conference on the role and jurisdiction of a New South Wales Coroner

14 Mar New South Wales Police Professional Development Day “Managing Critical Incidents”

26 Jun Police Academy, Goulburn “Serious Incidents & Emergency Management”

2 Nov University of Sydney, 4th year Medicine students “Medical Practitioners and the Coroners Act”

15 Nov Western Region Professional Development Day “Critical Incidents – Expectations of the Coroner”

Membership of legal, cultural or benevolent organisations:

Vice President, Asia Pacific Coroners Society

His Honour Magistrate Malcolm MacPherson

Membership of legal, cultural or benevolent organisations:

Youth Insearch Organisation

Her Honour Magistrate Daphne Kok

Conferences:

10-12 Feb Sentencing Principles, Perspectives and Possibilities (National Judicial College)

Jun Australian Liquor Licensing Authorities Conference, Indigenous Drinking Issues (Melbourne)

9-12 Jun Australian Association of Magistrates (Perth)

6-8 Oct The Tenth Colloquium of the Judicial Conference of Australia (Canberra)

Nov Australian Liquor Licensing Authorities Conference, National Issues (Canberra)

Membership of legal, cultural or benevolent organisations:

Chairperson, Law Extension Committee (University of Sydney)

Council Member, International House (University of Sydney residential college)

Chairperson, Board of Wentworth Annex Limited

Chairperson, Finance Committee of Research Institute for Asia and the Pacific (University of Sydney)

Council Member, Solicitor's Benevolent Society of New South Wales

Alternate Appointee, Chief Magistrate Council of Judicial Conferences of Australia

Chairperson, Association of Australian Magistrates

Organiser, Oriental Society of Australia 50th Anniversary Conference

His Honour Magistrate Geoffrey Bradd

Conferences:

10-12 Feb Sentencing Principles, Perspectives and Possibilities (National Judicial College)

4 Nov Science, Experts and the Courts (Sydney)

20-24 Nov Defence Legal National Conference

Her Honour Magistrate Jillian Orchiston

Conferences:

3-7 May International Association of Women Judges (Sydney)

His Honour Magistrate Stephen Jackson

Membership of legal, cultural or benevolent organisations:

President of Rothbury Brigade, Rural Fire Service of New South Wales

Member, Hunter Zone Training Committee, Rural Fire Service of New South Wales

His Honour Magistrate Douglas Dick

Conferences:

Dec Nowra Circle Sentencing Court – the way forward (Coolangatta) (Co-host)

Speaking Engagements:

Feb Australian National University “Circle Sentencing of Aboriginal Offenders”

His Honour Magistrate Hugh Dillon

Speaking Engagements:

Apr Launched Policing the Rural Crisis by Russell Hogg and Kerry Carrington at the University of New England in 2006

Nov Bar Readers' Course, Advocacy in the Local Court

Dec Lexis Nexis Young Lawyers Seminar on Advocacy “Court etiquette and advocacy”

Publications:

Local Court Advocacy in Lexis Nexis Local Courts Criminal Practice (New South Wales)

His Honour Magistrate Michael Stoddart

Conferences:

Jul Domestic Violence Intervention Court Model (Bowral)

Speaking Engagements:

Aug Women's Domestic Violence Court Assistance Programme

Her Honour Magistrate Jennifer Giles

Conferences:

3-7 May International Association of Women Judges (Sydney)

His Honour Magistrate Gary Still

Conferences:

2-6 Jul International Society for the Reform of Criminal Law “Justice for all victims, defendants, prisoners and the community”

Her Honour Magistrate Christine Haskett

Conferences:

3-7 May International Association of Women Judges (Sydney)

Her Honour Magistrate Beverley Schurr

Conferences:

3-7 May International Association of Women Judges (Sydney)

Membership of legal, cultural or benevolent organisations:

Organising Committee, 8th International Conference of International Association of Women Judges

Her Honour Magistrate Eve Wynhausen

Speaking Engagements:

Mar Jewish Women's group – the Role of the Children's Court

Her Honour Magistrate Hilary Hannam

Conferences:

Jun International Conference on Therapeutic Jurisprudence (Perth)

9-12 Jun Australian Association of Magistrates (Perth)

Speaking Engagements:

Jun International Conference on Therapeutic Jurisprudence "Therapeutic Jurisprudence in Magistrates Courts: Meeting the Challenge"

9-12 Jun Australian Association of Magistrates "Therapeutic Jurisprudence in Magistrates Courts: Meeting the Challenge"

His Honour Magistrate Paul Mulrone

Speaking Engagements:

Tranby College students of Diploma of Indigenous Legal Advocacy, – The Children's Court

Membership of legal, cultural or benevolent organisations:

Board Member, Habitat for Humanity New South Wales

His Honour Magistrate George Zdenkowski

Conferences:

4 Nov Science, Experts and the Courts (National Judicial College) (Chair and Member of Organising Committee)

Publications:

Member, Steering Committee, "Judge for yourself: A Guide to Sentencing in Australia"

Member, Advisory Committee, "Australian Law Reform Commission, ALRC 103 "Same Crime, Same Time" Report on Sentencing of Federal Offenders) April 2006

Submissions to New South Wales Sentencing Council's inquiry into Court imposed fines

Submissions to the SCAG Review of Advocates' Immunity from Civil Suit

Membership of legal, cultural or benevolent organisations:

National Judicial College of Australia (Regional Convenor)

His Honour Magistrate James Coombs

Membership of legal, cultural or benevolent organisations:

Board Member and Treasurer, Guthrie House (a prison alternative and post release residential programme for women)

Her Honour Magistrate Elizabeth Ellis

Speaking Engagements:

Central Coast public, denomination and non-denominational schools: "Sex, drugs and breaking the law"

Brisbane Waters Campus: International Women's Day

Neighbourhood watch

Membership of legal, cultural or benevolent organisations:

Member, Children's Court Advisory Committee

Mentor, to Central Coast Law students

Her Honour Magistrate Claire Farnan

Conferences:

Jun	International Conference on Therapeutic Jurisprudence (Perth)
Nov	Children and the Courts

His Honour Magistrate Jeff Hogg

Speaking Engagements:

"Children and the Law" at various High Schools in the Griffith circuit

His Honour Magistrate Gordon Lerve

Speaking Engagements:

Continuing Legal Education Riverina area (Griffith and surrounds) (twice yearly)

Continuing Legal Education seminars to lawyers in Moree

Membership of legal, cultural or benevolent organisations:

Reviewing Examiner with the Legal Practitioners Admission Board, Practice and Procedure

His Honour Magistrate Graham Blewitt AM

Speaking Engagements:

11 May	Sydney Jewish Museum, Keynote speech at opening of permanent exhibition dedicated to Ukrainian Holocaust victims
23 Nov	Australian Red Cross debate, "After the war – prosecutions, pardons and peace"

Her Honour Magistrate Robin Denes

Conferences:

4 Nov	Science, Experts and the Courts (Sydney)
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Membership of legal, cultural or benevolent organisations:

Lecturer, University of Technology Sydney Practical Legal Training programme

5. Appendices

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

The Court's time standards

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

Local Court Criminal Time Standards

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

Local Court Civil Time Standards

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

100% of cases – within 12 months of the initiation of proceedings in the Court.

Children's Court Criminal Time Standards

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

Children's Court Care Time Standards

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

Coroner's Time Standards

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

Chief Industrial Magistrate's Time Standards

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

Licensing Court Time Standards

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

The Court's committees

In 2006 committee members were:

Strategic Planning Review Council

Chief Magistrate Graeme Henson
(Chair from 30 August 2006)

Judge Price, Chief Magistrate
(Chair until 27 August 2006)

Deputy Chief Magistrate Helen Syme

Deputy Chief Magistrate Paul Cloran

Chairperson Licensing Court Magistrate
David Armati

State Coroner Magistrate John Abernethy
(until October 2006)

Acting State Coroner Magistrate
Jacqueline Milledge (from 6 December 2006)

Senior Children's Magistrate Scott Mitchell

Chief Industrial Magistrate Gregory Hart

Mr Gary Byles, Sheriff of New South Wales

Magistrate Paul Mulroney
(from 6 December 2006)

Magistrate Ian McRae (from 6 December 2006)

Mr Craig Smith, Director Court Services
(from 6 December 2006)

Mr Les Mabbutt, Executive Officer to the Chief
Magistrate (until 28 July 2006)

Ms Jacinta Haywood, Executive Officer to the
Chief Magistrate (from 31 July 2006)

Local Courts Education Committee

Deputy Chief Magistrate Helen Syme
(Chair until October 2006)

Deputy Chief Magistrate Paul Cloran
(Chair from October 2006)

Magistrate Hilary Hannam

Magistrate David Heilpern

Magistrate George Zdenkowski

Magistrate Hugh Dillon (from 6 December 2006)

Magistrate Julie Huber (from 6 December 2006)

Magistrate Beverly Schurr
(from 6 December 2006)

Magistrate Gordon Lerve
(from 6 December 2006)

Ms Ruth Windeler, Education Director,
Judicial Commission New South Wales

Local Court Bench Book Committee

Magistrate Ian Barnett (Chair)

Deputy Chief Magistrate Helen Syme

Roslyn Cook, Judicial Commission of
New South Wales

Ethics Committee (Ad hoc)

Chief Magistrate Graeme Henson (Chair)

State Coroner Magistrate John Abernethy
(until October 2006)

Deputy Chief Magistrate Helen Syme
(from December 2006)

Deputy Chief Magistrate Paul Cloran
(from December 2006)

Magistrate Paul MacMahon
(from December 2006)

Local Court Rule Committee

Chief Magistrate Graeme Henson (Chair)

Deputy Chief Magistrate Paul Cloran
(alternate chair)

Magistrate Andrew George

Mr Geoff Hiatt, Deputy Director of Local Courts

Ms Robyn Gray, Office of the Director of Public
Prosecutions

Ms Kate Trail, Bar Association of
New South Wales
(from 6 December 2006)

Mr Stephen Olischlanger, Policy Officer,
Local Courts

Ms Elizabeth Beilby, Bar Association of
New South Wales

Local Courts (Civil Claims) Rule Committee

Judge Price, Chief Magistrate (Chair)
(until 27 August 2007)

Deputy Chief Magistrate Paul Cloran (Chair)

Magistrate Michael Price (until 17 March 2006)

Magistrate Brian Lulham (from 6 December 2006)

Magistrate Hugh Dillon (from 6 December 2006)

Magistrate Sharon Freund
(from 6 December 2006)

Court by Court statistics

Mr Graeme Roberts, Civil Claims Division
Ms Jennifer Atkinson, Senior Policy Officer,
Legislation and Policy Division, Attorney General's
Department

Mr John McIntyre, Law Society of
New South Wales (until 6 December 2006)

Mr Andrew Kostopolous, New South Wales
Bar Association

Mr Stephen Olischlager, Policy Officer
Local Courts

Terms and Conditions of Service Committee

Judge Price, Chief Magistrate (Chair)
(until 27 August 2006)

Chief Magistrate Graeme Henson (Chair)
(from 30 August 2006)

Deputy Chief Magistrate Helen Syme

Deputy Chief Magistrate Paul Cloran
(from October 2006)

Magistrate Wayne Evans

Magistrate Andrew George

Senior Children's Magistrate Scott Mitchell

Chief Industrial Magistrate Gregory Hart
(from 6 December 2006)

Magistrate Roger Prowse
(from 6 December 2006)

Magistrate Paul MacMahon
(from 6 December 2006)

Magistrate Clare Farnan
(from 6 December 2006)

Ms Jacinta Haywood, Executive Officer
(from 6 December 2006)

Court Management and Technology Committee

Chief Magistrate Graeme Henson

Deputy Chief Magistrate Helen Syme

Deputy Chief Magistrate Paul Cloran

Magistrate Clare Farnan

Ms Jacinta Haywood, Executive Officer
Attorney General's Department

Ms Joy Blunt, Judicial Commission of
New South Wales

General Matters commenced and finalised during
2006 were as follows:

	New	Finalised
Albion Park	511	524
Albury	2864	2870
Armidale	1244	1302
Ballina	1282	1386
Balmain	1866	1827
Balranald	269	286
Bankstown	4695	3769
Batemans Bay	1221	1273
Bathurst	1668	1674
Bega	986	993
Bellingen	302	315
Belmont	2456	2396
Blacktown	6846	6825
Blayney	117	117
Boggabilla	242	255
Bombala	65	68
Bourke	685	741
Brewarrina	242	281
Broken Hill	1437	1485
Burwood	11472	11942
Byron Bay	1377	1446
Camden	1131	1107
Campbelltown	7064	7030
Casino	1133	1128
Central	4705	4599
Cessnock	1500	1488
Cobar	222	252
Coffs Harbour	2652	2638
Condobolin	250	251
Cooma	732	712
Coonabarabran	309	323
Coonamble	523	562
Cootamundra	585	586
Corowa	253	253
Cowra	799	792

	New	Finalised
Crookwell	49	50
Deniliquin	765	783
Dubbo	2491	2545
Dunedoo	66	52
Dungog	144	149
Eden	274	259
Fairfield	4845	5345
Finley	414	395
Forbes	484	498
Forster	1233	1239
Gilgandra	162	184
Glen Innes	321	321
Gloucester	161	161
Gosford	5962	5904
Goulburn	2621	2599
Grafton	1449	1611
Grenfell	184	173
Griffith	1603	1539
Gulgong	80	85
Gundagai	214	225
Gunnedah	438	521
Hay	299	310
Hillston	75	68
Holbrook	143	124
Hornsby	4569	4475
Inverell	968	1088
Junee	147	156
Katoomba	1211	1198
Kempsey	1538	1518
Kiama	310	303
Kogarah	2444	2425
Kurri-Kurri	1153	1169
Kyogle	158	158
Lake Cargelligo	222	208
Leeton	711	696
Lidcombe	92	79

	New	Finalised
Lightning Ridge	231	207
Lismore	3700	3691
Lithgow	1230	1291
Liverpool	10635	10351
Lockhart	19	18
Macksville	676	654
Macleay	493	514
Maitland	3001	2926
Manly	5375	5378
Milton	684	750
Moama	175	186
Moree	1471	1510
Moruya	398	383
Moss Vale	1471	1468
Moulamein	35	30
Mudgee	577	614
Mullumbimby	379	415
Mungindi	59	68
Murwillumbah	697	697
Muswellbrook	962	996
Narooma	321	312
Narrabri	539	552
Narrandera	400	424
Narromine	216	212
Newcastle	8142	8070
Newtown	3781	3784
North Sydney	1414	1399
Nowra	2426	2400
Nyngan	170	196
Oberon	132	142
Orange	1982	1900
Parkes	800	787
Parramatta	13553	13494
Peak Hill	85	62
Penrith	8524	9322
Level 4 Downing	23318	23562

	New	Finalised
Picton	509	519
Port Kembla	1438	1395
Port Macquarie	2287	2239
Queanbeyan	2296	2178
Quirindi	326	338
Raymond Terrace	2448	2338
Ryde	2498	2497
Rylstone	99	84
Scone	351	385
Singleton	818	828
Sutherland	10767	10694
Tamworth	3056	2932
Taree	2191	2193
Temora	201	208
Tenterfield	392	392
Toronto	2929	2919
Tumbarumba	66	84
Tumut	559	503
Tweed Heads	2902	2871
Wagga Wagga	3368	3374
Walcha	83	89
Walgett	942	1017
Warialda	42	57
Warren	177	175
Wauchope	144	91
Waverley	7684	7595
Wee Waa	228	217
Wellington	529	525
Wentworth	690	760
West Wyalong	298	273
Wilcannia	140	172
Windsor	2182	2222
Wollongong	7513	7445
Woy Woy	1425	1290
Wyong	4748	4729
Yass	482	493

	New	Finalised
Young	627	626
St James	1	1
Bidura CC	75	25
Cobham CC	53	33
Mt Druitt	3702	3258
Broadmeadow	33	7
Parramatta CC	16	10
TOTAL	271091	270955

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