

Local Court of New South Wales
Annual Review 2007



Local Courts
of New South Wales



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Foreword by Chief Magistrate of the Local Courts of New South Wales

It is with great pleasure that I present the Local Court Annual Review for 2007. The past year was one in which the Local Court maintained its outstanding performance in the area of case management and also extended its commitment to alternative sentencing and court based diversionary programmes.

For the fifth consecutive year, the Local Court of New South Wales achieved the lowest criminal case backlog in Australia. Considering the Court handles more than 95% of the State's criminal matters, this is a significant contribution to the efficient administration of justice in the State. In addition, the backlog of cases older than 12 months in the Coronial jurisdiction reduced by 13 per cent.

These results are particularly commendable given they are achieved against a background of rising workloads with no increase in judicial resources. Once more this year, the Local Court experienced a rise in the number of matters commenced in the Criminal, Civil and Children's jurisdictions of the Court.

Whilst the Court is justly proud of its achievements in efficiently managing its caseload, it is no less committed to maintaining the fairness and effectiveness of outcomes. In particular, the Court has been a strong supporter of programmes that aim to address aspects of causation of offending and rates of recidivism.

In November 2007 NSW Health reported the results of a health outcomes study of the Magistrate's Early Referral into Treatment programme (MERIT). The report was published based on health outcomes data collected since 2003. As the MERIT programme is three months in length, a real challenge for the MERIT programme providers is to modify entrenched criminal and drug using behaviours within such a short time-frame. The study revealed, however, that the MERIT programme achieves very positive health outcomes for participants. Considerable changes were evident at completion of the programme in both drug using behaviour as well as the social and psychological adjustment of those who completed. The levels and types of illicit drug use and associated risk behaviours for those surveyed had reduced significantly,

with a high proportion of those surveyed either substantially decreasing the frequency of drug use or abstaining altogether.

In supporting the MERIT programme, the Court recognises the link between drug and health issues and criminal offending. The Court remains committed to its partnership with NSW Health. The turnaround in many accused persons' lives has been inspirational and it is a source of positive reinforcement for Magistrates that the Court can, with the support of agencies such as NSW Health, make a difference in breaking the cycle of drug related crime. The success of the MERIT programme provides encouragement as to the success of causation-based approaches to managing criminal behaviour.

Also in 2007, the Community Conferencing for Young Adults pilot concluded and the programme was formally evaluated. The programme began in 2005 in Sydney at Liverpool and on the Tweed Heads circuit. Victims, offenders and support persons of victims and offenders participated in a NSW Bureau of Crime Statistics and Research study of the programme, which found the vast majority of participants were satisfied with the various stages of the conference itself and the subsequent draft intervention plans developed by the participants. Notably, almost all offenders agreed that *'what happened in the conference will encourage them to obey the law in the future.'* Two in five offenders stated that *'during the conference they were overwhelmed by their understanding of what it actually felt like for those who had been affected by their actions.'* 50% of offenders stated that *'during the conference they were overwhelmed by the feeling that the offence they committed was wrong.'* The programme continues to operate at these two locations.

The Domestic Violence Intervention Court Model (DVICM) continued at Campbelltown and Wagga Wagga during 2007 with the pilot phase concluding. Formal evaluations of the DVICM have been positive and it was recognised at the Australian Crime and Violence Prevention Awards for the inter-agency cooperation and timely support to victims and children that the programme provides.

As with last year's review, this review also makes

mention of Magistrates' commitment to, and involvement in, educational and other community initiatives. Particularly of note in 2007 was the successful export of the Local Court's Judicial Orientation programme to Papua New Guinea. Deputy Chief Magistrate Paul Cloran, Magistrate David Heilpern and Judicial Commission Education Director Ruth Windeler travelled to Papua New Guinea to assist in delivering the first Magistrates' Orientation programme in Port Moresby from 25 to 30 November 2007. 16 PNG Magistrates were in attendance and it represented the beginning of a more structured and sustainable programme of judicial training and professional development for PNG Magistrates.

The Court's continuing commitment to judicial education contributes to enhancing the quality of decision making in the Court at a time when the workload and seriousness of the individual matters are increasing. As I noted last year, it has become increasingly clear that the finalisation of more serious criminal offences within the Local Court has become an important and realistic option for the Office of the Director of Public Prosecutions. The increasing complexity and objective seriousness of matters brought to finalisation in the Local Court is a trend that has not and is not likely to abate in the year to come.

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. I would like to acknowledge the hard work of all these bodies and people. This review gives some insight into the outstanding work in each of these areas.

Graeme Henson
Chief Magistrate

1 An overview of the Local Court

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

Jurisdictions and divisions

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

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

There are currently 135 Magistrates (129 full time Magistrates and 6 part time) who preside at 148 locations throughout New South Wales.

Children's Court

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

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

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

It is a specialist Court with 12 Children's Magistrates and five Children's Registrars. All Magistrates have Children's Court experience before taking responsibility for a country circuit. Since November 2006, the Children's Court has been headquartered at Parramatta, co-locating a wide range of support services in a modern purpose built complex.

Coronial jurisdiction

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

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

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

Industrial jurisdiction

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

The Industrial jurisdiction deals with such matters as:

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

The Licensing Court

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

Mining jurisdiction

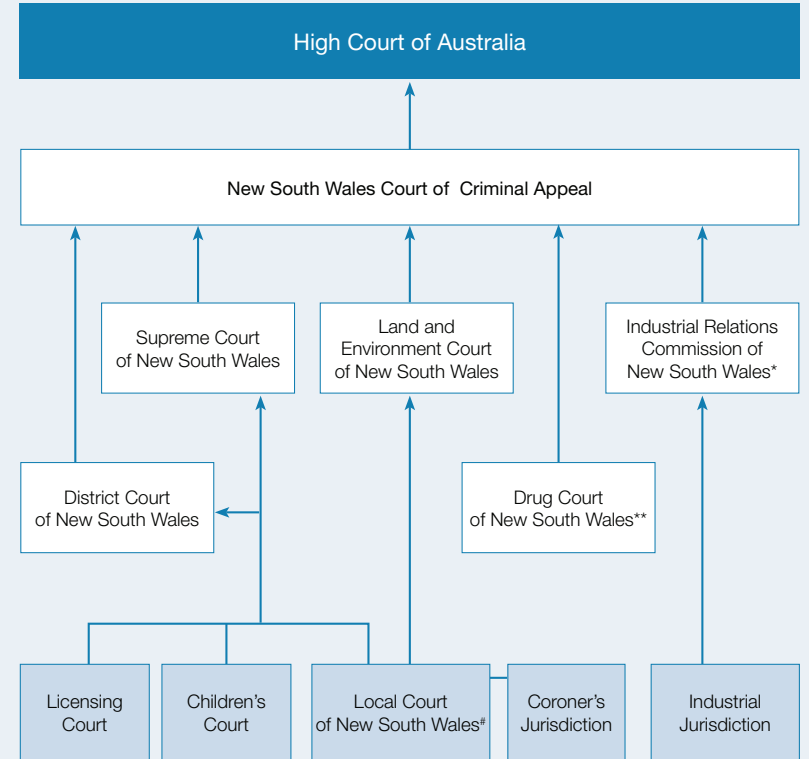
All Local Court Magistrates are commissioned as Mining Wardens, under the *Mining Act 1992*. The authority of the Chief Mining Warden is found in section 293(2) of the *Mining Act 1992*.

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:

- 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 Courts – Criminal jurisdiction



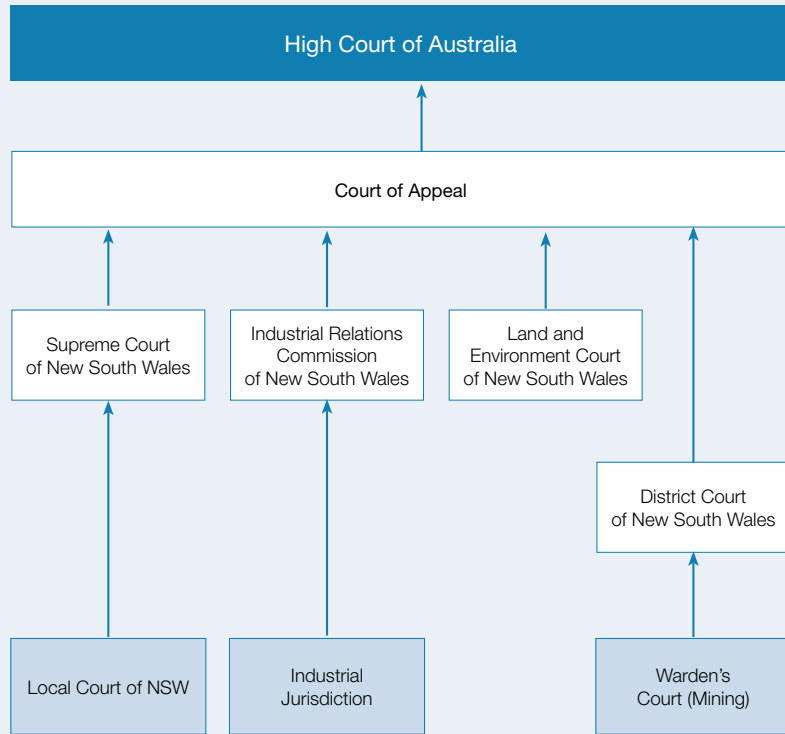
Note: the above is a simplified diagram. Actual appeal rights are determined by the relevant legislation.

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

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

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

New South Wales Courts – 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 2007 the Judicial Officers of the Court were as follows:

Chief Magistrate

His Honour Magistrate Graeme Leslie Henson

Deputy Chief Magistrates

Her Honour Magistrate Helen Syme

His Honour Magistrate Paul Stanislaus Cloran

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

Her Honour Magistrate Mary Stella Jerram

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 Christopher James Bone

His Honour Magistrate Paul Alexander Lyon

His Honour Magistrate William Greville Pierce

Her Honour Magistrate Dr Patricia O'Shane AM

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

Her Honour Magistrate Carolyn Jane Barkell

His Honour Magistrate Allan Wilson Railton

His Honour Magistrate Dr Roger Alasdair Brown

His Honour Magistrate Ross Kim Pogson

Her Honour Magistrate Jennifer Ethel Betts

His Honour Magistrate Stephen Vaughan
Jackson

His Honour Magistrate Douglas Raymond Dick

Her Honour Magistrate Judith Mary Fleming

His Honour Magistrate Shaughan McCosker

Her Honour Magistrate Sharron Maree Crews

His Honour Magistrate Hugh Christopher Bryant
Dillon

Her Honour Magistrate Julie Anne Huber

His Honour Magistrate Michael Stoddart

His Honour Magistrate Brian Vincent Maloney
Her Honour Magistrate Jacqueline Mary Milledge,
Senior Deputy State Coroner
Her Honour Magistrate Lee Anne Gilmour
His Honour Magistrate Phillip Alan Moon
Her Honour Magistrate Janet Wahlquist
Her Honour Magistrate Jennifer Anne Giles
His Honour Magistrate Christopher Longley
Her Honour Magistrate Gail Frances Madgwick
His Honour Magistrate Anthony Kevin Murray
His Honour Magistrate Garry James Still
His Honour Magistrate William John Brydon
Her Honour Magistrate Christine Mary Haskett
Her Honour Magistrate Jayeann Carney
His Honour Magistrate Robert Scott Rabbidge
His Honour Magistrate John McIntosh
Her Honour Magistrate Beverley Anne Schurr
His Honour Magistrate David Michael Heilpern
His Honour Magistrate Roger David Prowse
Her Honour Magistrate Suzanne Gaye Seagrave
Her Honour Magistrate Eve Wynhausen
His Honour Magistrate Ian James Guy
Her Honour Magistrate Hilary Rae Hannam
His Honour Magistrate Daniel Reiss
Her Honour Magistrate Joanne Keogh
Her Honour Magistrate Jane Ellen Mottley
His Honour Magistrate Paul Raymond Mulrone
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 Gabriel Catherine Fleming
Her Honour Magistrate Alison Mary Viney
His Honour Magistrate Christopher Gerard
O'Brien
His Honour Magistrate Mark Richardson
His Honour Magistrate Robert Hilary Williams
His Honour Magistrate Geoffrey James Dunlevy

Her Honour Magistrate Sharon Lee Holdsworth
His Honour Magistrate Michael John Connell
His Honour Magistrate Geoffrey Graeme Hiatt
His Honour Magistrate Brian van Zuylen

Judicial appointments during 2007

Mr Christopher Gerard O'Brien

Mr Christopher Gerard O'Brien was sworn in as a Magistrate of the Local Court on 5 February 2007. Mr O'Brien was admitted as a solicitor of the Supreme Court of New South Wales in 1983 and prior to his appointment practiced as a solicitor in the Sutherland Shire, working extensively in the Local Court. He is a former president of the St George Sutherland Law Society and was a member of the Law Society's Criminal Law Committee from 1998. He is accredited as a specialist in criminal law. Prior to his appointment he was a costs assessor and costs review panellist.

Mr Mark Richardson

Mr Mark Richardson was sworn in as a Magistrate of the Local Court on 5 March 2007. Mr Richardson holds a Bachelor of Arts, Bachelor of Laws and Master of Laws. He was admitted as a barrister and solicitor in the Australian Capital Territory and as a solicitor of the Supreme Court of New South Wales.

Mr Richardson was Chief Executive Officer of the Law Society of New South Wales from 1996-2006 and Chief Executive Officer of the Legal Aid Commission from 1989-1992. He has also held various positions in Law Reform Commissions including as Research Director of the New South Wales Law Reform Commission.

Mr Robert Hilary Williams

Mr Robert Williams was sworn in as a Magistrate of the Local Court on 5 March 2007. Mr. Williams was admitted as a solicitor of the Supreme Court of New South Wales in 1988 having graduated with a Bachelor of Laws from the University of Technology, Sydney.

Prior to his appointment Mr Williams was a partner in the firm Wood Marshall Williams. From 1975-1988 he worked in the Attorney General's Department before entering private practice as a solicitor on the Northern Beaches.

Mr Geoffrey James Dunlevy

Mr Geoffrey James Dunlevy was sworn in as a Magistrate of the Local Court on 17 September 2007. Mr Dunlevy holds a Bachelor of Economics, Bachelor of Laws, Graduate Diploma in Legal Practice and Graduate Certificate in Science.

Mr Dunlevy began his career as a solicitor in Narrabri and Moree. Immediately before his appointment he was President of the Law Society of New South Wales, a Director of the LawCover Insurance Group and an Adjunct Professor of the Macquarie University Division of Law.

Ms Sharon Lee Holdsworth

Ms Sharon Lee Holdsworth was sworn in as a Magistrate of the Local Court on 17 September 2007. Prior to her appointment, Ms Holdsworth was the Managing Lawyer, Campbelltown regional office of the Office of the Director Public Prosecutions. She holds a Bachelor of Laws from the University of Technology and a Bachelor of Primary Education from Charles Sturt University and was admitted as a solicitor of the Supreme Court of New South Wales in 1991.

Mr Michael John Connell

Mr Michael John Connell was sworn in as a Magistrate of the Local Court on 5 November 2007. Mr Connell was admitted as a legal practitioner in 1980 and practiced from 1996-2007 primarily in the Land and Environment Court and Local Courts.

Mr Connell was the Registrar of the Land and Environment Court for seven years and prior to that held positions in the Local Court, the then Solicitor for Public Prosecutions and the Attorney General's Department.

In 1994 Mr Connell completed the Harvard Mediation Course and Negotiation Skills Workshop in the United States. He is currently enrolled in a Graduate Diploma in Urban and Regional Planning at the University of New England.

Mr Geoffrey Graeme Hiatt

Mr Geoffrey Graeme Hiatt was sworn in as a Magistrate of the Local Court on 5 November 2007. Mr Hiatt was admitted as a solicitor of the Supreme Court of New South Wales in 1994.

Prior to his appointment Magistrate Hiatt held the position of Assistant Director Court Services in the New South Wales Attorney General's Department. He worked for the Department in excess of 27 years as a Court Administrator including as Registrar at a number of regional and metropolitan Courts.

Mr Brian van Zuylen

Mr Brian van Zuylen was sworn in as a Magistrate of the Local Court on 5 November 2007. Mr van Zuylen was admitted as a solicitor of the Supreme Court of New South Wales in 1981 and as a solicitor in England and Wales in 1991. He holds a Bachelor of Arts, Bachelor of Laws (Macquarie) and a Diploma of Business (University of Technology, Sydney).

Mr van Zuylen has experience as a private practitioner in New South Wales and the United Kingdom. Prior to his appointment he was the Solicitor in Charge of the Campbelltown Legal Aid Office.

Judicial retirements and resignations during 2007

Mr John Birley Abernethy, State Coroner of NSW (retired 9 February 2007)

Mr Peter Frederick Ashton (retired 19 February 2007)

Mr Graham Johnson (retired 26 February 2007)

Mr Michael Anthony Dowd (retired 31 August 2007)

Mr Laurence Lawson (retired 14 September 2007)

Mr John Ormonde Crawford (retired 12 October 2007)

Mr David Patrick O'Connor (retired 9 November 2007)

Ms Jillian Mary Orchiston (resigned 11 November 2007)

His Honour Magistrate Sean Anthony Flood (retired 31 December 2007)

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

Mr Ian Phillip Barnett

Ms Jillian Mary Orchiston (until 11 November 2007)

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

Ms Jillian Mary Orchiston, Magistrate, was appointed as a Magistrate of the Federal Magistrate's Court on 12 November 2007.

Acting Magistrates

The Court could not continue to achieve the outstanding service to the administration of justice that makes it a leader within the Commonwealth without the energy and assistance of Acting Magistrates. Recently retired Magistrates may be commissioned as Acting Magistrates under section 13 of the *Local Courts Act* 1982 for a limited tenure.

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

Mr Robert Joseph Abood

Mr Peter Frederick Ashton (from 21 June 2007)

Mr Malcolm Cooper Beveridge

Mr Cecil Roy Brahe

Mr Barry John Bright (until 30 June 2007)

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

Mrs Lillian Horler (from 1 July 2007)

Mr Stanley David Kitchener Hyde (until 30 June 2007)

Mr Graham Johnson (from 1 July 2007)

Mr Vincent Dereck Kearney (until 30 June 2007)

Mr Leonard Ross McDermid

Mr Michael Joseph Mahony

Mr Kevin Ronald Maughan

Mr George Ashley Miller

Mr Peter Montague Norton

Mr David Patrick O'Connor (from 1 July 2007)

Mr Michael Kevin Price

Mr Harley Richard Rustin

Ms Susanne Elizabeth Schreiner

Mr Ross Arthur Sterland

Mr James Lawrence Swanson

Mr Craig Lowery Thompson

Small Claims Assessors

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

Mr Graham Roberts

Ms Danae Harvey

Ms Janice Connelly

Chief Magistrate's executive office

As at 31 December 2007, 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 Saitor

Executive Assistant to the Chief Magistrate

Theresa Lamp

Judicial Support Officer

Linda Lalin

Administrative Assistant

Matthew Kelleher

NSW Local Courts has the largest number of Judicial Officers in a summary jurisdiction in Australia. Under the direction of the Chief Magistrate, the staff of the Chief Magistrate's Executive Office provide state-wide administrative support to 135 Magistrates (129 full time Magistrates and 6 part time Magistrates) and 29 Acting Magistrates.

One of the primary functions of the Chief Magistrate's Executive Office is to assist the Chief Magistrate in organising and managing the sittings of the Local Court at 148 locations throughout the State.

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

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

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

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

The work of the Local Court registries

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

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

Registrars

Registrars are appointed to each Local Court by the Governor pursuant to s10 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 2007

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

Criminal jurisdiction

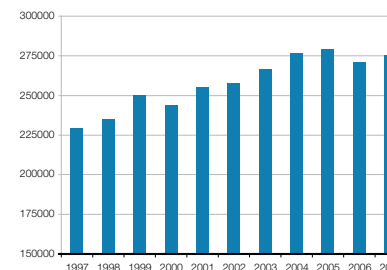
As at 31 December 2007:

- 275,374 criminal matters commenced in the Local Court
- 272,436 criminal matters were finalised, giving a clearance ratio of 98.93%
- 19,788 defended trials were finalised by the Local Court

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

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

Criminal matters commenced



As noted in the 2006 review, the criminal case workload of the Court continues to increase. Against this background, the Local Court has been confronted with difficult resource and management issues. A further initiative proposed by the Court and accepted by government saw Magistrates take over weekend bail courts in 2007. 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 2008, 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 that the proportion of magisterial resources allocated to the Court is significantly

less than the comparative allocation to other states and territories.¹

During 2007, the Local Court issued two Practice Notes in the criminal jurisdiction. Practice Note 1 of 2007 – Criminal Case Processing, applies to committal proceedings in the Local Court (i.e. matters that are either strictly indictable or indictable offences listed in Table 1 and Table 2 to Schedule 1 of the *Criminal Procedure Act 1986* where an election has been made to proceed on indictment). The procedures outlined in the Practice Note are intended as best practice to ensure that time standards for cases committed for trial or sentence to the Supreme or District Court, are as far as possible complied with and to enable accused persons who are adults and are legally represented to attend a Case Conference. The aim of a Conference is to encourage early appropriate pleas of guilty, the resolution of any other matters relevant to sentence proceedings and to recognise the benefit of such pleas to the community and the accused. Conferences are not compulsory. The procedures outlined in the Practice Note are also intended to ensure that the utilisation of Audio Visual Link technology is conducted in the most efficient manner.

Practice Note 7 of 2007 was introduced in response to the amendments to the *Criminal Procedure Act* in relation to service of briefs of evidence, which commenced in November 2007. The Practice Note governs the listing of proceedings for summary offences, including proceedings for indictable offences that are being dealt with summarily, where a plea of not guilty has been entered.

Also during 2007, 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.

¹ Report on Government Services 2008 at 7.31

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.

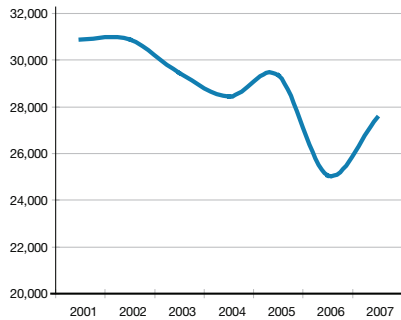
Timeliness

- The pending caseload increased slightly (by 2,480 matters), however remains lower than 2005 and the 5 years previous
- 95.22% of matters were completed within six months of commencement
- 99.48% of matters were completed within 12 months of commencement

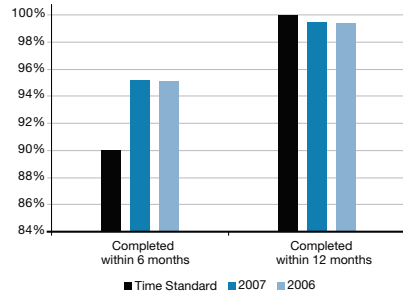
These figures are estimated from 83% of cases on the GLC case management system.

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

Pending criminal caseload



Finalised Matters



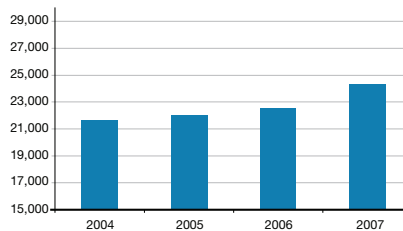
Domestic and personal violence

The caseload of the Court in the area of domestic and personal violence increased slightly in 2007. A total of 24,295 final apprehended violence orders were made by the Court. Final domestic violence orders made by the Court increased by 11% from 16,874 in 2006 to 18,723 in 2007. Final personal violence orders made by the Court decreased very slightly from 5,631 in 2006 to 5,572 in 2007.

The Local Court acknowledges the important work of, and the assistance the Court received in 2007 from:

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

Final Personal and Domestic Violence Orders



Apprehended Violence Statistics 2007

Domestic Violence	
Telephone Interim Orders	17,064
Interim Orders/Summons	796
Summons	14,970
Warrants	136
Application variation/revocation	1,313
TOTAL DOMESTIC VIOLENCE PROCESS ISSUED	34,279
Final Orders made by Court	18,723
% of Final Orders made by Court out of the total process issued	56.79%
Complaints withdrawn/dissmissed	12,666
Complaints dismissed after hearing	663
Complaints where SNS/NRS	4,202
Orders Varied	4,202
Personal Violence	
Telephone Interim Orders	1,303
Interim Orders/Summons	308
Summons/Application notices	8,978
Warrants	79
Application variation/revocation	400
TOTAL PERSONAL VIOLENCE PROCESS ISSUED	11,068
Final Orders made by Court	5,572
% of Final Orders made by Court out of the total process issued	52.23%

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

Domestic Violence Intervention Court Model

The Domestic Violence Intervention Court Model (DVICM) continued to operate in the Local Court during 2007 at two locations, Wagga Wagga and Campbelltown. In 2007, the pilot programme concluded and the programme was formally evaluated. Formal evaluations of the DVICM have been positive and it was recognised at the Australian Crime and Violence Prevention Awards for the inter-agency cooperation and timely support to victims and children that the programme provides.

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 NSW Attorney General's Department, NSW 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.

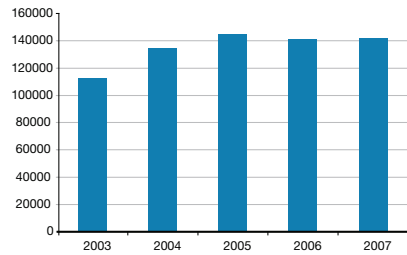
By agreement with Magistrates, the victim is only required to attend Court on the first mention. There are regular, although not specialist, police prosecutors at both locations. Police are being encouraged and supported to submit high quality briefs to the Court at the earliest stage possible, preferably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

Civil jurisdiction

In 2007, 141,549 civil actions were commenced in the Local Court with 133,673 finalised. This represents a slight increase in filings from 2006. 115,183 of these actions were commenced in the Small Claims division.

9,137 matters were finalised by Court hearings in the General and Small Claims divisions. The majority of matters are finalised other than by hearing in Court (i.e. matters are settled or default judgement is entered).

Civil actions commenced



The Court aims to finalise 100% of all civil proceedings within 12 months of finalisation. As at 31 December 2007 the number of General division matters disposed of within 12 months remained constant from 2006 at 87.74%. The number of Small Claims actions completed within 12 months also remained constant from 2006 at 97.81%.

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

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

Whilst there is great diversity in the cases that come before the Court, during 2007 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.

To that end Practice Note 6 of 2007 "Quantum of Damages (Motor Vehicle Accidents)" was introduced. The Practice Note seeks to ensure the Court and all parties are cognizant of the amount in dispute between the parties concerning the Cost of Repairs and provides procedural certainty as to the maximum costs generally awarded in proceedings to which the Practice Note applies, having regard to the proportionate, importance and complexity of the subject-matter in dispute (in line with section 60 of the *Civil Procedure Act*).

Practice Notes 2 of 2007 was also introduced in a bid to limit the amount of costs awarded in matters where the amount in dispute is less than \$20,000. The discretion of the Court to award costs shall be exercised so as not to exceed 25% of the amount ultimately awarded by the Court. For matters that are commenced in the Small Claims division and then transferred to the General division the maximum amount of costs that will be recovered by the successful party is limited to \$2,500.

In line with the Court's objective of determining proceedings in a just and timely manner, Practice Note 3 of 2007 was introduced. In an appropriate case, the Court may limit the time that may be taken in the examination, cross examination or re-examination of witnesses. This is effected by the parties providing, at the Call Over, a list of witnesses and a reliable estimate of time required for the examination in chief, cross examination or re-examination of each witness. If the Court is not satisfied that the estimated time is reasonable, it may make such directions (in accordance with section 62(3) of the *Civil Procedure Act*) as may be necessary having regard to the overriding objectives set out in section 56(1) *Civil Procedure Act* and to those matters set out in sections 62(4) and 62(5) *Civil Procedure Act*. If a party unduly exceeds the estimate of time for examination in chief or cross examination of a witness, the Court may, of its own motion or upon the application of any other party, consider limiting further questioning of the witness.

Children's Court

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

During 2007 there were thirteen Children's Magistrates and five Children's Registrars.

The opening of the new Children's Court complex at Parramatta in November 2006, made it possible to relocate Children's Court services in western Sydney to Parramatta. Accordingly, from 21 December 2007 the Children's Court no longer sits at Cobham, except in special circumstances. Since then, Cobham matters have been heard and determined at Parramatta with consequential efficiency gains.

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

The policy of attaching newly appointed Magistrates to the Children's Court for a period of at least three months preparatory to their assignment to country circuits continued during 2007. 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 children and their families in parts of the State where specialist Children's Magistrates do not normally preside. Nevertheless, the Chief Magistrate continued the practice of authorising sittings of specialist Children's Magistrates during 2007 in a variety of country centres to hear and determine matters of particular complexity or otherwise to resolve proceedings involving children in a timely manner.

In 2007, the Children's Court maintained its active role in advising Government on matters of law reform relating to children and young persons and, in particular, made detailed submissions to the Standing Committee of the Legislative Council on Law and Justice, the Sentencing Council of New South Wales, the Special Commission

of Inquiry into Child Protection Systems in New South Wales and in response to the Green Paper entitled "Statutory Child Protection in NSW – Issues and Options for Reform." The Court and the Senior Children's Magistrate have provided advice as sought to the Attorney-General's Department, particularly in regard to the establishment of an Aboriginal Care Circle pilot which it is hoped will be set up during the course of 2008, to the Department of Juvenile Justice and the Department of Community Services. A working party, constituted by representatives of the Attorney-General's Department, the Department of Community Services, the Legal Aid Commission and the Children's Court, chaired by the Senior Children's Magistrate, meets monthly to review the practices and procedures of the Court.

Children's Court Care jurisdiction

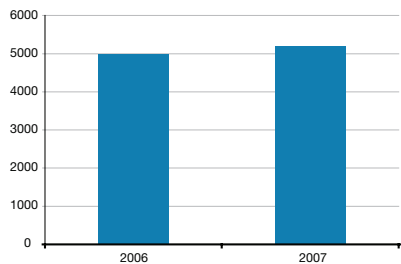
The Children's Court has the responsibility of making orders for emergency or long-term removal of children from their parents, orders for the allocation of parental responsibility to the Minister for Community Services or to other suitable carers and orders for supervision of placements and for contact.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

Standard Directions and Time Standards designed to facilitate the preparation of care cases for trial and to eliminate unacceptable delay continued to apply during 2007. The overwhelming bulk of care cases filed in the Children's Court of New South Wales were heard and determined and finalised within six months of commencement. The Court regards delay in care matters as contrary to the best interests of the child and the most strenuous efforts have been made, with significant success, to eliminate unnecessary delay.

In the 12 months to 31 December 2007:

- 5,209 Care matters commenced in the Children's Court
- 4,167 Care matters were finalised, giving a clearance ratio of 80%.

Children's Care matters commenced



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

The Children's Registrars attached to the Children's Court assist in the areas of case management and alternative dispute resolution by conducting regular call overs and presiding at conferences pursuant to section 65 of the *Children and Young Persons (Care and Protection) Act*. Children's Registrars are deployed across the whole State and during 2007 continued to make regular visits to Albury, Coffs Harbour, Dubbo, Katoomba, Lismore, Newcastle, Nowra, Port Kembla, Port Macquarie, Wagga Wagga, Woy Woy and Wyong in order to conduct call-overs, prepare cases for trial and preside at preliminary conferences and to smaller country centres on an as needs basis.

Children's Court Clinic

During 2007, the Children's Court Clinic continued to provide independent clinical assessments of children and young persons and their families for use in the Court's Care jurisdiction. An assessment order is made when the Court requires specialist information from a clinician to assist in the determination of care cases. Specialist psychiatrists, psychologists,

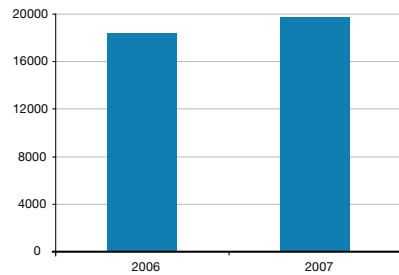
paediatricians and other practitioners are attached as clinicians to the Clinic to deal with and report on issues such as parenting capacity, bonding and attachment or a child's need for contact in the event of out-of-home care. Following assessment, the clinic provides written reports to the Court and clinicians make themselves available for examination before the Court.

Children's Court Criminal jurisdiction

In the 12 months to 31 December 2007:

- 19,718 criminal matters commenced in the Children's Court
- 19,459 criminal matters were finalised, a clearance rate of 98.69%
- 1,248 defended trials were finalised by the Court

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



Children's Criminal matters commenced

Timeliness

- 92.26% of matters were completed within six months of commencement
- 99.19% of matters were completed within 12 months of commencement

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

Coronial jurisdiction

His Honour Mr John Birley Abernethy retired as the State Coroner of New South Wales on 9 February 2007. Her Honour Magistrate Mary Jerram was appointed as State Coroner on 7 May 2007.

In 2007 the Deputy State Coroners were:

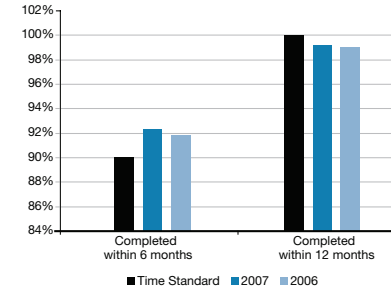
- Magistrate Paul McMahon
- Magistrate Malcolm MacPherson
- Magistrate Jacqueline Milledge (until December 2007)
- Magistrate Carl Milovanovich
- Magistrate Dorelle Pinch (until August 2007)

Reduction of delays in

The State Coroner's main priority on commencing was to reduce the lengthy delays in the finalisation of coronial files and implement new practices and procedures for case management. The following initiatives and changes were introduced:

- Weekly callovers were initiated allowing for tracking of all coronial files at regular intervals and to manage allocation of files to the Deputy State Coroners.
- All coronial files given future dates to be included in a callover at regular intervals.
- An audit was undertaken of all open coronial files, which resulted in the closure of many hundreds of files that had been re-opened or not closed properly on the Courtnet system.
- As a result of the audit and the success of the callover initiative, the number of pending files on the Courtnet system at Glebe alone decreased from 3,940 (in January 2007) to 1,237 (in January 2008).
- Forms and procedures were standardised throughout the jurisdiction.
- Following requests by the Chief Magistrate and State Coroner, the Attorney General's Department increased staffing levels within the Glebe Registry and provided a Deputy Registrar.
- Greater co-operation between Glebe and Westmead Courts allows for a more productive and efficient use of available courtrooms, facilities, judicial officers and staff. Regular case management meetings that involve the State Coroner and her deputies allow for continual analysis of workload and improvement of systems.

Finalised Matters



Youth Justice Conferencing

The diversion of offenders away from Court to Youth Justice Conferences under the *Young Offenders Act 1997* continued during 2007. A consequence of this is a reduction in the number of less serious matters coming before the Court. More information on Youth Justice Conferencing can be found in the Children's Court diversion programmes section.

Youth Drug and Alcohol Court

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

During 2007, the Youth Drug and Alcohol Court sat at Parramatta, Bidura and Campbelltown. 107 young offenders were referred to the programme and 41 were accepted and commenced the programme. 19 young offenders successfully graduated from the programme in 2007 and as at 31 December 2007 24 were continuing to participate in the programme.

Legislative change

During 2007, section 19 of the *Coroners Act* 1980 was amended (replacing the word *terminate* with *suspend*) in order to clarify provisions relating to the termination of inquests and the subsequent continuation of an inquest or inquiry.

The necessity for the amendment came about following the decision of the Supreme Court in *Innes & 2 ors v New South Wales Senior Deputy State Coroner [2007] NSWSC 1209*. Prior to this decision, Coroners relied on section 20 of the *Coroners Act* as authority to continue proceedings, for the purpose of making findings in relation to the cause and manner of deaths or the cause and origin of fires and explosions, and to make any recommendations, following an inquest that had been terminated. The view was held that section 20 enabled Coroners to recommence an inquest or inquiry once proceedings for an indictable offence were finalised.

In *Innes & 2 ors v New South Wales Senior Deputy State Coroner [2007] NSWSC 1209*, the Supreme Court held that section 20 did not achieve this objective. The amendment to section 19 therefore restores the legislative interpretation that existed prior to the Supreme Court's decision.

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

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

During 2007, 27 deaths were reported pursuant to the requirement of section 13A, 4 of the deceased were Aboriginal. This compares to 2006, when 30 such deaths were reported, 3 of which were Aboriginal and represents a continuing downward trend in the number of deaths being reported pursuant to this section.

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 2007, 237 such deaths were reported to the State Coroner compared to 210 in 2006. Whilst section 13AB ensures mandatory reporting, unlike deaths reported pursuant to section 13A, there is no mandatory requirement to conduct an inquest. Should an inquest be necessary, however, only the State Coroner or Deputy State Coroner may conduct it.

Completion of cases

The State Coroner has a statutory obligation to ensure all deaths, fires and explosions are properly investigated. The State Coroner should also ensure that this is accomplished in a timely manner.

A factor impacting on the timely disposition of cases, particularly at Glebe, has been delay by the Department of Forensic Medicine (DOFM) and Westmead (ICPMR) to finalise post mortem reports.

Both Westmead and Glebe currently have a critical shortage of Forensic Pathologists at their respective mortuaries and as a result can no longer deliver timely reports following post mortems. Both departments are actively recruiting suitably qualified Forensic Pathologists both within Australia and overseas.

Industrial jurisdiction

The State Coroner will continue to work closely with the Health Department in an effort to reduce the delays in the provision of these reports to an acceptable time.

Coroner's Court statistics 2007

	2006	2007
Deaths reported		
Glebe:	1979	2282
Westmead:	1455	1261
Other State-wide:	2439	2604
TOTAL:	5873	6147
Inquests dispensed with*		
Glebe:	1500	2069
Westmead:	940	995
Other State-wide:	1929	1935
TOTAL:	4369	4999
Inquests conducted		
Glebe:	83	102
Westmead:	67	50
Other State-wide:	62	57
TOTAL	212	209

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

Fires

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

In 2007 1,100 fires were reported to the State Coroner through the Deputy State Coroner Westmead.

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

Case load

In 2007 the total number of cases filed in the Industrial jurisdiction decreased to 625. These figures do not, however, include Industrial matters heard in Newcastle.

The overall decrease in matters filed in 2007 results from:

- The number of civil claims lodged decreased from 437 in 2006 to 250 in 2007
- Prosecutions filed by the Office of Industrial Relations (OIR) decreased to 270 in 2007 from 318 in 2006;
- Lodgements by the WorkCover Authority of New South Wales decreased significantly in 2007. In 2006 there were 437 lodgements compared to only 105 in 2007

The declining number of WorkCover prosecutions likely results from the policy change at Workcover which is moving towards and increased emphasis on working with and training employers to prevent prosecutions.

Legislative change

As noted in the 2006 Annual Review the most significant change in Federal Industrial law was the Commonwealth Work Choices legislation coming into law. The change of Federal Government in 2007 and the incoming Government's promise to repeal this legislation means it is unlikely to have had any great impact upon the work of the Chief Industrial Magistrate's Court.

There were no other legislative changes during 2007 that affected the operation of the Court.

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 2007 were Her Honour Magistrate Daphne Anne Kok, His Honour Magistrate Peter Frederick Ashton (until retirement on 19 February 2007) and His Honour Magistrate Terence Timothy Lucas (from 12 April 2007).

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

In 2007 the workload of the Licensing Court remained constant from 2006.

Licensing Court statistics 2007

Appeals		
Full Bench	District Court	Supreme Court
5	28 (4 appellants)	2
Applications*		
Lodged	Finalised	
13803	13495	
Prosecutions		
Lodged	Finalised	
752	747	
Casino Prosecutions		
Lodged	Finalised	
36	34	
Temporary closure orders (Principal Registrar)		
4		

* Since 2006, the number of applications reported includes Board related matters (which often accompany Court matters) as well as Court matters to more appropriately reflect the workload of the Magistrates. In 2007 there were 4,599 Board related matters.

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 2007, 9,204 such applications were dealt with in chambers, of which, 7,079 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.

Noise Complaints

LAB 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 2007, 63 such conferences were held over 43 sitting days.

Legislative Change

On 13 December 2007 the *Liquor Act 2007* received Royal Assent. It provides for the abolition of the Licensing Court of New South Wales and the Liquor Administration Board. A new authority called the Casino Liquor and Gaming Control Authority will deal with all applications and disciplinary complaints previously dealt with by the Court and the Board with a review by the Administrative Decisions Tribunal for disciplinary complaints. The Director of Liquor and Gaming will deal with noise conferences, will have various other powers and is subject to review by the Authority. All Court applications not finalised at the commencement of the new Act will be finalised by the Local Court. The LAB members will finalise any outstanding Board applications. Timing and resources required for this work will be determined closer to the commencement date of the new Act.

Under the new Act, the Local Court of New South Wales will determine prosecutions under the *Liquor Act 2007*, closure orders and prosecutions under the *Registered Clubs Act 1976* and *Gaming Machines Act 2001*.

Mental health

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

In 2007 there were 11,971 mental health inquiries conducted by Magistrates.*

Mental Health inquiries – outcome	
Adjourned	6,656
Discharge or deferred discharge	169
Reclassify from Invol to voluntary	595
Temporary/Involuntary Patient Order	3,091
Community Treatment Order	1,452
Community Counselling Order	8
TOTAL	11,971

* The figures included this year, as in 2006, are provided by the Mental Health Review Tribunal, based on Hospitals' completion of form 19B in compliance with the *Mental Health Act 1990*. This is due to a concern that figures in previous years underreported the number of inquiries conducted by Magistrates. In previous years figures have been provided by the Mental Health Advocacy Service, therefore, the figures included above are not directly comparable to 2005 and previous years.

The *Mental Health Act 2007* came into effect on 16 November 2007. Under the new Act, Community Counselling Orders can no longer be made. Other changes include that temporary patient orders are now called involuntary patient orders, in line with the change in terminology from temporary patients to involuntary patients.

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.

There were no amendments to the *Mining Act 1992* during the year that affected the operation of the court. However, the first contested case regarding Part 10A of the Act which was included by amendment in 2004 came before the Court in 2007. Part 10A applies to mineral claims and opal prospecting licences (referred to collectively as small-scale titles) with respect to land within an access management area. It was a protracted case which explored in detail most of the provisions of the Part. It remains to be seen whether the decision of the Court in that matter will lead to settlement of more cases between the miners and landholders or whether further disputes under that Part, will be before the Court.

There was a slight decrease of 4%, in the number of matters filed during the year compared to 2006, although as noted last year, the number of matters remains significantly higher than in 2005 and previous years. Many of the cases were uncomplicated which led to a rapid disposal.

- 73% of the matters were disposed of within 3 weeks of being first listed
- 89% were disposed of within 12 weeks
- 94% were disposed of within 6 months.

On average, there was approximately 4.25 weeks between filing an action in the Court and the first court date.

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

- Diversionary programmes
- Mental health liaison service
- Children's Court diversion programmes
- Technology in the Local Court

Diversionary programmes

Magistrate's Early Referral Into Treatment Programme

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

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

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

During 2007 the MERIT programme expanded to Milton Local Court. The programme is now available in 61 Local Courts, within all of the State's Area Health Services.

In November 2007 NSW Health reported the results of the MERIT health outcomes study. The report was published based on health outcomes data collected since April 2004. The final report on the study suggests the MERIT programme achieves very positive health outcomes for participants.²

At the conclusion of the 3-month MERIT programme, the survey found that levels and types of illicit drug use and associated risk behaviours for those surveyed had reduced significantly. A high proportion of those surveyed had either substantially decreased the frequency and intensity of their drug use or were abstaining from their principal drug altogether. 38% of those surveyed were abstinent from all illegal drugs.

In terms of general health indicators, whilst at commencement of the programme participants had significantly lower levels of physical and psychological health than those in the general population, at completion of the project, the mental physical and social functioning of the majority of those surveyed had improved considerably and an increased number were employed.

Over 90% of MERIT participants who completed the programme said they were satisfied or very satisfied with their treatment experience.

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

During 2007, 2889 defendants were referred to MERIT, 1765 were accepted with 870 successfully completing the programme. As at 31 December 2007, there were 102 referrals still under assessment and 396 still participating in drug treatment.

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

² *The Magistrates Early Referral into Treatment Programme (MERIT): health outcomes report can be found on the NSW Health website.*

Rural Alcohol Diversion Programme

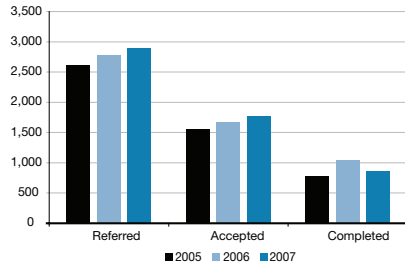
The Rural Alcohol Diversion (RAD) Programme is based on the operating model of the MERIT programme and provides adult defendants with alcohol abuse or dependence problems the opportunity of rehabilitation as part of the bail process. The Rural Alcohol Diversion Programme is a pilot programme and currently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

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

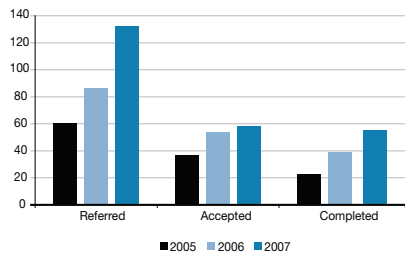
Defendants are closely case-managed throughout the programme and the Magistrate receives regular reports from the RAD Caseworker. The final hearing and sentence generally coincide with the completion of the treatment programme. Magistrates are then able to consider the defendant's progress in treatment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

During 2007, 132 defendants were referred to the programme, 58 were accepted (with 12 still under assessment). As at 31 December 2007, 55 defendants had successfully completed the programme with 7 still in treatment.

MERIT Programme Statistics



RAD Programme Statistics



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

The MERIT and RAD programmes are of 3 months duration. As such, some persons referred to the programmes after September 2007 will still be on the programme at 31 December 2007 and therefore, not accounted for in the completion figures. Similarly, the completion figures include persons who commenced MERIT or RAD from September to December 2006 and completed their contact with the programme in 2007.

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 2007, 96 circles were conducted. The programme operated at Local Courts in Nowra, Dubbo, Walgett, Brewarrina, Bourke, Lismore, Armidale and Kempsey, and commenced at Mt Druitt in January 2007.

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, cash payments, work or other reparation to the victim, participation in an appropriate programme, such as drug and alcohol rehabilitation and other measures aimed to repair the harm caused and help offenders address their offending behaviour and integrate into the community.

For the 2007 calendar year, 101 offenders were referred to the programme and 79 conferences have taken place.

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

The pilot programme concluded in 2007 and was formally evaluated. Victims, offenders and support persons of victims and offenders participated in a NSW Bureau of Crime Statistics and Research study of the programme³, which found the vast majority of participants were satisfied with the various stages of the conference itself and the subsequent draft intervention plans developed by the participants.

³ "An evaluation of the NSW Community Conferencing for Young Adults pilot programme" NSW Bureau of Crime Statistics and Research – the report is part of the legislative evaluation series (L16) and can be found on the Bureau's website.

Notably almost all offenders (over 97%) agreed or strongly agreed with the statement that *'what happened in the conference will encourage you to obey the law in the future.'* Two in five offenders stated that *'during the conference they were overwhelmed by their understanding of what it actually felt like for those who had been affected by their actions.'* 50% of offenders stated that *'during the conference they were overwhelmed by the feeling that the offence they committed was wrong.'*

Almost all victims surveyed (98.8%) agreed or strongly agreed that they had *'an opportunity to explain the loss and harm that resulted from the offence'*. Furthermore, 93% of victims surveyed agreed or strongly agreed that *'the conference took adequate account of the effects of the offence.'*

On the whole, most stakeholders surveyed believed the programme was effective in achieving its objectives, including:

1. Increasing the offenders' awareness of the consequences of their offences for their victims and the community
2. Encouraging offenders to take responsibility for the offence they have committed
3. Meeting the needs of victims and the community.

The programme continues to operate at Liverpool and on the Tweed Heads circuit. Following the successful trial the programme will be implemented state-wide. Expansion to all NSW Local Courts will be staged over five years and will commence in financial year 2008/09.

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 2007, operating in 17 Local Court locations.

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

In the 2006/07 financial year, 17,000 people were screened for mental health problems in Court cells. Of this number, 2,272 received a comprehensive mental health assessment.

In addition to the use of psychiatric nurses, telehealth video conferencing facilities operated in Broken Hill and Griffith during 2007, facilitating the presentation of persons before a psychiatrist in Sydney through the use of Audio Visual 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 NSW Health, the Department of Juvenile Justice, the Department of Community Services and the Department of Education and Training.

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

Since 2005, the programme has covered the whole of the Sydney metropolitan area. During 2007, the Youth Drug and Alcohol Court sat at Parramatta, Bidura and Campbelltown. 107 young offenders were referred to the programme and 41 were accepted and commenced the programme. 19 young offenders successfully graduated from the programme in 2007 and as at 31 December 2007 24 were continuing to participate in the programme.

Youth Justice Conferencing

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

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

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

The criteria are:

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

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

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

Mental Health Liaison Service

The Mental Health Liaison Service also operates 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.

During 2007, the Justice Health Adolescent Court and Community Team conducted 212 mental health assessments, 58 of which were diverted to a mental health service including under section 32 of the *Mental Health (Criminal Procedure) Act 1990*, 5 of which were diverted to a hospital for assessment under section 33 of the *Mental Health (Criminal Procedure) Act* and 64 of which were diverted to another community agency or non-government organisation.

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, AVL technology has also been used to take evidence from witnesses outside the jurisdiction, which includes witnesses from interstate and overseas. In 2007 AVL was used to conduct 31,260 bail hearings, an increase of 75% from 2006. The technology continues to assist the Court in ensuring access to justice.

During 2007 after negotiation with relevant stakeholders Practice Note 5 of 2007 was introduced. The Practice Note provides for the use of AVL wherever practical and for courts without AVL facilities to adjourn all matters (other than matters for hearing or sentence) where accused persons are in custody, to the nearest or appropriate allocated court with AVL facilities.

The use of AVL improves the management of custodial matters within the Local Court and produces significant reductions in recurrent expenditure for government.

In 2007 the following Local and Children's Court had AVL facilities available:

Local Courts

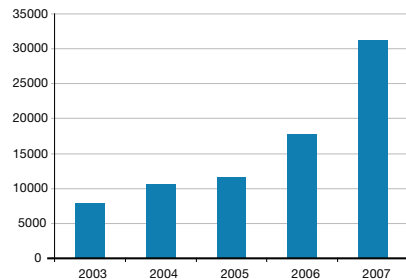
Albury	Lismore
Armidale	Liverpool
Bankstown	Moree
Bathurst	Moun Druitt
Blacktown	Newcastle
Bourke	Orange
Broken Hill	Parramatta
Burwood	Penrith
Campbelltown	Port Macquarie
Central	Sutherland
Coffs Harbour	Tamworth
Downing Centre	Wagga Wagga
Dubbo	Walgett
Gosford	Wentworth
Goulburn	Wollongong
Grafton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

Children's Courts

Bidura	Parramatta
Broadmeadow	Woy Woy
Campbelltown	

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

Audio Visual link technology used to conduct bail hearings



CCTV – Remote Witnesses

Closed circuit television (CCTV) facilities have also been installed in 83 Courts, allowing vulnerable witnesses to give evidence in sensitive matters such as sexual assault, from a remote location. This facility is highly utilised and provides some measure of comfort and security to victims of crime. During 2007, CCTV was used to allow 360 remote witnesses to give evidence and 162 protected witnesses to give evidence.

Court lists online

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

Electronic lodgement – civil claims

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

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

Electronic lodgement – criminal processes

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

Local Court website

The Local Court website on Lawlink provides access to Magistrate's judgments as well as Local Court Practice Notes. This can be found at http://www.lawlink.nsw.gov.au/lawlink/local_Courts/ll_localCourts.nsf/pages/lc_index

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

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.

In 2007 a number of additional resources were created for the use of Magistrates. A bulletin of case reviews is emailed to Magistrates each month containing an amalgamation of recent higher court decisions as well as Local Court decisions. The monthly review provides practical assistance to Magistrates on issues of relevance within the Local Court jurisdiction. Magistrates may contribute on their own behalf by forwarding appropriate written judgments and it has proven to be an extremely useful resource.

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

The Local Court offers each Magistrate a minimum five days of judicial education each year, which tend to focus on substantive updating on law and practice, and the development of judicial skills. Additional specialised twilight seminars are conducted periodically on practical matters, social awareness (including cultural awareness education) and legislative changes.

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

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

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

as well as community representatives and other participants involved in the administration of justice provide input regarding educational topics, presenters and format.

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

In 2007 Magistrates attended more than 770 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 8 new Magistrates. 10 Magistrates from the Local Court attended the five-day residential Magistrates' Orientation Programme, which focuses on court craft and judicial skills for new Magistrates.

A highlight of the education programme during 2007 was the opportunity for 14 Magistrates to attend an Aboriginal cultural awareness visit to Kempsey, which provided them with insight into some of the cultural history and issues touching the Aboriginal community in and around Kempsey, particularly the challenges facing Aboriginal people in the legal system.

The Local Court Annual Conference was held over three days in August 2007 for all New South Wales Magistrates. The Honourable John Doyle AC, Chief Justice of South Australia, opened the conference with a session focusing on judicial conduct. Other papers covered recent developments in criminal and civil law, hindsight bias in expert evidence, effectiveness of sentencing options, family law and occupational health and safety.

185 Magistrates also attended small group, interactive metropolitan and regional seminars. These seminars focussed on sentencing practice in the Local Court, self defence, civil practice in the Local Court, committal, criminal and care proceedings, the *Evidence Act 1995*, and apprehended violence legislation. Magistrates also attended twilight seminars on such topics as testing the competency of children, human rights and Canadian Indigenous Courts.

4. Judicial education and community involvement

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

As in 2006, Magistrates again in 2007 had the opportunity to attend a judgment writing workshop, led by Professor James Raymond. These very practical two-day workshops encourage Magistrates to consider new ways of approaching the task of writing judgments and help Magistrates to develop their judgment writing skills. 14 Magistrates attended a judgment writing workshop for the Local Court and four Magistrates attended a cross-jurisdictional judgment writing master class.

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.

2007 also saw the Court develop a relationship with the Magistrates of Papua New Guinea. The Chief Magistrate, with the assistance of the Court's Education committee and staff of the Judicial Commission developed a judicial orientation programme for PNG Magistrates.

The programme was funded by AusAid in partnership with the Local Court of New South Wales and the Judicial Commission of New South Wales who agreed to assist the Magisterial Services of Papua New Guinea in delivering its first Magistrates' orientation programme.

In November 2007, Deputy Chief Magistrate Cloran, Magistrate Heilpern and Ms Ruth Windler from the New South Wales Judicial Commission travelled to Papua New Guinea to deliver the programme. It was held in Port Moresby from 25 to 30 November 2007, with 16 PNG Magistrates attending. The programme was designed both to improve the judicial skills of Magistrates in PNG and to assist that Court to develop its own education programmes.

This is the beginning of a more structured and sustainable judicial training and professional development programme for PNG Magistrates and it is anticipated the Court will continue to provide this educational opportunity in PNG for another three years.

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

Judicial orientation in Papua New Guinea

In 2007 Magistrates continued to be involved in legal education with a number of Magistrates regularly volunteering their time to preside over College of Law practice hearings and pleas of mitigation.

Magistrate's activities in 2007 are summarised below:

His Honour Chief Magistrate Graeme Henson

Conferences:

9-11 Feb	'Confidence in the Courts' hosted by National Judicial College of Australia
March	Judicial Leadership programme, Hobart

Membership of legal, cultural or benevolent organisations:

Member Uniform Rules Committee
Member Judicial Commission of New South Wales
Member Judicial Conference of Australia
Director, Uniting Aged Care Sydney North Regional Board

Her Honour Deputy Chief Magistrate Helen Syme

Conferences:

9-11 Feb	'Confidence in the Courts' hosted by National Judicial College of Australia
July	Victoria Magistrate's Annual Conference & Community Court visit
Aug	Domestic Violence Forum, Parliament House
Sep	Judgement Writing Course, Judicial Commission
Nov	Western Australian Magistrate's Annual Conference

Speaking Engagements:

Feb	'The Domestic Violence Intervention Court Model' Attorney General's Department / NSW Police Joint Conference on Domestic Violence
Mar	'The New South Wales Local Court' Northern Beaches High School Students
Mar	'Courts and Sentencing' Community Justice Group at Dubbo
Mar	'Courts and Sentencing' Community Justice Group - Sydney
Mar	'Courts and Sentencing' Community Justice Group at Coffs Harbour
July	'Mental Health Liaison Service' Mental Health Nurses, Institute of Psychiatry
Nov	'The MERIT Programme' Allied Health Professionals, Macquarie University

His Honour Deputy Chief Magistrate Paul Cloran

Membership of legal, cultural or benevolent organisations:

Acting Chair, Rosemount Youth and Family Services
Chair, Marine Appeals Tribunal
Member Criminal Law Committee of Law Society of New South Wales
Member Attorney General's Working Party on Uniform Civil Procedure Rules
Member Uniform Rules Committee
Member Advisory Committee, Institute of Criminology
Member Standing Advisory Committee on Judicial Education
Member Australian Institute of Judicial Administration
Member Judicial Conference of Australia

Member Court Security Operations Committee
Member Cross Justice Agency – Video Conferencing Steering Committee
Member JusticeLink Steering Committee

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

Conferences:

14-16 Nov National Association of Gambling Studies Conference (Cairns)
Nov Regulators Responsible Gambling Working Party (Cairns)
Nov Australasian Liquor Licensing Authorities Conference (Adelaide)

Membership of legal, cultural or benevolent organisations:

Vice President, Commonwealth Magistrates and Judges Association
Committee Member, Commonwealth Day Council
Member, Australasian Gaming CEOs Group
Member, Regulators Responsible Gambling Working Party

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

Conferences:

30 Oct-3 Nov Australasian Coroners' Conference
11 Dec Conference on Jury Research, Australia and New Zealand Association of Psychiatry Psychology and the Law.

Speaking Engagements:

College of Law, various dates
Fire Investigators
UTS post graduate law students

His Honour Magistrate John Anthony Bailey – Chief Mining Warden

Membership of legal, cultural or benevolent organisations:

Public Officer, East Africa Fund Inc

His Honour Magistrate Peter Miszalski

Conferences:

5-7 Oct Judicial Conference of Australia Annual Colloquium
17-18 Nov Judicial Visit to Kempsey "Aboriginal Cultural Awareness"

His Honour Magistrate Jeffrey Alan Linden

Membership of legal, cultural or benevolent organisations:

Member, Australian National Council on Drugs

His Honour Magistrate Carl Milovanovich

Conferences:

2-9 June 11th Greek/Australian Medical Legal Conference (Crete)
31 Oct –2 Nov Asia Pacific Coroners Society Conference, (Hobart)

Speaking Engagements:

18 May University of Sydney
31 Oct Asia Pacific Coroners Society Conference, 'Police Response to Aviation Fatalities'
15 Nov Police College (Goulburn), 'Arson & Bushfire Investigation – the Role of the Coroner'

His Honour Magistrate Ross Clugston

Membership of legal, cultural or benevolent organisations:

Director, Lions Club Menai
President, Taren Point Men's Bowling Club

His Honour Magistrate Malcolm MacPherson

Membership of legal, cultural or benevolent organisations:

Member, Youth Insearch Organisation
Secretary, Association of Australian Magistrates

Her Honour Magistrate Daphne Kok

Conferences:

9-11 Feb 'Confidence in the Courts' hosted by National Judicial College of Australia
May Queensland Magistrates' Annual Conference
June Australian Liquor Licensing Authorities Conference
5-7 Oct Judicial Conference of Australia Annual Colloquium

Speaking Engagements:

6 Oct Judicial Conference of Australia Annual Colloquium, 'Relationships Between the Courts'

Membership of legal, cultural or benevolent organisations:

Chairperson, Law Extension Committee (University of Sydney)
Member of Council, 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 NSW
Alternate Appointee to Council of Judicial Conferences of Australia
Chairperson, Association of Australian Magistrates

His Honour Magistrate Douglas Dick

Conferences:

3 July Aboriginal Interagency forum (Improving interagency communication), Nowra
9 July Second Aboriginal Interagency forum (Best practice model), Nowra
17-18 Nov Judicial Visit to Kempsey "Aboriginal Cultural Awareness" (Organising committee)

Speaking Engagements:

9 July "Indigenous Courts" – Australian Institute of Judicial Administration Conference, Mildura

His Honour Magistrate Hugh Dillon

Conferences:

Nov 'Communication in the Courts' hosted by National Judicial College of Australia

Speaking Engagements:

"Court etiquette and advocacy" LexisNexis Young Lawyer's Conference on Advocacy in Magistrates' Courts.

"Practice and Procedure in the Local Court" College of Law CLE Conference on Litigation

"A judicial perspective on law studies" University of NSW litigation students and Indigenous Law students group at University of NSW

Membership of legal, cultural or benevolent organisations:

Presidents' Panel, Chief of Defence Force's Commissions of Inquiry

Senior Visiting Fellow, University of NSW Law School

Lecturer, University of NSW, Principles of Advocacy

Consulting Editor, LexisNexis "Local Court Criminal Practice (NSW)"

NSW Co-ordinator, National Judicial College of Australia

Member, National Judicial College of Australia Programs Advisory Committee

His Honour Magistrate Michael Stoddart**Conferences:**

Oct South Australian Magistrate's Conference

His Honour Magistrate John McIntosh**Conferences:**

9-12 Sep Northern Territory Magistrates Conference (Yulara)

26 Nov Judicial Seminar on Child Witnesses (Darwin, NT)

Membership of legal, cultural or benevolent organisations:

Treasurer, Magistrates Association of New South Wales

Treasurer, Association of Australian Magistrates

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

Chair ACT Football Referees Standing Committee

Member of the National Referees Standing Committee

His Honour Magistrate Paul Mulroney**Conferences:**

April Sino-Australian Seminar 'Juvenile Judicial System' sponsored by HREOC and Supreme Peoples Court of PR of China (Suzhou, Jiangsu Province)

April International Seminar on the Protection of the Rights of Juveniles in the Criminal Justice System, sponsored by HREOC and Supreme People's Procuratorate (Nanjing, Jiangsu Province)

Speaking Engagements:

16 Jun Children's Legal Service Conference, Magistrate's Panel

Membership of legal, cultural or benevolent organisations:

Board Member, Habitat for Humanity NSW

Church Councilor and member, committee for discipline NSW Synod Uniting Church

Her Honour Magistrate Elaine Truscott**Speaking Engagements:**

16 Jun Children's Legal Service Conference, Magistrate's Panel

His Honour Magistrate James Coombs**Membership of legal, cultural or benevolent organisations:**

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

Her Honour Magistrate Fiona Toose**Membership of legal, cultural or benevolent organisations:**

Vice President, Lightning Ridge Swimming Pools Association

His Honour Magistrate Michael North Holmes**Speaking Engagements:**

29 Oct University of New England Law School "Practice and Procedure in the Local Court of New South Wales"

Membership of legal, cultural or benevolent organisations:

Member of the Australasian Institute of Judicial Administration Incorporated.

Member of the Institute of Public Administration Australia

Member of the Judicial Conference Australia

Her Honour Magistrate Vivian Margaret Swain**Speaking Engagements:**

8 Dec Lions Club Domestic Violence Committee

Membership of legal, cultural or benevolent organisations:

Executive, Tamworth RSL Brass Band

Judge, Regional Lions Club Youth of the Year competition

His Honour Magistrate Graham Blewitt AM**Speaking Engagements:**

12 Sep University of NSW, 'Role of interpreters in war crimes investigations'

Her Honour Magistrate Robyn Denes**Conferences:**

17-18 Nov Judicial Visit to Kempsey "Aboriginal Cultural Awareness"

Membership of legal, cultural or benevolent organisations:

Member, Jewishcare Domestic Violence Taskforce

His Honour Magistrate Glenn James Bartley**Conferences:**

17-18 Nov Judicial Visit to Kempsey "Aboriginal Cultural Awareness"

His Honour Acting Magistrate Malcolm Beveridge**Membership of legal, cultural or benevolent organisations:**

Judicial Conference of Australia

NSW Bar Association

Secretary, Appeal Committee of the National Trust of Australia (NSW) Hunter Baillie Memorial Church Conservation Appeal

Elder and Session Clerk of the Annandale-Leichhardt Presbyterian Church

Member, Code (church law) Committee of New South Wales and Australian General Assembly

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.
 - (iv) 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 2007 committee members were:

Strategic Planning Review Council

Chief Magistrate Graeme Henson (Chair)
Deputy Chief Magistrate Helen Syme
Deputy Chief Magistrate Paul Cloran
Chairperson Licensing Court Magistrate David Armati
State Coroner Magistrate Mary Jerram
Senior Children's Magistrate Scott Mitchell
Chief Industrial Magistrate Gregory Hart
Mr Gary Byles, Sheriff of NSW
Magistrate Paul Mulrone
Magistrate Ian McRae
Mr Craig Smith, Director Court Services
Ms Jacinta Haywood, Executive Officer to the Chief Magistrate

Local Courts Education Committee

Deputy Chief Magistrate Paul Cloran (Chair)
Magistrate Hugh Dillon
Magistrate Hilary Hannam
Magistrate David Heilpern
Magistrate Julie Huber
Magistrate Gordon Lerve
Magistrate Malcolm MacPherson
Magistrate Bev Schurr
Magistrate George Zdenkowski
Ms Ruth Windeler (Convenor, Judicial Commission of NSW)
Ms Bridget Thomson, Policy Officer, Chief Magistrate's Office

Local Court Bench Book Committee

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

Ethics Committee (Ad hoc)

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

Local Court Rule Committee

Deputy Chief Magistrate Paul Cloran (alternate chair)
Mr Geoff Hiatt, Deputy Director of Local Courts (until 5 November 2007)
Ms Robyn Gray, Office of the Director of Public Prosecutions
Ms Kate Trail, Bar Association of NSW
Ms Jennifer Atkinson, Senior Policy Officer, Legislation and Policy Division, Attorney General's Department
Mr John Dobson, Law Society of NSW

Local Courts (Civil Claims) Rule Committee

Deputy Chief Magistrate Paul Cloran
Magistrate Brian Lulham
Magistrate Hugh Dillon
Magistrate Sharon Freund
Mr Graeme Roberts, Civil Claims Division
Ms Jennifer Atkinson, Senior Policy Officer, Legislation and Policy Division, Attorney General's Department
Mr Andrew Kostopolous, NSW Bar Association
Mr Stephen Olischlarger, Policy Officer Local Courts

Terms and Conditions of Service Committee

Chief Magistrate Graeme Henson (Chair)
Deputy Chief Magistrate Helen Syme
Deputy Chief Magistrate Paul Cloran
Chairperson Licensing Court Magistrate David Armati
Senior Children's Magistrate Scott Mitchell
Chief Industrial Magistrate Gregory Hart
Magistrate Roger Prowse
Magistrate Paul MacMahon
Magistrate Clare Farnan
Ms Jacinta Haywood, Executive Officer

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
Ms Joy Blunt, Judicial Commission of NSW

Asset Management Services Committee

Chief Magistrate Graeme Henson
Mr Simon Furness, Director Asset Management Services
Mr Craig Smith, Director Court Services
Mr Geoff Hiatt, Deputy Director of Local Courts (until 5 November 2007)
Mr Gary Byles, Sheriff of NSW
Ms Blair Fooks, Assistant Director Asset Management Services
Mr Simon Smith, Manager Facility Maintenance

Court by Court statistics

	New	Finalised
Albion Park	481	457
Albury	2771	2737
Armidale	1579	1481
Ballina	1312	1371
Balmain	1845	1878
Balranald	228	242
Bankstown	8631	8772
Batemans Bay	1268	1235
Bathurst	1822	1785
Bega	1006	984
Bellingen	327	310
Belmont	2241	2230
Blacktown	7775	7779
Blayney	123	102
Boggabilla	209	212
Bombala	32	39
Bourke	510	555
Brewarrina	315	244
Broken Hill	1473	1452
Burwood	10305	9934
Byron Bay	1467	1521
Camden	1216	1249
Campbelltown	7356	7392
Casino	1322	1277
Central	4880	4867
Cessnock	1643	1606
Cobar	266	246
Coffs Harbour	2683	2583
Condobolin	354	323
Cooma	716	773
Coonabarabran	358	371

	New	Finalised
Coonamble	431	420
Cootamundra	613	579
Corowa	202	199
Cowra	864	855
Crookwell	60	60
Deniliquin	600	579
Downing Centre Sydney	22547	22226
Dubbo	2629	2558
Dunedoo	51	53
Dungog	86	82
Eden	237	239
Fairfield	2056	1539
Finley	326	340
Forbes	630	672
Forster	1321	1336
Gilgandra	261	248
Glen Innes	376	381
Gloucester	151	161
Gosford	5547	5572
Goulburn	2915	2919
Grafton	1132	1198
Grenfell	80	91
Griffith	1771	1764
Gulgong	99	104
Gundagai	266	280
Gunnedah	399	401
Hay	388	361
Hillston	89	87
Holbrook	160	172
Hornsby	4296	4318
Inverell	1104	1185

	New	Finalised
Junee	209	204
Katoomba	1236	1179
Kempsey	1773	1689
Kiama	274	262
Kogarah	2673	2585
Kurri-Kurri	1259	1253
Kyogle	212	217
L Cargelligo	180	179
Leeton	611	664
Lightning Ridge	234	227
Lismore	3396	3372
Lithgow	1275	1334
Liverpool	10444	10383
Lockhart	11	12
Macksville	681	730
Maclean	558	584
Maitland	3110	3077
Manly	5130	5072
Milton	737	771
Moama	149	171
Moree	1433	1442
Moruya	453	410
Moss Vale	1292	1274
Moulamein	6	9
Mount Druitt	6004	5670
Mudgee	651	655
Mullumbimby	432	414
Mungindi	48	42
Murwillumbah	711	719
Muswellbrook	915	951
Narooma	329	336

	New	Finalised
Narrabri	511	566
Narrandera	385	359
Narromine	388	430
Newcastle	8134	7961
Newtown	3704	3654
North Sydney	1507	1513
Nowra	2557	2493
Nyngan	211	220
Oberon	80	73
Orange	2107	2087
Parkes	971	975
Parramatta	14013	13824
Peak Hill	81	90
Penrith	6987	6660
Picton	535	545
Port Kembla	1565	1544
P Macquarie	2511	2498
Queanbeyan	2173	2205
Quirindi	339	323
Raymond Terrace	2362	2376
Ryde	2742	2691
Rylstone	70	86
Scone	468	433
Singleton	864	949
Sutherland	10598	10342
Tamworth	2662	2632
Taree	2197	2166
Temora	193	201
Tenterfield	298	321
Toronto	3073	3040
Tumbarumba	72	70

	New	Finalised
Tumut	570	640
Tweed Heads	2811	2778
Wagga Wagga	3662	3615
Walcha	112	116
Walgett	925	991
Warialda	56	55
Warren	169	198
Wauchope	137	140
Waverley	7852	8032
Wee Waa	188	204
Wellington	622	588
Wentworth	782	723
West Wyalong	266	257
Wilcannia	165	159
Windsor	2247	2265
Wollongong	8055	7972
Woy Woy	1215	1234
Wyong	5098	4984
Yass	465	439
Young	598	582
Total	275,374	272,436



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