



Local Court of New South Wales

Annual Review 2023



Acknowledgment of Country

The Chief Magistrate of the Local Court acknowledges that the locations where Local Courts sit are on traditional lands of First Nations Peoples.

We pay our respects to elders past and present and extend that respect to all First Nations Peoples and acknowledge their ongoing connection to culture, heritage, beliefs and their relationship to land, sea and community.

The Uluru Statement from the Heart reads:

Proportionally, we are the most incarcerated people on the planet. We are not an innately criminal people. Our children are alienated from their families at unprecedented rates. This cannot be because we have no love for them. And our youth languish in detention in obscene numbers. They should be our hope for the future. These dimensions of our crisis tell plainly the structural nature of our problem. This is the torment of our powerlessness.

The structural nature of the inequality that First Nations Peoples experience cannot be separated from the legal system of which this Court is a part. The Local Court of NSW acknowledges its power to take steps with a view to ameliorating that imbalance and undertakes to do so.

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Foreword by Chief Magistrate of NSW



It has been an honour and a privilege to serve the community of NSW as Chief Magistrate of the Local Court since September 2021. I am immensely proud of what has been achieved during this time.

This has been a period of unprecedented challenge and change. I acknowledge the hard work and incredible contributions which have been made by the judicial officers of the Local Court, Children's Court and Coroner's Court to the administration of justice in NSW. I would also like to recognise the invaluable support provided by the deputy chief magistrates, court staff, court registries and the members of the Chief Magistrate's Office who through their work, ensure the efficient and effective operations of the Court at its various locations across the state.

A number of judicial movements took place during 2023. These changes to the Bench of the Local Court included the retirement of Magistrates Michelle Goodwin, Jeffrey Linden, Suzanne Seagrave and Leslie Mabbutt who have all been appointed as Acting Magistrates by the Attorney General, and the appointment of Deputy Chief Magistrate Allen to the District Court. Additionally, Magistrates Peter Bugden and Julie Huber went on leave pending formal retirement in early 2024. I would like to take this opportunity to thank these magistrates for their service and acknowledge their significant contributions to this Court.

The Local Court welcomed nine new magistrates who were appointed during 2023; namely,

Magistrates Gemma Slack-Smith, John Arms, Julie Zaki, Michael Maher, Keisha Hopgood, Stephan Herridge, Gina Towney, Timothy Khoo and Cathy Tawagi. Through these new appointments, the cultural diversity of the Local Court Bench was enhanced, and gender parity was maintained.

A notable achievement which took place during 2023 was the development and publication of a *Strategic Plan for the Local Court for 2023-2026*. The intention behind preparing a Strategic Plan for the Local Court was to create a framework for the over-arching direction of the Court for the next three years, and to provide guidance with regards to how strategies could be implemented in a tangible way to assist the Court to achieve its objectives.

As articulated in the Local Court's Strategic Plan, the following areas were identified as priorities for the Local Court: Expanding and enhancing therapeutic and restorative justice initiatives; contributing to the work being done to the Close the Gap Targets; improving the way in which the Court responds to family violence; innovation and improvement with respect to practice, procedure, technology and infrastructure; and increasing initiatives to support judicial wellbeing.

With regards to therapeutic justice initiatives, I am pleased to report that the expansion of Magistrates Early Referral into Treatment program (MERIT) and the Statewide Community and Court Liaison Service (SCCLS) continued to progress throughout 2023. As a result of these rollouts, these services are now available at additional Local Court locations, and I wish to thank everyone who has been involved in making this possible. The Chief Magistrate's Office will continue to work closely with key stakeholders to expand these programs in 2024 as this is critical to increasing equitable access to justice.

Additionally, I am excited to share that the Justice Advocacy Service launched its court-based Section 14 Diversion Service in 2023 at the following six Local Court locations: Downing Centre Local Court, Parramatta Local Court, Blacktown Local Court, Penrith Local Court, Gosford Local Court and Lismore Local Court.

It is my hope that these programs and other essential court support and diversion services keep being made more widely accessible across the state.

The Local Court would like to progress its proposal to establish a Young Adult Court List which I outlined in my foreword to the 2022 Local Court Annual Review. However, unfortunately, as at the time of writing, funding for the service navigators for this project remains an issue. Consequently, the Court has paused work on progressing this therapeutic justice initiative until next financial year.

In alignment with its commitment to making a positive contribution to the work being done in relation to the Closing the Gap Targets, in 2023, the Local Court worked to progress the expansion of the Circle Sentencing Program and commenced collaborating with the Transforming Aboriginal Outcomes Division of the Department of Communities and Justice (DCJ) on the development of the Bail Community Panel Project.

I am pleased to announce that in 2023, the Local Court's Circle Sentencing Program commenced operating at Bateman's Bay, Broken Hill and Wollongong. Circle sentencing will be rolled out to the remaining metropolitan expansion sites in early 2024, namely, Campbelltown, the Downing Centre Local Court, Penrith and Waverley. I would like to take this opportunity to acknowledge the work of the Chief Magistrate's Office, the Transforming Aboriginal Outcomes Division of DCJ and the magistrates at the new circle sentencing sites who have each played a pivotal role in facilitating the expansion of this program.

The Bail Community Panel Project has been designed in recognition of the need to reduce cultural bias and address the structural inequalities experienced by First Nations People. As a part of this project, First Nations Elders and Respected Persons will be consulted as a part of the bail-decision making process and culturally appropriate bail support services will be identified. It is envisaged that this program will be piloted at two Local Court locations in 2024.

I would like to congratulate the Children's Court on the expansion of the Youth Koori Court to Dubbo and commencement of the Winha-nga-nha List in 2023. The Winha-nga-nha List is a dedicated court list for Aboriginal families involved in care proceedings which was developed in response to Recommendation 125 of the Family is Culture Report. The Winha-nga-nha List was developed using a co-design process with Aboriginal community representatives and stakeholders. These are two very important initiatives which I hope are expanded to further locations in the future.

Another significant initiative which was developed and received funding in 2023 is the Healing Circle Program in the Coronial Jurisdiction. The Healing Circle Program is a culturally safe restorative justice program for First Nations People which will operate alongside the coronial process for mandatory inquests into the deaths of First Nations People and inquests into the deaths of First Nations People in custody. This program will be implemented following extensive community consultations.

The over-representation of First Nations People in the Local Court, Children's Court and Coronial Jurisdiction is an issue which continues to require urgent responses.

An area of focus for the future which, in my view, should be given consideration, is the implementation of trauma-informed practices and procedures which promote cultural safety for First Nations People involved in proceedings in the Local Court. Such a paradigm shift could include advocating for funding to enable the preparation of Bugmy Justice Reports for Local Court sentencing proceedings and developing a model which uses evidence of strengths based upon the approach taken in the Walama List.

Another milestone which occurred in 2023, was the launch of the Local Court's pilot Specialist Family Violence List which aims to ensure that domestic and family violence matters are dealt with in a timely and culturally respectful and trauma-informed way. Approximately 40% of all

pending criminal hearings in the Local Court are for domestic violence offences and a further 8% of pending hearings are for Apprehended Violence Applications. Accordingly, the development of a Specialist Family Violence List is significant as it represents a cultural shift in terms of the way in which the Court's domestic and family violence caseload is approached and demonstrates that the Local Court is committed to taking the issue of domestic and family violence seriously.

The pilot Specialist Family Violence List commenced sitting at the Downing Centre, Newcastle and Blacktown Local Courts in October 2023. The pilot Specialist Family Violence List has commenced sitting at Gunnedah and Moree Local Courts in February 2024 and at Narrabri and Wee Waa in March 2024. Importantly, an evaluation of the pilot Specialist Family Violence List will be conducted which will also include a qualitative analysis of the experiences of complainants and defendants in domestic and family violence matters. An enormous amount of work has gone into this project, and I thank everyone involved. In particular, I wish to acknowledge the work of her Honour Deputy Chief Magistrate Freund and the Executive Officer of the Local Court Yasmin Hunter, who are overseeing this project and who have both been instrumental in enhancing the Court's response to domestic and family violence.

With respect to innovation and improvement, the Chief Magistrate's Office has advocated for, and been involved in, consultations regarding the development of an E-Diary for the Local Court throughout 2023. I am happy to share that as a result, an E-Diary for the Local Court will be piloted in mid-2024 at Sutherland Local Court, Newcastle Local Court and Parramatta Children's Court. I am of the opinion that the introduction of a state-wide E-Diary for Local Court proceedings is a key part of increasing efficiency and modernising the operations of the Court.

I am also pleased to provide an update on three other projects that commenced in 2023 which aim to facilitate the overriding purpose of the *Civil Procedure Act 2005* (NSW) and increase access to justice in the Local Court's Civil Jurisdiction.

Firstly, the Chief Magistrate's Office approached the Courts, Tribunals and Service Delivery Division of DCJ and Multicultural NSW who collaborated with the Local Court on the development of the Local Court Civil Interpreter Pilot which commenced on 14 August 2023. Prior to the commencement of this pilot, parties in civil matters were required to arrange and fund their own interpreters. This pilot seeks to address this access to justice issue, improve

service delivery for culturally and linguistically diverse parties to civil proceedings, facilitate the efficient conduct of proceedings and prevent any potential inequities and denials of justice. This pilot is currently projected to run until 30 June 2024 when an evaluation will be completed.

Secondly, the Local Court has progressed its Alternative Dispute Resolution Policy by approaching the Law Society of New South Wales who has agreed that the Court can refer matters to its Pro Bono Mediation Scheme. Under this mediation protocol, General Division matters may be directed into mediation once all evidence is served or in circumstances where all parties consent to a referral for mediation. This program commenced in November 2023 and two referrals were made prior to the end of the year.

Thirdly, work commenced on a project to establish a Civil Pro Bono Referral Scheme for the Court's Civil Jurisdiction which will enable the Court to make referrals for court appointed pro bono legal assistance in circumstances where it is in the interests of the administration of justice to do so under the Uniform Civil Procedure Rules 2005 (UCPR).

The Chief Magistrate's Office continues to focus on issues pertaining to judicial officer wellbeing. In October 2023, Proactive Reflective Sessions for magistrates were launched. Under this scheme, magistrates are able to access four confidential wellbeing checks with a psychologist where they can debrief and receive assistance with developing a wellbeing plan. As a part of this initiative, magistrates are entitled to receive an additional chambers day for every two Proactive Reflective Sessions they attend. I believe that this is a valuable program in light of the occupational risk factors for magistrates which have the potential to contribute to burnout, vicarious trauma and psychological distress.

Another project being progressed is the List Capping Project which seeks to address an operational issue relating to the way in which matters are listed by police through the issuing of Court Attendance Notices (CANs). At the moment, the Local Court does not have input into the dates which are provided to defendants on CANs, and consequently, cannot control the number of matters which are listed on a particular day. This impacts upon the Court's ability to manage its workload and on magistrate wellbeing and stress levels. A stakeholder working group has been convened to develop technical and non-technical solutions to enable the capping of lists with a view to resolving this issue.

One of the biggest challenges facing the Local Court continues to be the Court's defended hearing backlog, particularly in Crime. This backlog in defended hearing matters is attributable to a number of factors; including, an increase in the number and complexity of matters which come before this Court, legislative changes, the impact of natural disaster events and the Covid-19 pandemic. Further resources are required to meaningfully address the Court's onerous workload, the defended hearing backlog and to enable the Court to implement and expand therapeutic and restorative justice initiatives due to the time intensive nature of these processes.

I am of the view that an increase in resourcing for the Local Court is critical to ensuring the wellbeing of its judicial officers, to facilitate timely access to justice and to ameliorate the impacts that hearing delays may have upon matters before the Court and on the lives of those who are involved in the proceedings.

The issue of resourcing is not confined to the Local Court, but also extends to the Children's Court and Coronial Jurisdiction where additional resources would enable these specialised jurisdictions to service more of the state.

Over the past two and a half years, I have enjoyed a collaborative working relationship with the President of the Children's Court, her Honour Judge Ellen Skinner, and the NSW State Coroner, her Honour Magistrate Teresa O'Sullivan. I express my sincere thanks to their Honours for their willingness to work together to address issues of shared concern and for their tireless commitment to improving the legal system in NSW.

I would also like to express my appreciation for the excellent work which has been carried out by the deputy chief magistrates of the Local Court, her Honour Deputy Chief Magistrate Sharon Freund and his Honour Deputy Chief Magistrate Theo Tsavdaridis, to advance the priorities of the Local Court as set out above. I am deeply grateful to their Honours for the support that they have provided to me as Chief Magistrate and for their dedication to the law and administration of justice in NSW.

Additionally, I wish to recognise her Honour Magistrate Megan Greenwood, who in her role as Senior Civil Magistrate, has enhanced practice and procedure in the Court's Civil Jurisdiction and has made significant contributions to judicial education in relation to civil law.

When I commenced as Chief Magistrate of NSW, I convened a number of new Committees for the Local Court to advance the priorities discussed above; namely, the First Nations Committee, the Wellbeing Committee, the Family Violence Committee, the Innovations Committee, the Legislative Change Committee and Civil Liaison Committee. These Committees joined the already established Education Committee and Local Court Rule Committee. I wish to thank all of the magistrates who volunteered their time and expertise to serve as Members of these Committees for the important contributions that they have made.

I also acknowledge all of the Court's Stakeholders, Registry Staff, Sheriff's Officers, Legal Representatives, Interpreters, Court Support Services and Corrective Services Staff who assist the Court in carrying out its functions. I sincerely thank them for their hard work and service to the Court and community.

I trust that this foreword has provided a useful update on the progress of the program of works and priorities for the Local Court in 2023 which reflect the paradigm shift which commenced following my appointment as Chief Magistrate in 2021.

To close, I wish the Local Court well for the future. This is the busiest Court in Australia in terms of volume and is a critical component of the administration of justice in this state for the effective disposition of civil disputes and criminal prosecutions.



Peter Johnstone

JUDGE JOHNSTONE
CHIEF MAGISTRATE

Part 1: Overview of the work of the Local Court

In NSW the three main courts are the Local Court, the District Court and the Supreme Court. Given the hierarchical structure of the court system, the vast majority of matters are heard in the Local Court. It is the busiest court in Australia. If a person has contact with a court in NSW, it is most likely to be the Local Court.

The Local Court hears and determines a wide range of matters across the state. These matters touch on diverse subject matter and areas of law and involve people from all walks of life. This section outlines the work undertaken and the developments in the most recent reporting period (calendar year 2023), which was the Court's busiest year yet. In total, 376,160 general crime matters were commenced, a 1.8% increase on 2022 figures and a 39.7% increase since 2012. In the civil jurisdiction 64,904 matters were commenced, an increase since 2022 of 25.4%.

In addition to the criminal, civil, industrial, and special jurisdictions of the Local Court, there are two related specialist jurisdictions being the Coronial Jurisdiction and the Children's Court.

The Coroner's Court is overseen by State Coroner O'Sullivan, and its jurisdiction is exercised by magistrates who hold a commission as Deputy State

Coroner. The *Coroners Act 2009* confers jurisdiction on the Court to hold inquests or inquiries concerning certain types of deaths or suspected deaths in NSW.

The *Children's Court Act 1987* constitutes the Children's Court as a Court of Record, such that it is separate from the Local Court, but with a symbiotic relationship between the two. Magistrates of the Local Court exercise Children's Court jurisdiction in both care and crime matters in various circumstances and at various locations.

The President of the Children's Court is Judge Skinner. Children's Magistrates are appointed by the Chief Magistrate in consultation with the President from the body of Local Court Magistrates.

The Children's Court makes decisions in care and protection matters as well as in criminal matters relating to all children and young people under the age of 18.

Criminal jurisdiction

Overview

The Local Court deals with over 90% of all criminal matters in the state, including the finalisation of charges for summary offences and the summary hearing of certain indictable offences nominated under Schedule 1 of the *Criminal Procedure Act 1986* (commonly referred to as ‘table offences’). The Court conducts committal proceedings to determine whether indictable offences should be committed to be heard in either the District or Supreme Court.

Magistrates are involved in most criminal proceedings from the time a matter first comes before the Court, to the time it is finalised. A matter is considered finalised for the purposes of this Annual Review where the matter is:

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

Prosecutions in the criminal jurisdiction include matters that are:

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

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

Non-custodial sentences, including:

- dismissal without a conviction being recorded against the offender
- discharge upon condition the offender enter into an intervention program
- discharge under a Conditional Release Order, without conviction being recorded against the offender
- conviction without further punishment
- Community Correction Order, with conviction
- Conditional Release Order, with conviction
- fine, with conviction.

Custodial sentences, which include:

- an Intensive Correction Order, where the offender serves the sentence of imprisonment ‘in the community’ and is required to comply with conditions such as a curfew, supervision, completion of community service work, home detention, electronic monitoring, abstention, non-association, place restrictions, and/or completion of rehabilitative or treatment programs
- full-time imprisonment in a correctional centre.

Community Correction Orders and Intensive Correction Orders often involve assessment of suitability for conditions before the sentence is delivered. These assessments are conducted by Community Corrections. The presiding magistrate will use the prepared assessment report to inform the conditions which are appropriate given the offender’s individual circumstances. The maximum term of full-time imprisonment that can be imposed by the Local Court is a term of two years full-time imprisonment for a single offence, or an accumulation of up to five years for multiple offences where the penalty for each offence is a term of imprisonment.



DCM Freund participates in judicial visit to Dharwal community at La Perouse as part of the Ngara Yura program

Data

Between 1 January and 31 December 2023:

376,160

criminal matters were **commenced** in the Local Court, representing an increase of:

- **1.8%** since 2022
- **10.8%** since 2018
- **39.7%** since 2012.

380,657

criminal matters were **finalised**

- **6,753** more than the prior reporting period, which is a clearance ratio for the reporting period of **101.2%**.

Timeliness

In accordance with published time standards, the Local Court aims to finalise 100% of summary criminal trials and indictable matters discharged or committed for trial or sentence to the Supreme or District Court within 12 months of commencement. It is noted that the ongoing effect of the COVID-19 pandemic and resource constraints have negatively impacted on this objective.

In 2023:

88.94% of matters were completed within **6 months** of commencement.

97.67% of matters were completed within **12 months** of commencement.

Criminal Jurisdiction	2019	2020	2021	2022	2023
Local Court general crime commenced	346,930	354,775	358,109	369,158	376,160
Local Court general crime finalised	351,852	351,630	351,407	373,904	380,657

Domestic and personal violence

Overview

In 2023, nearly half of the Local Court's case load was related to domestic and personal violence. This included applications for apprehended domestic and personal violence orders for persons in need of protection, and the prosecution of offences in the Court's criminal jurisdiction arising in a domestic and personal violence context.

In light of the significant volume of work conducted in this space, the Local Court is actively involved in seeking out ways to improve the Court's handling of domestic and personal violence matters and providing input on proposed law reform. Deputy Chief Magistrate Freund is primarily responsible for coordinating the Court's work on domestic and personal violence.

Developments in 2023

Coercive Control

As discussed in the *2022 Annual Review*, the *Crimes Legislation Amendment (Coercive Control) Act 2022* was passed on 16 November 2022, making NSW the first jurisdiction in Australia to introduce a dedicated criminal offence targeting coercive control. The Local Court was intimately involved in providing feedback on the draft bill, which will come into effect on 1 June 2024.

With assistance from the Judicial Commission, the Local Court developed training for magistrates (as mandated by the Act) on the operation of the new offence provisions, incorporating learnings from other jurisdictions and potential means of addressing predicted evidentiary challenges, as well as academic research as to the patterns of coercive and controlling behaviours. These training seminars have been delivered to both metropolitan and regional magistrates by Deputy Chief Magistrate Freund. Deputy Chief Magistrate Freund has also participated in the preparation of training materials for other stakeholders, including NSW Police.

Implementation of the Specialist Family Violence List

Spearheaded by the efforts of Deputy Chief Magistrate Freund, the Local Court began piloting the Specialist Family Violence List, which aims to improve how the Court case manages and hears domestic and family violence matters. Domestic and family violence matters constitute close to half of the workload of the Local Court, and given its continuing prevalence in society, the Local Court is committed to playing its part in addressing this whole-of-society issue. Most instances of serious domestic violence assault or murder by a current or former intimate partner have had prior contact with the justice system, and as such, this pilot aims to end practices of domestic and family violence at first contact with the justice system.

Research consistently shows that domestic and family violence complainants do not feel heard in court matters that are supposed to be for their protection – that their views, feelings and agency are lost in the mission to reduce the risk to them. This pilot aims to increase the voice of the complainant in court proceedings, allowing them the opportunity to provide their views to the court during the course of the matter.

The Specialist Family Violence List began its pilot in September 2023 in the Downing Centre, Blacktown and Newcastle Local Courts. The Specialist Family Violence List pilot was extended to the Moree Circuit and the Gunnedah Circuit (excluding Tamworth Local Court) in early 2024. The Local Court is in regular discussion with stakeholders about the successes and areas for improvement in the pilot and hopes to expand the operation of the Specialist Family Violence List to more Local Courts in the years to come.

The Specialist Family Violence List provides a comprehensive package of reforms, including a specific Practice Note that establishes:

- A trauma-informed approach to court proceedings
- Consistency in staffing across the participants in court, at the case management, hearing, and sentencing stages
- Regular Court User Forums, where the local magistrate comes together with the local service providers, legal practitioners, court staff and Police Domestic Violence Officers to discuss how the pilot is progressing and improving the local procedures
- A special-order type for Apprehended Domestic Violence Order only matters, where there are no associated criminal charges – Lapsing Interim Orders, where an Interim Apprehended Domestic Violence Order is made for a period of time, and if there are no breaches of the order, the Prosecution can withdraw the application, and the Court may dismiss the matter, without making a Final Apprehended Domestic Violence Order.

All the magistrates involved in the Specialist Family Violence List pilot have received trauma-informed practice training, provided by the Judicial Commission. This training is crucial to the effectiveness of this pilot. Likewise, in partnership with the Legal Aid Commission and the Department of Communities and Justice, training was provided to all stakeholders in the pilot locations, including local legal practitioners, prosecutors, Police Domestic Violence Officers, Women’s Domestic Violence Court Advocacy Service staff and local domestic and family violence service providers.

Apprehended Violence Statistics 2023

There has been a steady increase in lodgements and finalisations of both domestic and personal violence matters.

Apprehended Violence Statistics 2023

Domestic Violence	2019	2020	2021	2022	2023
Lodgements	34,861	37,054	39,273	41,816	44,537
Final Orders made	28,025	28,826	30,101	33,680	35,621
Complaints withdrawn/dismissed	5,147	4,792	5,364	6,736	7,686
Complaints dismissed after hearing	442	314	325	476	609
Application not served	68	35	52	46	43
Orders varied/revoked	3,766	3,640	3,549	3,344	3,254
Application to vary/revoke dismissed	1,383	1,365	1,484	1,498	1,729
Other miscellaneous finalisations	152	186	240	254	277
Total finalisations	38,983	39,158	41,115	46,034	49,240
Personal Violence	2019	2020	2021	2022	2023
Lodgements	6,581	6,650	7,128	7,157	7,669
Final Orders made	3,890	3,784	4,433	4,623	5,199
Complaints withdrawn/dismissed	1,836	1,749	1,857	1,851	1,940
Complaints dismissed after hearing	96	73	70	96	117
Application not served	27	12	9	5	14
Orders varied/revoked	149	111	121	113	136
Application to vary/revoke dismissed	71	42	58	52	62
Other miscellaneous finalisations	145	119	134	126	167
Total finalisations	6,214	5,890	6,682	6,866	7,635

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

- the Women's Domestic Violence Court Advocacy Program (WDVCAP), which provides support and assistance for women and children in AVO proceedings across the state
- Police Domestic Violence Liaison Officers, who provide assistance on list days
- Community Justice Centres, which provide for mediation of complaints between private parties in personal violence order proceedings
- solicitors from the Legal Aid NSW Domestic Violence Unit and Domestic Violence Duty Scheme, who work with Women's Domestic Violence Court Advocacy Services to provide legal advice on AVO list days, ADVO conditions, financial advice, family law, immigration and other issues
- court appointed questioners who assist the Court in meeting the requirements of s 289VA of the *Criminal Procedure Act 1986*. Court appointed questioners relay questions from unrepresented defendants in domestic violence hearings to the complainant.

Civil jurisdiction

Overview

The Local Court's civil jurisdiction hears and decides matters where people, companies or business owners may make claims for up to and including \$100,000 for recovery of debts, demands or damages. The civil work of the Local Court is managed by the Senior Civil Magistrate, her Honour Magistrate Greenwood.

The civil caseload of the Court is shared between the following divisions:

- The Small Claims Division hears claims with a monetary value of up to \$20,000. Proceedings in the Small Claims Division are conducted with as little formality and technicality as is needed for the proper consideration of the issues in dispute s 35(2) *Local Court Act 2007*. A small claims hearing is generally an informal process where the Court considers statements and documents provided by the parties. The parties are given the opportunity to comment upon the evidence. Small claims matters are generally presided over by an assessor, if the matter is listed at the Downing Centre. Otherwise, and elsewhere the matter will be presided over by a magistrate. Throughout 2023, where possible, small claims hearings were held remotely.
- The General Division hears claims between \$20,000 and \$100,000 (except in claims relating to personal injury or death, where the limit is \$60,000). Matters where the monetary value of the claim is less than \$20,000 may also be transferred to the General Division in circumstances where the issues in dispute are complex, difficult, or of such importance that they should more properly be dealt with in the General Division (*Part 2, Division 2 Local Court Rules 2009*).

Small Claims Division

Small claims assessors hear matters in the Small Claims Division (civil claims of \$20,000 or less). Assessors hear small claims lodged at the following Local Court locations:

- Albury
- Bankstown
- Blacktown
- Burwood
- Campbelltown
- Downing Centre
- Fairfield
- Hornsby
- Liverpool
- Manly
- Moss Vale
- Newtown
- Nowra
- Parramatta
- Penrith
- Picton
- Sutherland
- Waverley
- Windsor
- Wollongong

In all other Sydney metropolitan and regional locations, small claims matters are dealt with by the presiding magistrate at that location.

In 2023, there were 52,638 lodgements in the Small Claims Division. Additional assessors have also been sought to take over all small claims work throughout NSW. At present, magistrates undertake small claims work in most regional areas. Magistrates have many competing priorities and having assessors with civil jurisdiction expertise undertake this work will likely improve timeliness and outcomes for litigants. Small claims assessors are overseen by Deputy Chief Magistrate Tsavdaridis.

Operations

Civil Liaison Committee

The Civil Liaison Committee includes members nominated by the Bar Association of NSW and the Law Society of NSW. It met four times in 2023 and provided a forum to seek feedback and identify improvements to the way the Court manages its civil work. The Committee monitored the operation of remote attendances for court appearances and

finalised recommendations in relation to expert and lay evidence for inclusion in an amended practice note planned for release in mid-2024.

Alternative Dispute Resolution (ADR) Policy

With the Law Society of NSW, the Local Court has established a pro bono solicitor-mediation service for General Division matters. Discussions are underway with the Bar Association of NSW as to barrister-mediator participation in the service.

Civil Filings

Civil filings significantly reduced over the COVID period. There are various reasons for this reduction, particularly that many local government agencies suspended debt recovery for unpaid rates. In line with developing trends for 2022, in 2023 filings continue to show signs of returning to pre-Covid levels. General Division filings have been quicker to return to pre-COVID levels, and in 2023, were only 15% below 2019 filings. Small claims filings are more slowly returning to pre-COVID levels and were 25% below 2019 filings.

Civil Hearings

There were no delays in the hearing of small claims matters in 2023. General Division hearings remained adversely affected by the COVID-delays in listing criminal matters for hearing. The Court hopes to improve time from filing to final hearing for General Division matters during 2024.

Interpreters


Working with the Department of Communities and Justice and Multicultural NSW, the Court has established a pilot project to provide court-ordered interpreters free of charge to parties who cannot afford to pay for one. The object of the pilot is to evaluate the level of demand and the cost of providing the service for those parties who would experience disadvantage without an interpreter.

Civil jurisdiction lodgements

Civil Jurisdiction	2019	2020	2021	2022	2023
Small Claims Division lodgements	72,070	45,277	33,454	41,716	52,638
General Division lodgements	11,046	6,601	5,452	6,428	8,313
Total lodgements	87,210	55,189	43,300	51,770	64,904

Data

Between 1 January and 31 December 2023, a total of:

 **64,904** civil actions were **commenced** (increasing from 51,770 in 2022).

Of those matters:

 **52,638** were filed in the **Small Claims Division** and

8,313 were filed in the **General Division**.

This change constitutes **25.4%** more filings than in 2022, but, as noted above, still significantly less (26%) than the total number of lodgements in 2019 (87,210). The overall fall in filings since 2019 can be attributed to the response by litigants to the COVID-19 pandemic, a response not to litigate. More matters were filed in 2023 compared to 2022, which suggests that the number of filings continue to show signs of returning to pre-pandemic levels (similar to trends observed in 2022).

 Overall, **59,600** civil actions were **finalised** in the Local Court in 2023.

Timeliness (Civil)

The Local Court's published time standards provide for the finalisation of:

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

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

In 2023:

- in the Small Claims Division, **95%** of matters were finalised within **12 months**
- in the General Division, **90%** of matters were finalised within **12 months**.

Special jurisdiction

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

Industrial jurisdiction

Since 2013, all magistrates are appointed as industrial magistrates. The industrial jurisdiction hears matters involving:

- recovery of money owing under industrial instruments, such as awards, enterprise agreements and statutory entitlements
- prosecutions for breach of industrial instruments
- appeals from various administrative decisions (e.g., granting (or not) of licences)
- prosecutions for statutory breaches.

Children's Court

Overview

The NSW Children's Court was established in 1905 and separately constituted in 1987 pursuant to the *Children's Court Act 1987* (the Act). The Act provides for the appointment of a President who holds office as a judge of the District Court. Under the Act, Children's Magistrates are appointed from the Local Court bench for a period of up to five years by the Chief Magistrate, in consultation with the President of the Children's Court.

In NSW, the Children's Court sits in four courthouses specifically designated for the Court. These courthouses are located at Parramatta, Surry Hills, Broadmeadow and Woy Woy. The Court also conducts a number of circuits in regional areas where cases are dealt with by specialist Children's Magistrates. In rural and regional areas outside these locations, the sittings of the Children's Court coincide with the sittings of the Local Court and are conducted by Local Court magistrates.

In 2023, Children's Court magistrates conducted 136 days of assistance across 20 regional court locations.

Jurisdiction

In the care and protection jurisdiction, the Children's Court makes orders where the Court has assessed that a child is in need of care and protection. If it is established that a child is in need of care and protection, the Court determines the placement options for the child, including whether the child can be safely returned to one or both parents. The safety, welfare, and well-being of each child is paramount in any action or decision by the Court.

In the criminal jurisdiction, the Children's Court hears criminal matters, including summary offences, indictable offences, committal proceedings for serious children's indictable offences and parole determinations. The Court also hears traffic offences where a child is not old enough to hold a driver's licence, or where a child has been charged with related criminal offences.

The Children's Court also hears Apprehended Violence Order proceedings where a defendant is under the age of 18 at the time the application is made.

Under the *Education Act 1990*, the Court is empowered to make compulsory schooling orders, and direct parties to attend compulsory schooling conferences to resolve issues that may be inhibiting a child's attendance at school.

Developments and other Initiatives

Youth Koori Court

New South Wales' first regional Youth Koori Court commenced at Dubbo Children's Court on 24 March 2023, following the success of the Youth Koori Court at Parramatta and Surry Hills.

The Youth Koori Court is a modified procedure within the usual Children's Court process. It has the same powers as the Children's Court but uses a deferred sentence model to better involve First Nations young people, their families and the broader First Nations community in the court process.

Winha-nga-nha List

The Winha-nga-nha List commenced at Dubbo Children's Court on 4 September 2023 following a co-design process with First Nations People community representatives and key stakeholders in response to recommendation 125 of the *Family is Culture Review Report*.

The Winha-nga-nha List is a dedicated court list for First Nations People families involved in care and protection proceedings at Dubbo Children's Court. It aims to better engage First Nations People families in court proceedings about the care of First Nations People children.

Sexual Offences List Pilot

The Sexual Offences List pilot commenced at Parramatta Children's Court on 13 October 2023. The pilot aims to improve the court experience of complainants and defendants in sexual offence proceedings, improve the efficiency of the court process through effective case-management, improve communication between the Court and stakeholders, and ensure that participants are treated in a trauma-informed manner. The pilot also encourages early guilty pleas, realistic hearing dates, and the continuity of practitioners, prosecutors and magistrates.

The Children's Court is committed to continuing the list in Parramatta and expanding the pilot to Surry Hills in 2024.

Conferences and Speaking Engagements

The President of the Children's Court convened two section 16 meetings in 2023 in accordance with s 16(1)(c) of the *Children's Court Act 1987*. The first section 16 meeting was held on 12 May 2023 and involved visits to Cobham Youth Justice Centre, Narang-Birrongo and A Place to Go Home. The second section 16 meeting was held on 3 November 2023 at the Judicial Commission Headquarters.

The President and Children's Magistrates have participated in various speaking engagements in 2023, including at conferences, workshops, and in panel discussions. These speaking engagements were presented to Legal Aid NSW, NSW Police, Youth Justice NSW, Justice Health and Forensic Mental Health Network and other government agencies, community groups and universities.

Coronial jurisdiction

Overview

The Coroner's Court is overseen by State Coroner Teresa O'Sullivan, and its jurisdiction is exercised by magistrates who hold a commission as Deputy State Coroner. The *Coroners Act 2009* confers jurisdiction on the court to hold inquests or inquiries concerning certain types of deaths or suspected deaths and fires in NSW.

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

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

A death must be reported to the State Coroner or Deputy State Coroner where a person dies during the course of a police operation or while 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 in custody or as a result of a police operation and in relation to children in care or at risk of harm, and certain deaths of people with disabilities.

Coroners have jurisdiction to hold an inquiry into the cause and origin of certain fires and explosions.

The State Coroner, her Honour Magistrate Teresa O'Sullivan is responsible for overseeing and coordinating all coronial services.

Operations

Allocation of Magistrates to Coronial Jurisdiction

The Chief Magistrate is responsible for the allocation of magistrates to the coronial jurisdiction.

As of 31 December 2023, there were seven full-time Deputy State Coroner positions working at the State Coroners Court, Lidcombe. One of the seven positions is shared between two part-time magistrates. One of the coroner positions is temporary until December 2024, to assist while the State Coroner conducts a number of larger scale inquests.

There is also one part-time Deputy State Coroner position (one day per week) based at Newcastle.

Local Court Magistrates also review coronial matters when they are on circuit across NSW.

In the year ending December 2023, 7,338 deaths were reported to the State Coroner. This figure represents a slight decrease of 313 deaths from the previous year, but represents a significant increase in deaths reported in 2019, 2020 and 2021. In this same period 103 coronial inquests were finalised throughout the state.

Deaths in Custody and Deaths as a Result of a Police Operation

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

Under s 37 of the Act, a summary of all s 23 deaths for each twelve-month period is provided to the Attorney General and tabled in Parliament.

In 2023, 39 deaths resulting from a death in custody or as a result of a police operation were reported to the State Coroner. This represents an overall decrease of 10 deaths from the previous year. This figure includes deaths as a result of natural causes while in lawful custody, as well as deaths due to misadventure.

A total of 16 deaths in custody were reported, the lowest number of deaths in custody reported since 2014.

A total of 23 deaths as a result of a police operation were reported, the highest number of deaths as a result of a police operation in the last 10 years.

Coronial findings were delivered for 43 finalised s 23 matters in 2023, and a number of wide-ranging coronial recommendations were made as a result of these inquests.

Children in Care or Disability Deaths

Section 24 of the *Coroners Act 2009* requires mandatory reporting of the following deaths:

- Deaths of children in care
- Deaths of children who have been at risk of harm in the past three years
- Deaths of siblings of children who have been at risk of harm in the past three years
- Deaths of children whose deaths are, or may be, due to abuse, neglect or occurring in suspicious circumstances
- Deaths of persons living in or temporarily absent from residential care provided by a service provider and authorised or funded under the *Disability Inclusion Act 2014* or a residential care centre for handicapped persons
- Deaths of persons who are in a target group within the meaning of the *Disability Inclusion Act 2014* and receive from a service provider, assistance to enable independent living in the community.

In 2023, the NSW Ombudsman registered 104 child deaths that fall within s 24 of the *Coroners Act 2009* because:

- the child who died or a sibling of the child who died was the subject of a Risk of Significant Harm (ROSH) report within the 3 years prior to the child's death, or
- the child was in care, or

- the child's death may be due to abuse or neglect or occurred in suspicious circumstances.

Importantly, some child deaths registered in 2023 may have occurred in late 2022.

Suicides

In 2023, 940 suspected or confirmed suicides were reported to the Coroner in NSW, as set out in report 40 of the *NSW Suicide Monitoring System*. This is slightly down from the number of suicides reported in 2022 (962), but an increase on the number of suicides reported in 2019, 2020 and 2021. The *NSW Suicide Monitoring System* is a collaboration between NSW Health, the Department of Communities and Justice (DCJ), the State Coroner and NSW Police.

Fires

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

In 2023, 53 fires were reported to the State Coroner.

Mass Casualty Events

In 2023, the State Coroner declared two disasters 'Mass Casualty Events', activating the Disaster Victim Identification Protocol. During a mass casualty event, the role of the State Coroner involves authorising and directing the type of post-mortem examinations, formal endorsement of the identification of deceased victims (reconciliation) and responsibility for the release of positively identified human remains.

On 12 June 2023, a bus crash in the Hunter Valley resulted in a significant mass casualty event overseen by the State Coroner and a multi-agency team across NSW Police and NSW Health Pathology.

Her Honour will hold inquests into the 10 fatalities that occurred.

On 6 October 2023, an aircraft crash in Gundaroo, NSW, again saw the activation of the Disaster Victim Identification Protocol by acting State Coroner Magistrate Elizabeth Ryan. Again, inquests will be held into the four fatalities that occurred.

Coronial Case Management Unit

The Coronial Case Management Unit (CCMU) enables co-located staff from all three stakeholder agencies concerned with the delivery of coronial services (NSW Health, Department of Communities and Justice and NSW Police) to collectively manage front-end coronial cases.

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

The CCMU helps ensure grieving families can lay their loved ones to rest sooner and receive better and more timely information. Led by coroners, the unit is a successful collaboration between police, forensic pathologists, medical specialists, and counsellors. Enhancing the CCMU's oversight of regional matters was the key focus during 2023, with additional participation by CCMU staff in daily tri-agency meetings where regional matters are discussed to ensure consistency and efficiency of all initial coronial directions and triaging of reported matters. A new web-based coordination tool was launched in mid-2023 to support enhanced management of front-end coronial services.

NSW Suicide Monitoring System

The NSW Suicide Monitoring System is an inter-agency project which was established in 2020 in collaboration with NSW Health, the Department of Communities and Justice, the State Coroner and NSW Police.

The system enables the collection, reporting and monitoring of information about recent suspected and confirmed suicide deaths in NSW.

All suicides and suspected suicides are reported by police to the State Coroner. Although data about suspected suicides is an estimate and a final determination of the manner of death can only be made by the coroner after detailed enquiry, the Suicide Monitoring System provides early access to information to support communities, local organisations, and government agencies to respond to suicide more quickly and effectively.

Monthly public reports are available [here](#).

Memorandums of Understanding

In 2023, several operational protocols to support the efficient and effective operational of the coronial jurisdiction were commenced including:

- Memorandum of Understanding for Applications under the *Coroners Act 2009* for orders authorising the disposal of human remains (signed by the State Coroner and Ministry for Health)
- protocol between the NSW State Coroner and the Office of the Director of Public Prosecutions concerning the referral of matters by the Coroner to the ODPP under the *Coroners Act 2009* (signed by the State Coroner and the Director of Public Prosecutions)
- protocol between NSW Government Agencies and the NSW State Coroner in relation to Workplace Incidents (signed by NSW Police Force, SafeWork NSW, Resources Regulator, Department of Regional NSW and the State Coroner).

The Australian Coronial Law Library

The Australian Coronial Law Library was established following the completion of the ARDC Public Sector Bridges Project (2021-2023).

The Library provides an expansive perspective of the coronial function over the past twenty years and offers free access to legislation, case law, scholarship and law reform materials relating to coronial law. The Australian Coronial Law Library consists of 67 databases, made up of 14 coronial databases and 53 virtual databases and includes 24,570 searchable items. Nearly 10,000 findings, recommendations and responses have been processed and metadata extracted to enable a seamless integration with all other primary legal resources on AustLII. All findings and responses have been allocated Medium Neutral Citations (MNC), which enables them to be located, linked and referred to within the wider AustLII legal research ecosystem. These resources are now searchable and cross-indexed to the relevant legislation and case law already available on AustLII.

All NSW coronial findings will now be published on AustLII, which will improve access to coronial findings across all Australian jurisdictions in one central location.

Legislative Amendments to the Coroners Act 2009

The *Coroners Act 2009* (the Act) presents the legislative framework of the coronial jurisdiction, and outlines its nature, scope, process and procedure. There were no amendments to the *Coroners Act 2009* in 2023.

Statutory Review

In 2023, the Department of Communities and Justice continued its work on a Statutory Review of the *Coroners Act 2009* on behalf of the NSW Attorney General. The purpose of the review was to determine whether the policy objectives and provisions of the legislation remained valid and appropriate.

In conducting the Review, the Department engaged closely with the Chief Magistrate, the State Coroner, NSW Police Force and the Ministry of Health. The Department also consulted with key government and external stakeholders and invited written submissions on a Draft Review and Supplementary Discussion Paper in June 2023. The [report of the statutory review](#) was tabled in Parliament on 14 February 2024.

While the primary outcome of the Statutory Review was that the broad policy objectives of the Act remain valid, the report did find that the Act does not adequately provide a complete and accurate framework for modern coronial process and procedure.

In response to the targeted consultation and following consideration of coronial legislative frameworks throughout Australia and New Zealand, several areas for amendment were proposed, including:

- i. the establishment of the coronial jurisdiction as an autonomous court within the Local Court framework
- ii. modernisation of the policy objectives of the coronial jurisdiction
- iii. strengthening the preventative role of the coronial jurisdiction
- iv. assisting in reducing inefficiencies in the current framework, by recognising the prominence of coronial investigations and providing mechanisms to formally finalise the coronial process where matters do not go on to inquest

- v. better support for the deceased person's family by recognising the impact that coronial investigations and proceedings have on them, enabling their views to be considered and recognising the need to consider different cultures and religions when making decisions under the Act, and
- vi. promoting consistency in decision-making under the Act to enhance the transparency, effectiveness and accessibility of the coronial jurisdiction.

Voluntary Assisted Dying Legislation

The State Coroner also participated in inter-agency operational discussions to support the implementation of Voluntary Assisted Dying Legislation which provided eligible people the choice to access voluntary assisted dying in NSW from 28 November 2023. This included revision of the Medical Certificate Cause of Death form.

State Coroner's Protocol – Supplementary Arrangements Applicable to s 23 Deaths Involving First Nations Peoples

On 11 April 2022, the State Coroner issued the [State Coroner's Protocol](#) – Supplementary arrangements applicable to section 23 deaths involving First Nations People.

The Protocol works in conjunction with Practice Note 3, setting out supplementary arrangements where a First Nations person has died in circumstances of a death within the meaning of s 23 of the *Coroners Act 2009* (deaths in custody or as a result of police operations).

Central to the protocol is the role of the Aboriginal Coronial Information and Support Program (ACISP) staff who provide ongoing support to the families of First Nations People who die in custody. ACISP support begins the moment the death is reported to the State Coroner and continues through the inquest.

ACISP involvement fosters information sharing directly with families along with the support of another First Nations person who is highly cognisant of the coronial process.

During 2023, review of time standards and compliance with timeframes set out in the practice notes, including the First Nations Protocol, has been undertaken, with a view to improve adherence and identify issues for tri-agency partners.



State Coroner O'Sullivan participates in a smoking ceremony with members of the Aboriginal Coronial Information and Support Program

Healing Circles

In 2022, ACISP raised the concept of the 'Healing Circle' as a more therapeutic and culturally safe practice for First Nations mandatory inquests into deaths in custody and deaths as a result of police operations. These deaths have a devastating impact on First Nations families and their communities.

The proposed Healing Circles would operate alongside Coronial Practice Note 3 of 2021: *Case Management of Mandatory Inquests* involving s 23 Deaths and First Nations Protocol.

A review was undertaken to identify best practice in coronial processes, restorative practice, and First Nation Peoples' grief and loss, that could be adopted into the Healing Circle model.

On 20 June 2023, the Paul Ramsey Foundation approved a grant of \$110,000 to fund the Aboriginal owned and operated organisation Impact Policy to conduct a comprehensive community consultation.

The project scope and concept will be put to metropolitan and regional First Nations communities to seek their feedback regarding the proposed model of embedding the Healing Circle concept within the coronial jurisdiction. The funding will be auspiced with the assistance of the NSW/ACT Aboriginal Legal Service.

It is expected this body of work will commence in January 2024 and take approximately 12 months to complete.

Inquests and Inquiries of Note

Special Commission of Inquiry into LGBTQI Hate Crime

On 19 April 2022, the Federal Government issued letters patent to Justice John Sackar to conduct a Special Commission of Inquiry into the manner and cause of 88 deaths and suspected deaths of men potentially motivated by gay hate bias between 1970 and 2010.

During 2023 the State Coroner continued to provide ongoing assistance to the Special Commission, including providing the relevant coronial files of the 88 identified deaths. Justice Sackar has recommended that there be applications made by NSW Police for fresh inquests into a number of deaths.

Royal Commission into Defence and Veteran Suicide

On 8 July 2021, the Federal Government announced the formal establishment of the Royal Commission into Defence and Veteran Suicide (DVSRC). Hearings by the Commission commenced in late 2021 and continued in 2023. The NSW Coronial jurisdiction and the State Coroner are committed to providing ongoing assistance to the Commission, including responding to Notices to Produce, two of which were furnished on the State Coroner in October 2023. While the predominant focus of the DVSRC to date has been on the Australian Defence Force (ADF), suicide and suicidality, there have been a number of expressions of interest in relation to the coronial system, including the experience of families of the coronial system.

Newmarch House and Ruby Princess Inquests

A significant inquest arising from the COVID-19 pandemic was conducted in 2022. The Newmarch House inquest involved deaths arising from the COVID-19 outbreak at the Newmarch House Nursing Home and was heard by NSW Deputy State Coroner Lee for three weeks from 25 July 2022 to 12 August 2022 and has now concluded. Deputy State Coroner Lee is to give his findings on a date to be fixed.

An inquest into the COVID-19 related deaths of persons on the Ruby Princess cruise ship was dispensed by the State Coroner in June 2023 as her Honour was satisfied that the section 81 criteria had been established for the deaths, and

the report of the Special Commission of Inquiry comprehensively reviewed the incident and made a number of key findings.

2019-2020 Black Summer Bushfires

In August 2021, the State Coroner convened an inquiry into the 2019-2020 Black Summer Bushfires, including inquests into the deaths of 25 persons associated with the 2019-20 bushfire season. There were 11,774 fire incidents and 240 consecutive days of burning across NSW during this devastating event.

The State Coroner presented her findings on 27 March 2023 after holding hearings across the state for more than two years to examine the 25 deaths and 46 fires across NSW. Her Honour made 28 recommendations directed to the commissioners of the NSW Rural Fire Service, the NSW Police Force and the chief executive of state-owned infrastructure company Essential Energy.

The 734-page report can be accessed on the [Coroners Court website](#).

Coronial Inquest into the Disappearance of Melissa Caddick

Following several weeks of hearing during 2022 relating to the mandatory inquest of the disappearance of Melissa Caddick, in May 2023, Deputy State Coroner Ryan determined that Ms Caddick was deceased, but the date and cause of her death could not be established.

Domestic Violence Death Review Team

Since 2010, the NSW Domestic Violence Death Review Team (the Team) has been engaged in the systematic review of deaths occurring in the context of domestic violence. The scope of the review includes both individual case analyses and the maintenance of a comprehensive database from which research data are derived.

The Team is widely recognised as playing an important role in strengthening responses to domestic and family violence in NSW. To-date, the Team has tabled seven reports in Parliament, setting out comprehensive and specialised data findings in relation to domestic violence context deaths and made 122 recommendations which have contributed to significant reform across the response system, for example: The introduction of

the simplified offence of non-fatal strangulation, the piloting of domestic violence screening in emergency departments, the provision of victim impact statements in cases where the offender is found not guilty by reason of mental illness, and the development of personal development training on domestic violence for General Practitioners. The work of the Team has also contributed to the current and significant reforms around criminalising coercive control and the redesign of the principle domestic violence risk assessment tool in NSW, the DVSA.

The Team's 2021-23 data report includes groundbreaking detailed analyses of homicides involving adult family members/relatives following a history of domestic and family violence, shedding light on this highly complex and under-researched form of domestic violence homicide.

Over the past 12 months, the secretariat has shared the Team's learnings at a range of forums including: The NSW Police Force Commander's Forum; the Corrective Services NSW DFV Conference; the National Family Violence Safety Summit; a presentation for the Australian and New Zealand Association of Psychiatry, Psychology and Law; and DVNSW's social media campaign, 'Debunking myths about domestic and family violence'.

The secretariat has continued to work with death reviews in other jurisdictions, including leading a project in partnership with Australia's National Research Organisation for Women's Safety Limited (ANROWS) to progress the work of the Australian Domestic and Family Violence Death Review Network. The secretariat has also worked closely with coroners on inquests where domestic violence was a key issue being considered, providing specialised case analyses and contributing to the development of evidence-based recommendations.

Digitising the Coronial Pathway

In 2023, the Department of Communities and Justice ('DCJ') finalised phase 1 of the Digitising Coronial Pathway to Improve Family Experience project, funded by the NSW Government's Digital Restart Fund. This project aims to identify and design a digital solution that will reduce time consuming and disconnected processes between families and partner agencies and provide a streamlined and improved experience for families involved in the coronial pathway.



State Coroner O'Sullivan chairing the Healing and Culture Panel at the 2023 Asia-Pacific Coroners Society Conference

Phase 1 included gathering insights and recommendations into how the experience of families could be improved along the steps of the coronial pathway by conducting interviews with members of the public with direct experience of the coronial process.

Phase 2, which commenced in 2023, sees a pilot of a fully digitised version of the P79A Report to Coroner form completed by NSW Police in a DCJ hosted portal, with the automatic case creation in the JusticeLink case management system.

Assistant Coroners

Assistant coroners across NSW work hard to ensure that all deaths and fires across NSW are appropriately reported and examined in a timely manner. The office and role of the coroner is one of the oldest within our legal system and assistant coroners provide critical assistance to magistrates in the performance of coronial functions.

On 11 September 2023, a Coronial Operational Expert Panel (the Panel) was established to support regional assistant coroners, supported by the publication of an updated version of the Practical Guide for Assistant Coroners.

The primary purpose of the Panel is to provide a consistent source of operational expertise to NSW Assistant Coroners and staff working in the coronial jurisdiction. The Panel may also be engaged

for their coronial expertise by Directors, the Operational Training Unit, and other departmental stakeholders to review and provide feedback on operational, policy, and legislative changes impacting the coronial jurisdiction.

Asia Pacific Coroners Society Conference

Between 13-15 November 2023, the State Coroner hosted the Asia Pacific Coroners Society Conference at Taronga Zoo, Sydney. The conference theme was 'Truth Telling' and provided attendees with an opportunity to listen to the voices of First Nations speakers and explore the place truth telling has in the coronial jurisdiction.

Well-being Program for Judicial Officers and Staff at the Coroners Court

In 2023, a well-being program for deputy state coroners was commenced, with a focus on psychosocial hazards arising from coronial matters.

A pilot program of well-being checks for staff at the Lidcombe Coroners Court was also commenced in November 2023, providing one-to-one sessions delivered by a mental health specialist, such as a psychologist. These well-being checks are an opportunity for staff to identify practical ways to reduce work related stress and aim to equip staff with strategies to manage these workplace stressors effectively.

Coroners Court Statistics

Calendar Year	2020	2021	2022	2023
Reported Deaths and Fires				
Lidcombe (Metro):	3,570 deaths	3,563 deaths	4,190 deaths	3,950 deaths
	87 fires	54 fires	46 fires	32 fires
Regional:	2,839 deaths	3,156 deaths	3,461 deaths	3,388 deaths
	66 fires	62 fires	47 fires	21 fires
Total:	6,409 deaths	6,719 deaths	7,651 deaths	7,338 deaths
	153 fires	116 fires	93 fires	53 fires
Cases Closed for Deaths and Fires*				
Lidcombe (Metro)	3,833 deaths	3,646 deaths	3,732 deaths	4,287 deaths
Regional	61 fires	41 fires	46 fires	96 fires
Regional	3,093 deaths	3,175 deaths	3,237 deaths	3,479 deaths
	44 fires	67 fires	51 fires	46 fires
Total:	6,926 deaths	6,821 deaths	6,969 deaths	7,766 deaths
	105 fires	108 fires	97 fires	142 fires
Clearance Ratios				
Clearance Ratios	108.07% deaths	101.52% deaths	91.09% deaths	105.83% deaths
	68.63% fires	93.10% fires	104.3% fires	267.92% fires
Medical Certificates Filed				
Lidcombe (Metro)	783	744	815	706
Regional	524	569	579	478
Total:	1,307	1,313	1,394	1,184
Coronial Certificates Filed				
Lidcombe (Metro)	894	1,037	1,391	1,491
Regional	808	877	1,267	1,321
Total:	1,702	1,914	2,658	2,812
Inquest, Inquiries Deaths and Fires				
Lidcombe	88	89	113	102
Regional	14	14	13	5
Total closed by findings:	102	109	126	107
	+154 suspended	+114 suspended	+119 suspended	+135 suspended

* Reported number includes cases that may be re-opened for further investigation, that may have been previously closed or suspended.

In relation to the above table, matters closed before the holding of an inquest require significant work by a coroner in considering whether to dispense with the holding of an inquest. In every case, the decision to dispense with the holding of an inquest involves a reading and assessment of a sometimes lengthy and complex brief of evidence. Much of a 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.

Part 2:



Local Court Developments in 2023

Developments, Innovations, Improvements and Projects

Young Adult List

As outlined in the *2022 Annual Review*, the Local Court acknowledges recent developments in neurological and developmental psychology which have concluded that the cognitive skills (including impulse control) and emotional intelligence of young adults (18-25 year olds) continue to develop into a person's mid-20's.

In 2023, Deputy Chief Magistrate Freund has continued to work towards the establishment of a Young Adult List program.

The proposed Young Adult List aims to:

- improve young adults' engagement with and participation in the court process
- reduce the risk factors related to re-offending of young adults; and
- improve outcomes for First Nation young adults.

The Local Court has continued to consult with key stakeholders including the Department of Communities and Justice, Aboriginal Legal Service, Legal Aid, NSW Police, NSW Health and the Department of Housing. Once funding for the program is secured, it is hoped that a pilot location can be selected for implementation in 2024.

Change Title of Magistrate to Judge

In July 2023, Deputy Chief Magistrate Tsavdaridis, on behalf of the Chief Magistrate, made an extensive submission to the Hon. Michael Daley MP, Attorney General, recommending that there be a change of title from 'Magistrate' to 'Judge' of the Local Court, to be implemented through enabling legislation, accompanied by consequential savings, transitional and other provisions. The recommendation was to the effect that the office of 'Magistrate' be formally abolished and the office of 'Judge' of the Local Court be established. The abolition of the existing office and the establishment of the new office has a symbolic significance in highlighting the independence, qualifications and expertise that has developed over time in relation to judicial officers of the Local Court, particularly in light of the hearing and finalisation of an appreciable number of complex criminal matters in this jurisdiction, which are more and more frequently dealt with summarily, than on indictment. As at the date of publication, a final decision has yet to be made by the Attorney General.

Electronic Diary

The Chief Magistrate's Office has been working with the Department to pilot a new electronic diary to assist with scheduling hearing matters. The electronic diary has been developed and will be piloted in Newcastle Local Court, Sutherland Local Court and Parramatta Children's Court in 2024.

Managing List Sizes

The Chief Magistrate's Office has been working with the Department to identify areas where list sizes are unreasonably large and look at options for how list matters could be better distributed among magistrates and courts. A pilot approach has been developed and will be piloted in 2024.

Proactive Reflective Sessions

In 2023, a new series of Proactive Reflective Sessions were introduced for magistrates, to support them and improve their wellbeing. Magistrates are able to book four sessions with a psychologist per year. These sessions are an opportunity for magistrates to identify any areas that may be impacting their wellbeing, discuss ways of managing risk and receiving referrals to other support services.

Protector of the Law Award 2023

In February, Deputy Chief Magistrate Tsavdaridis was awarded the Rule of Law Education Centre's 'Protector of the Law Award 2023' in recognition of his Honour's significant contributions towards upholding and protecting the principles of the rule of law, which have their origin in the Magna Carta.

His Honour was presented with the Award at an informal ceremony in the presence of the Chief Magistrate, representatives of the Board of the Rule of Law Education Centre and legal studies students from the Centre's Law Day Out Experiences. The Centre recognised his Honour's role in supporting open justice and legal education by briefing school students and the state's hundreds of legal studies teachers throughout the year, assisting greatly in the facilitation of the Centre's educational programs and the professional development and support of teachers, creating an appreciation of the rule of law and principles of open justice, and fostering community understanding and respect for law and the justice system in young adults.

Submissions

The Local Court is regularly consulted by Government and associated instrumentalities with respect to a wide range of legislative and policy related issues.

The Chief Magistrate, with the assistance of Deputy Chief Magistrate Tsavdaridis, Deputy Chief Magistrate Freund, and the Chief Magistrate's Office's Policy Officer, made a number of submissions in response to stakeholder consultations.

These included:

- submission (initial) to the NSW Law Reform Commission, regarding review into serious road crime
- submission (initial) to the NSW Sentencing Council, regarding review into sentencing for firearms, knives and other weapons offences
- submission to the Office of the Commissioner, NSW Police Force, regarding review of, amendments to, the *Child Protection (Offenders Registration) Act 2000* (NSW)
- commentary to the Policy, Reform and Legislation Branch, Department of Communities and Justice, regarding small claims procedures in the Local Court of NSW under the *Fair Work Act 2009* (Cth)
- submission to the Policy, Reform and Legislation Branch, Department of Communities and Justice, regarding proposal to amend the *Radiation Control Act 1990* (NSW) arising from a statutory review of the Act
- submission to the Policy, Reform and Legislation Branch, Department of Communities and Justice, regarding limitation on consecutive sentences imposed by the Local Court of NSW: s 58 of the *Crimes (Sentencing Procedure) Act 1999* (NSW)
- submission to the Policy, Reform and Legislation Branch, Department of Communities and Justice, regarding reducing notifiable period in s 42 of the *Bail Act 2013* (NSW)

- submission to the Policy, Reform and Legislation Branch, Department of Communities and Justice, regarding *Court Security and Surveillance Devices Amendment (Body-Worn Recording Devices) Regulation 2023* (NSW)
- submission (substantive) to the NSW Sentencing Council, regarding sentencing adults for weapons-related offences
- submission to the Policy, Reform and Legislation Branch, Department of Communities and Justice, regarding proposed amendments to the *Witness Protection Act 1995* (NSW)
- further submission to the Attorney General pursuing amendments to the *Crimes Sentencing Procedure Regulation 2017* (NSW) regarding neighbouring states and territories becoming approved jurisdictions for community-based orders
- further submission to the Attorney General regarding proposal to permit traversal of court elections
- submission to the Secretary, Department of Communities and Justice, regarding Court Appointed Questioners (CAQs) and amendments to the *Criminal Procedure Act 1986* (NSW).

In addition, Deputy Chief Magistrate Tsavdaridis has provided advice and oversight in relation to a number of legal and regulatory aspects of the Court's operations, including recent case law and practice and procedure related matters.

Further, Deputy Chief Magistrate Tsavdaridis has given a number of presentations on behalf of the Court at various events and continuing legal education seminars. Programs such as these invariably lead to an improvement in an understanding of the intricacies of the NSW justice system and, in due course, better advocacy and greater refinement in the practitioners appearing in the Local Court, matters which benefit the Court as a whole. A select list of these engagements is included in his Honour's profile in Part 4 of this review.

Committees of the Local Court

Education Committee

The Local Court Education Committee is convened by the Judicial Commission of NSW and is chaired by Deputy Chief Magistrate Freund and managed by Sarah Collins, Manager of Programs at the Judicial Commission. The magistrates who comprise the committee are Magistrates Ford, Franklin, Grahame, Greenwood, Horan, Hudson, Nash, J. Price, Stewart, Swain and Walsh. The main educational activities organised by the committee in 2023 included the preparation of seminars for the 2023 Annual conference (2-4 August 2023), the Metropolitan Judicial Education series (13-17 February, 13-17 November 2023), and Northern (29-31 March 2023) and Southern (8-10 March 2023) regional conferences. The committee has also conducted various other activities, including a number of twilight seminars on various civil law issues.

Family Violence Committee

When the Chief Magistrate was appointed in late 2021, Judge Peter Johnstone indicated that reducing the delays and implementing better strategies in how the Local Court deals with Domestic and Family Violence matters would be a priority, particularly as domestic and family violence contributes a large majority of the work of the Local Court. To that end, Judge Johnstone created the Domestic and Family Violence Committee chaired by Deputy Chief Magistrate Freund and comprising Magistrates Barko, D. Maher, Mabbutt, J. Price, Stone, Swain, O'Brien and Children's Magistrate Sheedy.

First Nations Committee

The First Nations Committee was established by the Chief Magistrate at the beginning of 2022. This important new Local Court committee is responsible for overseeing and developing initiatives designed to ameliorate the structural inequalities experienced by First Nations Peoples who come into contact with the criminal legal system, contributing to the work being done in relation to the Closing the Gap Targets and improving the way in which the Court engages with First Nations Peoples. The First Nations Committee is chaired by Magistrate Douglass and its members are Magistrates Beattie, Dick, Children's Magistrate Duncombe, Magistrates Farnan, Funston, Giroto, Kemp, Manea, Deputy State Coroner E Ryan, Magistrates Soars, Swain, Trad and van Zuylen.

Innovations Committee

The Innovations Committee is chaired by Deputy Chief Magistrate Tsavdaridis, and its members are Magistrates Grogin, Olischlager, Soars, Trad, A Viney and Walsh. In 2023, the Innovations Committee discussed and were consulted in relation to various matters, including transfers from correctional or detention centres by pursuant to ss 25 and 86 of the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020* (NSW); treatment plans pursuant to s 14 of the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020* (NSW); return of exhibits; elections to proceed on indictment pursuant to s 263 of the *Criminal Procedure Act 1986* (NSW); health of inmates and warrant endorsements; drug offenders' intervention programs and summary hearing case conferencing.

Legislative Reform Committee

The Legislative Reform Committee is chaired by Deputy Chief Magistrate Tsavdaridis, and its members are Magistrates Chisholm, Hawkins, Hosking and M Richardson. In 2023, the Legislative Reform Committee discussed and were consulted in relation to various matters, including the power to award costs against the CDPP in Commonwealth matters; judicial immunity; ss 28 and 29 of the *Bail Act 2013* (NSW) and pre-release/post-release requirements; proposed amendments to ss 32, 34 and 40 of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW); Court Appointed Questioners (CAQs) and s 289VA of the *Criminal Procedure Act 1986* (NSW); media access to court files; community-based orders in sentencing and organised crime reform package of legislation.

Local Court Rule Committee

The Local Court Rule Committee is chaired by Deputy Chief Magistrate Tsavdaridis, with the Chief Magistrate as an ex officio statutory member. Its members are the Chief Magistrate, Magistrate Greenwood, Magistrate Dakin, and representatives from the registries, the DPP, Legal Aid NSW, NSW Police Force, the NSW Bar Association and the Law Society of NSW.

Well-being Committee

The Well-being Committee is chaired by Deputy Chief Magistrate Freund, and its members are Magistrates Barko, Crompton, Beattie, Halburd, Truscott, Denes, Forbes, Kennedy, Feather and O'Neil. The Committee works with the President and Committees of the Magistrates Association to advance objectives and strategies for improving the well-being and conditions of magistrates. Initiatives included relate to title, living away from home allowance and other tax and superannuation issues, overseeing and restructuring the magistrates' mentoring program and implementing strategies to better support regional magistrates. Other areas of committee focus involved evaluating the Converge Employee Assistance Program and establishing a proactive program for magistrates to assist in the prevention of vicarious trauma and post-traumatic stress disorder.

Community Legal Centres

Judge Peter Johnstone acknowledges the significant contribution of Community Legal Centres (CLC) in NSW. The work undertaken by CLCs assists court users to navigate the court system, and in some circumstances avoid unnecessary court appearances. In instances where CLCs have assisted defendants, whether supported by an advice clinic in advance, or with the assistance of an in-person duty lawyer service, the court benefits considerably.

This section outlines the work of some of those centres and provides an overview of service availability.

Summary of service availability

Centre	Assistance	Court
Ability Rights Centre	AVO Assistance	State-wide as required
Central Coast CLC	AVO Clinic	Gosford, Wyong
Central Coast CLC	Traffic Law	Wyong
Central Tablelands and Blue Mountains CLC	Working with Women's Domestic Violence Court Advocacy Services (WDVCAS)	Bathurst, Lithgow, Katoomba, Orange
Central Tablelands and Blue Mountains CLC	Traffic and general civil advice	Orange
Central Tablelands and Blue Mountains CLC	Minor crime advice	In-office: Katoomba Over-Phone: Lithgow, Bathurst, Orange
Environmental Defender's Office	Criminal Law advice and representation to environmental defenders	State-wide as required
HIV/AIDS Legal Centre	AVOs for people living with HIV	Sydney Local Courts
HIV/AIDS Legal Centre	Minor criminal matters	Sydney Local Courts
Hume Riverina Community Legal Service	Domestic Violence related Legal Advice	Deniliquin, Finley and Corowa
Hunter CLC	AVO Duty Service	Newcastle, Belmont, Maitland
Hunter CLC	Civil Law Duty Service	Broadmeadow Children's Court, Raymond Terrace Children's Court
Inner City Legal Centre	Legal Advice and court assistance for LGBTQIA+ community	Downing Centre
Inner City Legal Centre	LGBTQIA+ Safe Room and free duty advice	Downing Centre
Justice Support Centre	Driving Offences Legal Service – criminal and traffic offences	Bankstown, Liverpool
Kingsford Legal Centre	Minor criminal matters, mental health applications, Student Advocacy Program	Waverley and Downing Centre

Centre	Assistance	Court
Marrickville Legal Centre	DV List	Burwood, Sutherland
Marrickville Legal Centre	Duty service	Sutherland, Burwood
Mid North Coast	Traffic list	Taree, Macksville
North and North West Community Legal Service	Duty Lawyer Service	Armidale, Glenn Innes
Western Sydney CLC	Traffic Law	Blacktown, Penrith, Parramatta, Mount Druitt, Windsor LC
Wirringa Baiya Aboriginal Women's Legal Centre	AVO advice and WDVAS referrals	State-wide as required
Women's Legal Service	Duty service – AVO/DV list with WDVAS hose	Blacktown, Mt Druitt, Penrith

The following provides an outline of some of the services provided by CLCs throughout the state.

Inner City Legal Centre

Through the Safe Relationships Project, The Inner City Legal Centre (ICLC) provides legal advice, court assistance and other support for LGBTQIA+ people who are experiencing an abusive relationship.

At the Downing Centre Local Court, the ICLC has a safe room, where the Safe Relationship Project runs on Wednesday mornings during the domestic violence list, providing free duty advice and representation. The ICLC is sometimes able to assist defendants/the accused in situations where they are also victims of domestic abuse.

The ICLC is a generalist community legal service providing advice and casework to vulnerable clients in the areas of civil, criminal, domestic violence, employment and discrimination law.

ICLC provides a state-wide service for LGBTQIA+ clients and sex workers. ICLC also appears for clients in the Local Court in the following matters: AVO applications, sentence hearings, s 14 applications and defended hearings. ICLC accepts referrals from services such as WDVAS and Legal Aid, particularly when there is a conflict of interest in AVO matters.

Central Coast CLC

The Central Coast Community Legal Centre (CCCLC) provides free weekly duty clinics at Wyong Local Court and Gosford Local Court. Duty solicitors provide advice and assistance to unrepresented parties. CCCLC works in partnership with Court staff, Legal Aid, private solicitors, police, and other court stakeholders. In traffic matters, generally CCCLC helps in fine-only matters or matters where the risk of imprisonment is unlikely. CCCLC also helps in suspension appeals and provides referrals for participants to local Traffic Offender Programs. CCCLC can also follow up with demerit or fines advice and working development orders.

In AVO matters, CCCLC generally helps in matters where there are no criminal charges. The Centre helps both defendants, private applicants, and protected parties. But typically, assists defendants as both the Gosford Local Court and Wyong Local Court are serviced by the Central Coast Women's Domestic Violence Service, Legal Aid Domestic Violence Unit at Wyong, and Legal Aid panel solicitors at Gosford Local Court. CCCLC works collaboratively and closely with all the services to ensure workable and achievable ADVOs are put in place. The Centre solicitors provide family law advice so that parties are aware of their legal obligations as parents in ADVO matters. This means that matters are resolved quickly at court and often on the first mention. In 2023 the Centre provided 941 duty lawyer services at the Wyong and Gosford Local Courts.

Western Sydney CLC

Western Sydney Community Legal Centre (WSCLC) provides advice and representation in any traffic matter at the Local Court, including police, Local Council and Transport for NSW matters. Unrepresented defendants are referred to the Western Sydney CLC duty lawyer by a registrar, magistrate, or court officer, normally before entering a plea. Solicitors are able to provide timely advice about what is an appropriate plea for the defendant. This service is extremely useful as defendants often mistakenly want to plead not guilty and are unaware that they do satisfy the elements of the offence. In those circumstances, solicitors are able to advise defendants to plead guilty with an explanation. This saves the court and prosecution time as they do not have to allocate a hearing date. This is in the defendant's best interest as they are better placed to receive the benefit of an early plea. WSCLC provides a representation service. When representing clients on sentence or severity appeal, our solicitors are able to make submissions and ensure that relevant information is provided to the magistrate in a timely fashion. This assists with managing the list and reducing the busy workload of the courts.

WSCLC has been exploring options for advocacy and law reform on the topic of court election as it is a common problem for people who don't understand what it means or what the consequences are.

Women's Legal Service

Women's Legal Service NSW assists women in NSW with a range of legal issues, including:

- domestic and family violence matters
- ADVOs
- minor civil and property claims in a domestic violence context, such as disputes over possession of a motor vehicle that might fall outside the family or de facto property regime
- property recovery matters in conjunction with ADVOs
- ADVO advice to victims and women defendants who have been misidentified
- variations to ADVOs in relation to assistance with applications, procedural advice, private ADVO application matters, defended applications to hearing and preparing submissions and statements for variation hearings
- appealing a non-publication order on behalf of a victim-survivor of sexual assault
- disputed ownership of a pet with the pet at risk of being abused by the perpetrator
- occasionally advising women who have criminal charges as well as ADVO matters
- assisting WDVCS clients to apply for victim support.

Women's Legal Service NSW assists the Court with its workload by:

- representing clients
- providing extensive and detailed advice
- filling out forms and other services
- picking up matters as requested, including appearing as a friend of the Court to assist an unrepresented litigant.

Marrickville Legal Centre

Marrickville Legal Centre has provided a Duty Lawyer Service (DLS) to both Sutherland and Burwood Local Courts throughout 2023 (and continues to do so). Marrickville Legal Centre provides the DLS to Sutherland Court each Wednesday and to Burwood Court each Thursday. Each day is the respective court's Domestic Violence list day.

Marrickville Legal Centre generally has two lawyers (plus some law students) attending Burwood Local Court. Our limited resources restrict us to having one lawyer attending Sutherland Local Court.

The DLS provides both advice and representation to clients with AVOs and criminal matters.

We appear in mentions and defended hearings. The magistrates in both courts as well as court staff in the registry regularly refer clients to the DLS and to Marrickville Legal Centre.

In addition, Marrickville Legal Centre also appears at other Local Courts (mostly Downing Centre Local Court and Newtown Local Court) where their clients have matters in those courts.

Ability Rights Centre

The Ability Rights Centre (ARC) represents clients with disabilities who are applying for, or responding to, applications for apprehended violence orders. ARC gives advice about AVO proceedings, informing people with disabilities (and their carers) about court procedures, helping to draft statements and providing guidance to clients running their own case. Through the combination of advice, casework and court representation services in AVO matters, ARC assists the Local Court to more efficiently and effectively handle matters if clients are self-represented. Many of the Ability Rights Centre clients have a cognitive or other impairment that puts them at a special disadvantage in navigating the court process. In matters where clients have cognitive impairment, the Ability Rights Centre may work in conjunction with the Justice Advocacy Service (JAS).

Hume Riverina Community Legal Service

Towards the end of 2022 Hume Riverina Community Legal Service (HRCLS) secured additional funding which allowed for the expansion of a partnership with WDVCS, to provide services to women who have experienced domestic violence at Deniliquin, Finley and Corowa Local Courts. Before this, HRCLS did not have a face-to-face presence in these remote regional Courts and did not have the same level of visibility in the targeted regions.

HRCLS attends at the regional Courts on ADVO days, and working with WDVCS, make representations prior to and during court proceedings to police via the DVLO and/or prosecutors to assist the persons in need of protection. HRCLS provides the women who have experienced domestic violence with legal assistance in relation to the other matters that often form part of ADVO issues including family law, parenting and property, property recovery orders, tenancy, victims services, debts, fines and infringements. HRCLS has also attended court in the capacity as a victim's support person in hearing matters when WDVCS was unavailable.

HRCLS has set up clinics in Deniliquin, Corowa and Finley so that they can provide face-to-face services to women who have experienced domestic violence during and after the ADVO court proceedings. HRCLS advises clients prior to court of the process, assisting them to navigate the court system. HRCLS follows up after court proceedings to make sure that clients are informed in relation to their matters. HRCLS has participated in and/or initiated free birth certificate days, bite size law sessions, CLE and community events in these communities and is now part of the Edward and Murray River Community Network, Berrigan and Jerilderie Community network, Federation and Surrounds Interagency Network, Cross Border Interagency Collective, Border Domestic Violence Network and the Southern Riverina Community Action Group to name a few.

HRCLS now has established relationships with court staff and other stakeholders in these regions, allowing clients to have better access to justice.

Environmental Defenders Office

The Environmental Defenders Office (EDO) runs a nationwide program Defending the defenders, which provides criminal law advice and representation to environmental protestors. The EDO has appeared in criminal matters in numerous Local Courts on behalf of clients in mentions, sentence proceedings and defended hearings throughout NSW. EDO provides a service to those who might otherwise self-represent, often in large numbers, improving the efficiency of the Court.

Kingsford Legal Centre

Kingsford Legal Centre (KLC) runs a health justice partnership (HJP) with Prince of Wales Hospital and the Eastern Suburbs Mental Health Service. As part of this HJP, KLC represents clients primarily in Waverley and Downing Centre Local Courts with pleas and mental health applications. We work together with health staff at our partner services to see clients while they are hospital in-patients or out-patients and continue to assist after discharge. KLC has also been running a Student Advocacy Program for many years at Waverley Court, providing law students with the opportunity to appear in pleas with the client's consent and leave of the Court in appropriate matters.

Mid North Coast

Mid North Coast Community Legal Centre (MNC) solicitors provide a Duty Lawyer Service in the Taree and Macksville Local Courts offering a traffic duty program. MNC works with a range of related external services as appropriate to a client's matter, including WDVCS, Legal Aid and Aboriginal Legal Service.

MNC assists the Court by:

- advising defendants who are self-representing on traffic offence matters to help them present relevant arguments
- entering appropriate pleas and streamlining the presentation of relevant evidence for the magistrate's consideration on behalf of disadvantaged clients
- bringing important and relevant considerations to the attention of the magistrate to assist with sentencing.

North and North West Community Legal Service

North and North West Community Legal Service (NNWCLS) offers advice and representation in Local Court matters in Armidale and Glen Innes.

NNWCLS specialises in providing court assistance primarily for Apprehended Violence Orders and traffic matters. Offering clients timely and practical legal advice, NNWCLS has helped resolve many private as well as police AVO applications and traffic matters that would have otherwise proceeded to a final hearing. The Service aims to inform clients and to assist the Court to function with efficiency.

NNWCLS solicitors provide timely advice on appropriate pleas for defendants, particularly benefiting clients who cannot afford private representation and do not otherwise qualify for assistance. Clients without representation are often referred to NNWCLS by the rostered Legal Aid NSW duty solicitor, Court staff, the Magistrate, and private practitioners, usually before entering a plea.

During sentencing, our solicitors seek to collate subjective material, make effective submissions and ensure relevant information is provided to the magistrate promptly and efficiently.

Case Studies

Central Tablelands and Blue Mountains CLC

JANE

Jane is an older Aboriginal woman who was referred to Central Tablelands and Blue Mountains CLC (CTBMCLC) by the WDVCS and was a defendant in ADVO proceedings. Her ex-partner of 38 years was the PINOP. There was a cross-application on foot – meaning that Jane was also a PINOP, protected from the defendant, her ex-husband. The ADVOs were in place due to a violent incident between the parties. **As a result of the incident, Jane was taken to hospital and placed in the ICU for 24 hours. She had broken ribs and bruising.**

When Jane spoke with CTBMCLC, she advised she had missed court dates due to, firstly being unaware of the ADVO, and secondly having day surgery to investigate potential cancer diagnosis.

CTBMCLC assisted Jane by writing representations to the police seeking that ADVO where she was the defendant be withdrawn, CTBMCLC identified Jane as the primary victim and noted the grounds of an ADVO protecting her ex-husband had not been made out by the police. After some significant time negotiating via phone and email the ADVO was subsequently withdrawn.

Although this was a positive outcome for Jane, her Victim Services application was rejected due to the cross applications and the grounds for the ADVO being unclear as to who the defendant and who the victim was. CTBMCLC successfully assisted Jane with an internal review of her Victims Support decision.

CTBMCLC has been collaborating with a housing provider and are seeking further assistance for Jane as she has become recently become homeless after being asked to leave her daughter's home where she was residing post-separation.

ROSA

Rosa is an elderly woman who first met a CTBMCLC solicitor at the Local Court, after an AVO had been placed on both her and her partner. Rosa and her partner were isolated with few friends or family members. The couple had previously had domestic violence issues. Rosa's partner had a recent diagnosis of Alzheimer's and had subsequently lost his licence.

Rosa's carers allowance had been suddenly cancelled because of the AVO, and they were relying on savings to pay for transport to doctors' appointments and shopping. Outreach services did not travel to where they lived, and Rosa was aware of My Aged Care services. Due to age and chronic ill health, the couple could no longer maintain their property and were worried that they could not afford to buy elsewhere due to increasing house prices.

CTBMCLC represented Rosa in court and were successful in having the AVO against her withdrawn, while advocating that the AVO for her protection be resolved without admissions, thereby avoiding the need for a stressful and time-consuming hearing.

With Rosa's consent, CTBMCLC made a referral to My Aged Care so that an Aged Care and Assessment Team could visit her and discuss her needs in depth. Due to Rosa's isolation and vulnerability, CTBMCLC also contacted the Older Persons Mental Health Team and a local community health social worker. Centrelink was also contacted to ensure Rosa's carers payment was reinstated.

The range of legal and non-legal supports and referrals CTBMCLC provided to Rosa ensured that she was able to access ongoing care, and that a number of her concerns were addressed.

Central Coast CLC

From August 2022 – August 2023, the Central Coast CLC (CCCLC) received Family Law Domestic Violence Sexual Assault funding and used the funding to develop a therapeutic approach to its AVO clinic at Gosford Local Court. The Centre worked closely with the Court to develop a community court user scheme, the local Men's Behaviour Change Program providers, and other therapeutic services for men supported the initiative. CCCLC worked in partnership with non-legal services to provide a therapeutic approach to working with men that used violence. Such as:

DANIEL*

Daniel who sought legal representation at court from the Senior Domestic Violence solicitor for his Apprehended Domestic Violence order.

The Centre represented Daniel in court with his order. As part of the Community Court User Scheme, CCCLC referred Daniel to a Men's Behavioural Program who provided 1:1 support to Daniel and ongoing support and referrals to his partner. By virtue of collaborative practice, the Men's Behaviour Program provided Daniel with a judgment free space to begin considering the impacts of his violence and abuse while respectfully challenging Daniel's violence supporting narratives. Both Daniel's legal and non-legal needs were met from a therapeutic approach to justice.

Justice Support Centre

As part of the Justice Support Centre (JSC) Driving Offences Legal Service a JSC lawyer represented a client with a driving charge and other outstanding criminal charges. JSC made submissions seeking the Courts leniency because the client was a single mother with low income, a survivor of domestic violence and was trying to get her life back together. The Court accepted our submissions and dismissed her charges, which meant that the client wasn't disqualified from driving and was able to continue working to support her children as well as being able to take them to school and other activities.

Kingsford Legal Centre

In 2023 KLC represented:

LUCIA*

She was diagnosed with schizophrenia in her late 20s.

Her mental health had been fairly stable for many decades before she quite suddenly became unwell and eventually homeless. She became an involuntary mental health patient after she was brought to hospital by police. The police were called when she entered a shop and started behaving erratically, and she was charged with trespass and failing to leave when directed. Lucia's social worker asked KLC to provide her with legal advice. We saw Lucia at the hospital over several appointments and represented her in court. The criminal charges were adding even more stress to an already difficult situation for her. We made a mental health application to the Court on her behalf with the support of her social workers and treating psychiatrists from our health partners. This asked the Court to deal with the charges on the basis that Lucia complies with a mental health plan instead of being given a conviction. Lucia was successful and KLC whole-heartedly agreed with the Magistrate's comments that Lucia's matters should never have had to come to court in the first place.

**Names changed to protect privacy*

Court-based Programs

Circle Sentencing

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

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

The aims of Circle Sentencing, are to:

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

In 2023, Circle Sentencing was available in the following communities:

- Armidale
- Blacktown
- Mount Druitt
- Walgett
- Wellington
- Nambucca
- Kempsey
- Lismore
- Dubbo
- Nowra
- Brewarrina
- Bourke
- Wagga Wagga
- Broken Hill
- Wollongong (introduced in October 2023)
- Campbelltown (introduced in November 2023)

The number of matters which proceed to Circle Sentencing is dependent on factors including defendants opting to participate, the sentence a defendant is likely to receive, and the appropriateness of defendants to participate due to links to the local First Nations community.

In the period:

1 January – 31 December 2023

a total of

103 matters

proceeded to Circle Sentencing.

Aboriginal Client and Community Support Officers

The Aboriginal Client and Community Support Officer (ACCSO) program was established in 1995 to improve the quality of support given to the people attending court, victims, families and court users. ACCSOs are based in Local Courts across NSW.

The objectives of the ACCSO program are to:

- assist First Nations defendants, victims and families understand the outcome of their court matter
- improve First Nations community awareness of court processes and procedures
- improve knowledge of services offered by court including mediation, time to pay and victims services
- improve relationships between the First Nations community and the Court.

Officers assist at court locations throughout the state with the following:

- providing court support to defendants, victims and their families
- coordinated assessment, referral and support service for First Nations People attending court
- explaining the outcome of your court matter
- explaining the process of court
- assisting with registry services
- contacting family members on your behalf
- helping completing forms
- linking new clients to legal representatives
- liaising between defendants and legal representatives when required.

ACCSOs cannot provide legal advice, represent clients in any legal capacity or provide case-management services.

ACCSO's are located in the following Local Courts:

- Armidale
- Batemans Bay
- Blacktown
- Bourke
- Broken Hill
- Campbelltown
- Coffs Harbour
- Condobolin
- Downing Centre
- Dubbo
- Gosford
- Griffith
- Inverell
- Kempsey
- Lismore
- Maclean
- Moree
- Mt Druitt
- Newcastle
- Nowra
- Orange
- Parramatta
- Penrith
- Tamworth
- Taree
- Toronto
- Walgett
- Wollongong
- Wyong
- Wagga Wagga

Justice Advocacy Service (JAS)

JAS delivered by the Intellectual Disability Rights Service (IDRS) has two elements: JAS Advocacy, which has run since 2019, and JAS Diversion, which commenced in July 2022.

JAS Advocacy is a state-wide service that supports victims, witnesses and defendants to exercise their rights and participate in criminal justice processes through the provision of a support person. A client does not need to provide evidence of cognitive impairment to access the service.

JAS Advocacy is delivered by JAS Advocates/volunteers across the state. JAS support usually involves an advocate or volunteer accompanying a person with a cognitive impairment (at a police station, local court or appointment) and acting as an intermediary. The advocate explains complex concepts, ensuring the person understands the information being communicated, and refers the person to a lawyer if required.

Support can also include:

- individual advocacy to ensure victims, witnesses and suspects with a cognitive impairment know their rights
- targeted case coordination to defendants with a cognitive impairment to support applications for a diversionary order
- JAS also provides training and capacity building to justice sector staff so they can better respond to the needs of people with a cognitive impairment (CI).

JAS Diversion has operated since July 2022 and its functions include a court-based diversion service in six NSW local courts (Downing Centre, Parramatta, Blacktown, Penrith, Gosford and Lismore).

The court-based diversion service is available to defendants who:

- appear at the Downing Centre, Parramatta, Blacktown, Penrith, Gosford or Lismore Local Court
- have a cognitive impairment
- are eligible for diversion under s 14 of the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020*
- voluntarily agree to participate in the service.

The service promotes diversion orders under s 14 of the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020* for eligible defendants with a cognitive impairment. JAS contributes to the Closing the Gap Justice Target 10 which aims to reduce the rate of First Nations adults held in custody by at least 15% by 2031.

Key Outcomes

During 2023



3,138 clients were referred to JAS, of which:

- **2,166 (69%)** clients were supported in **2,781** cases as:
 - Suspects/defendants (92%)
 - Victims (7%)
 - Witness (1%)
- **813 (37.5%)** of the total clients identified as First Nations Peoples
- **4,019** Court supports were provided to clients.

During 2023



318 referrals were made to JAS Diversion, of which:

- **207 (65%)** s 14 applications were made in total, resulting in:
 - **157 (75%)** of 207 successful (34% identified as First Nations Peoples)
 - **50 (25%)** of 207 unsuccessful (36% identified as First Nations Peoples)
- **90 (28%)** of 318 referrals did not proceed to s 14 (14% identified as First Nations Peoples)
- **70 (22%)** of 318 referrals remain pending (32.5% identified as First Nations Peoples)
- **100 (35%)** of the total clients identified as First Nations Peoples.

Case Studies

Advocacy Support

SEBASTIAN*

Sebastian is a 58-year-old man who lives with cognitive impairment due to long term drug and alcohol misuse, including short term memory loss, problems with processing information, bipolar disorder, and diabetes. Sebastian has a monthly injection for his mental illness, is on the methadone program and is prescribed insulin daily. Sebastian has problems regulating his emotions, which has led to inappropriate interactions with family, members of the public, police and lawyers.

Sebastian had been in custody since 1 March 2023. In June 2023 he had charges heard at court to which he pleaded guilty. The lawyer requested charges at another court be heard at the same time. The Magistrate agreed but the Prosecutor did not. Sebastian was sentenced to 4 months imprisonment, which he had already served, but was unable to be released as he was still bail refused for the charges at the other court. He spent another 3 months in prison before being brought to court in September for the second matter.

Prior to the court date his lawyer withdrew and on arrival at court was informed that Legal Aid Grants had not reassigned the case to another lawyer, so they were unable to represent him. After the matter had been mentioned, the Legal Aid lawyer who happened to be in the court at the time advised the Court he would speak with Sebastian.

The Advocate and lawyer went down to the cells to see Sebastian. The lawyer advised Sebastian that the matter could not proceed due to the grant being unassigned. Sebastian became very upset; he wanted the matter dealt with as he had been waiting in prison for months. The Advocate was able to provide support to stabilise his emotions, keeping him calm so the lawyer could further explain that he could potentially speak to the Prosecutor to negotiate the Facts, if Sebastian proceeded with a plea of guilty. The Advocate provided communication support and emotional regulation which meant Sebastian understood the situation, could make an informed choice, and decided to plead guilty.

Sebastian was subsequently sentenced to a 12-month CCO with supervision to report to Community Corrections within seven days. The Advocate immediately contacted Sebastian's NDIS Support Provider and was advised they were unable to assist that day. They phoned

Sebastian's NDIS support coordinator but was informed they had recently left the organisation. The lawyer and Advocate went to the cells to explain the situation to Sebastian.

While Sebastian was in custody, he lost his accommodation. The Advocate called the Justice Liaison Officer who had been working on Sebastian's case and was advised that without funding for Supported Independent Living in his plan, nothing could be done. They went back to the cells to arrange access to a phone with Sebastian to make a call to Link to Home before he was released. This request was declined twice so advised they would meet Sebastian in the Court registry where they would call Link to Home. The Advocate was aware Justice Health had been working on a release plan with Sebastian, so made contact for them to arrange the local Community Mental Health team to administer his injection which they agreed to do.

When Sebastian presented at the Court Registry, he was wearing his prison greens and had nothing but his release paperwork, all his possessions were still at the prison. The Advocate called Link to Home in the Court Registry to try and secure accommodation. There was a considerable wait, during which Sebastian's anxiety dramatically increased due to not having any of belongings and having to walk out in prison greens. Accommodation was eventually secured for six nights.

While waiting for Link to Home to answer, the Advocate contacted a JAS casual staff member who also works at the Salvation Army who arranged for clothing and food to be dropped off at the accommodation. The Advocate contacted Sebastian's mother in Queensland, who deposited some money into his bank account. They then had to contact Sebastian's bank to arrange for him to withdraw money with only his release papers as ID.

**Names changed to protect privacy*

SEBASTIAN* continued

The Advocate then:

- communicated the importance of attending the methadone clinic the following morning
- provided Sebastian with information for Centrelink and how to ask about an emergency payment and to get his Disability Support Pension reinstated
- explained the process for going to Housing as required by Link to Home
- provided directions to the nearest bank branch and the Link to Home accommodation
- suggested getting a taxi rather than sitting on a bus in prison greens as he was so anxious.

If not for JAS Sebastian would have been on the streets in prison greens, requiring medication with nothing and nowhere to go. JAS was able to ensure he had money for transport, clothing and food – he is still without a phone. He was released into the community with no support and with no way to get support. Being released in these circumstances easily leads to recidivism and a continued cycle of incarceration.

Diversion Support

DANE*

Dane is a 27-year-old young man with a diagnosed intellectual disability. He has an extensive criminal history dating back to when he was 16 and had never been granted a Section 32/14 before.

Dane was referred to the JAS Diversion program by his Legal Aid lawyer. He was initially reluctant to engage with the Diversion coordinator as he'd had negative experiences with service providers in the past. These past experiences also meant that he was not engaging with any services as part of his NDIS plan and as a result his funding had been dramatically reduced when his plan was last reviewed.

The Diversion Coordinator liaised with the NDIA to find existing evidence of his intellectual disability. They also recognised that the available funding was not adequate to meet Dane's support needs in the community and applied for a Plan Review. With the support of the

Diversion Coordinator at the plan review Dane and his family were able to explain his support needs and the funding in his plan was increased significantly.

The Diversion Coordinator also assisted Dane to find a Support Coordinator that they believed would be a good fit for him.

The Diversion Coordinator prepared a Support Plan with recommendations to assist his lawyer to make a Section 14 application. Dane was granted his first ever Section 14 order. The Diversion coordinator continued to work with Dane for a few weeks after sentencing to make sure things were working with his new support team before exiting him from the service.

**Names changed to protect privacy*

Process Evaluation

A recent process evaluation of JAS (Advocacy and Diversion) was conducted by EY between December 2022 – October 2023, which found that JAS:

- is meeting its intended goals and was largely successful in executing its implementation plan
- navigated obstacles implementing the new court-based diversion service
- is delivering positive emerging outcomes for clients.

A comprehensive outcomes evaluation and economic analysis of the service is planned for 2024/2025.

State-wide Community and Court Liaison Service

The Justice Health and Forensic Mental Health Network (JHFMHN) is a Statutory Health Corporation established under the *Health Services Act 1997*. It delivers health care to adults and young people in contact, or at risk of contact, with the criminal justice system, and operates across community, inpatient and custodial settings in NSW.

The Statewide Community and Court Liaison Service (SCCLS) was established by JHFMHN in 1999 as a court-based service to assist magistrates with the diversion of people who are mentally ill and have been charged with a summary offence, or an indictable offence dealt with summarily. The aim of the service is to assist in diverting these defendants away from the criminal justice system to civil inpatient or community mental health services, or other supporting intervention options under ss 14, 19 and 20 of the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020*.

At each SCCLS location a Court Liaison Officer (an experienced mental health clinician) provides the following services:

- screens and identifies newly charged, remanded and out-of-custody defendants who are mentally ill, mentally disordered and/or experiencing cognitive impairment or are suspected of the same

- undertakes a comprehensive psychiatric and risk assessment of the defendant's mental state
- obtains collaborative medical information to confirm a defendant's psychiatric history and diagnostic confirmation
- liaises with treatment providers to ascertain current treatment (or lack thereof), treatment needs and develop feasible treatment plans
- seeks clinical supervision from the SCCLS Forensic Psychiatrist to ensure the provisional diagnosis is correct, the treatment recommendations are appropriate and mitigate any identified risk factors
- provides a court report to the magistrate summarising the defendant's clinical needs and available treatment options
- ensures the defendant is formally referred to a treatment provider following the magistrate's determination of their matters, whether in the community or in custody.

The SCCLS currently operates in the following 26 Local Courts:

- | | |
|------------------|-------------------------|
| • Albury | • Milton |
| • Bankstown | • Mount Druitt |
| • Blacktown | • Nowra |
| • Burwood | • Parramatta |
| • Campbelltown | • Penrith |
| • Central Sydney | • Port Macquarie |
| • Coffs Harbour | • Sutherland |
| • Dubbo | • Sydney Downing Centre |
| • Gosford | • Tamworth |
| • Forster | • Taree |
| • Kempsey | • Wagga Wagga |
| • Lismore | • Wollongong |
| • Liverpool | • Wyong |

In the 2023 calendar year, the SCCLS screened:

14,166 people for **mental health illness** appearing before the Local Court.

Of this number:

- **3,227** received a comprehensive mental health assessment, of which:
 - **3,178 (98%)** were found to have a mental illness and
 - **2,636 (83%)** were diverted from the criminal justice system.

In July 2022, the NSW Government announced its investment of:

\$13.4 million over four years to expand the SCCLS to a further **35 courts** across the state and at the Surry Hills Police Cells.

This expansion is underway and includes the following locations (in addition to those listed on the previous page):

- Inverell
- Moree
- Tweed Heads
- Byron Bay
- Murwillumbah
- Mullumbimby
- Fairfield
- Waverley
- Newtown
- Grafton
- Maclean
- Orange
- Bathurst
- Blayney
- Oberon
- Goulburn
- Katoomba
- Lithgow
- Cessnock
- Maitland
- Muswellbrook
- Singleton
- Griffith
- Leeton
- Moss Vale
- Albion Park
- Picton
- Holbrook
- Corowa
- Queanbeyan
- Crookwell
- Surry Hills Police Cells

The expansion of SCCLS will also include the appointment of Aboriginal Mental Health works to the service to ensure culturally informed diversions and community care.

Thus far, SCCLS has opened mental health diversion services in Albury, Bankstown, Mount Druitt, Taree and Forster Local Courts. The SCCLS expects to next rollout services in Fairfield, Waverley, Newtown, Cessnock, Singleton, Muswellbrook, Maitland, Inverell, Moree, Orange and Queanbeyan.

Magistrates' Early Referral into Treatment (MERIT) Program

MERIT is a voluntary, pre-plea program for adults in the Local Court who have issues related to their Alcohol and Other Drug (AOD) use. MERIT provides access to a wide range of AOD treatment services for 12 weeks while court matters are adjourned. This program has operated since 2000. MERIT aims to intervene in the cycle of drug use and crime by addressing health and social welfare issues that may bring defendants into contact with the criminal justice system.

A defendant referred to MERIT will be accepted into the program based on whether they meet the eligibility and suitability requirements. Generally, a magistrate, solicitor or the police will refer a defendant to MERIT. Defendants may also refer themselves to the program. To be eligible for MERIT the participant must be an adult, be on bail or not require bail and not be charged with sexual assault offences, or any offence that will be heard in the District Court. A participant must also be suspected of drug use or have a known history of AOD use issues, have a treatable AOD problem, live in or have a connection to an area (e.g., full-time work) that provides MERIT and consent to participate.

MERIT is a multi-agency initiative of the Department of Communities and Justice (DCJ), the Chief Magistrate's Office, NSW Health and the NSW Police Force. MERIT also receives strategic and operational support from Legal Aid NSW and the Aboriginal Legal Service NSW/ACT.

MERIT's delivery and expansion align with Target 10 of Closing the Gap, which aims to reduce the rate of First Nations adults held in custody by at least 15% by 2031.

Data

In 2023:

Referrals

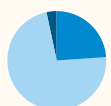
3,081 defendants were referred¹ to MERIT, of which:



- 724 (23.5%) identified as First Nations Peoples,
- 2,160 (70.1%), were non-First Nations, and
- 197 (6.4%) preferred not to state their First Nations status.

Acceptance Rate

2,091 (67.9%) of all those referred were accepted into the program, of which:



- 499 (23.9%) identified as First Nations Peoples,
- 1,525 (72.9%), were non-First Nations and
- 67 (3.2%) did not state their First Nations status.

990 (32.1%) were not accepted into the program, of which:

- 225 (22.7%) identified as First Nations Peoples.

Overall, the reasons for non-acceptance into the program include the participant:

- Not being eligible for the program
- Not suitable (unwilling to participate, already in court ordered treatment)
- Residing outside of the treatment area, and
- Program entry not endorsed by magistrate.

Exits and Completion Rates

A total of, **2,092 participants** exited MERIT. This figure comprises participants who successfully complete the program and those who exit the program without completing it.

1,488 (71.1%) participants successfully completed² the MERIT

- 312 completers identified as Aboriginal that is, a completion rate of 62.5%
- 1,117 completers were non-Aboriginal that is, a completion rate of 73.2%
- 59 did not state their Aboriginality.

604 (28.9%) did not complete the program for the following reasons:

- 372 did not comply with the program conditions
- 139 withdrew voluntarily
- 58 were removed by the court
- 35 were exited for other reasons.

Case Study

MERIT

Over 2023, MERIT received a number of referrals from a variety of sources. One of those referrals was for a forty-nine-year-old male with a significant history of trauma. He had experienced domestic violence and child abuse. As an adult, the client engaged in poly drug use, leading to several interactions with the court system, and custodial sentences. When he started the MERIT program, he was using heroin, cannabis, alcohol, methamphetamines and benzodiazepines.

The MERIT team worked closely with the client's Community Corrections Officer to ensure he received the support he needed to remain engaged with the program. This support included a mental health assessment, and a referral to dental services. When the client was due to appear in court, he was feeling anxious due to his previous history with the criminal justice system. Since the age of thirteen, the client's court penalties had always resulted in a custodial sentence. Thus, his court appearances were triggering an anxiety-inducing condition. During this time, MERIT clinicians provided the client with therapeutic support and assistance with seeking Legal Aid.

1 MERIT is a 12-week program and some participants accepted after the month of September will still be on the program at 31 December, thus these participants cannot be accounted for in calendar year completion figures.

2 MERIT completion rates are calculated by comparing the proportion of program completers with the total number of participants who were accepted the program.

MERIT continued

The Magistrate acknowledged the client's journey and progress. This resulted in a Section Ten (where a defendant is found guilty, however a conviction is not recorded). The client was very pleased, as this was the first time a court appearance had not resulted in incarceration. Upon completion of MERIT, the client reported ceasing all drug use except for Ice, which he had reduced significantly. Prior to MERIT, the client had not had any drug and alcohol treatment. The client's involvement in MERIT and court outcome motivated him to continue to reduce his drug use and engage in a healthier lifestyle.

Planned program expansion

On 21 September 2022, the NSW Government announced a \$35.1 million investment over four years to expand the MERIT program as part of its final response to the 'Ice' Inquiry. The expansion will take place across four years (financial year 2022-23 to 2025-26) and will aim to enhance more than 10 existing drug MERIT sites to include alcohol MERIT services and establish up to 30 new alcohol and other drug MERIT sites across NSW. When deciding on new MERIT expansion sites, rural and regional locations were given higher priority.

Evaluation

A quantitative evaluation of MERIT is underway, and a qualitative evaluation is in development. Both evaluations are conducted by National Drug and Alcohol Research Centre (NDARC), UNSW, and are due June 2024.

An economic analysis of MERIT is being led by the NDARC, BOCSAR and NSW Health. The quantitative evaluation and cost benefit study is due by the end of FY2023/24 and the qualitative study is likely to be delivered by the end of the 2024.

Traffic Offenders Intervention Program (TOIP)

The Traffic Offender Intervention Program (TOIP) is a Local Court-based program targeting offenders who have pleaded guilty to, or been found guilty of, a traffic offence. The goal of the program is to provide offenders with the information and skills necessary to develop positive attitudes towards driving and develop safer driving behaviours.

On application by the defendant, the defendant's legal representative, or by the court's own motion, magistrates may make a referral to an approved traffic course provider. The case may, in the meantime, be adjourned for sentencing, allowing sufficient time for the nominated course to be completed prior to sentence.

The Traffic Offender Intervention Program (TOIP) is a Local Court-based program targeting offenders who have pleaded guilty to, or been found guilty of, a traffic offence. The goal of the program is to provide offenders with the information and skills necessary to develop positive attitudes towards driving and develop safer driving behaviours. On application by the defendant, the defendant's legal representative, or by the court's own motion, magistrates may make a referral to an approved traffic course provider. The case may, in the meantime, be adjourned for sentencing, allowing sufficient time for the nominated course to be completed.

List of TOIP Providers

In 2023 TOIP was delivered by the following providers:

- Aspire Traffic Offender Course
- Road Sense Australia
- Police Citizens Youth Clubs NSW (PCYC)
- Traffic Offenders Rehabilitation Program (TORP)
- SAVE Traffic Offenders Program
- Sydney Safe Road
- Blacktown Traffic Offenders Program
- Scone Neighbourhood Centre
- Oxley Community Transport.

Data

TOIP Participation 2023 Calendar Year*	
Number of referrals	24,267
Number of participants	23,940
Number of completions	22,211
Number of non-completions	1,729

TOIP Participant Demographics 2023 Calendar Year*

Offence Type		(%)
PCA	5,265	23.0
Prohibited Drug	1,577	6.90
Speeding	6,060	26.51
Licence	3,777	16.53
Regulatory	3,840	16.80
Other	2,337	10.22
Gender		
Male	15,190	63.45
Female	4,936	20.62
Non-binary	5	0.02
Unknown	3,808	15.91
Aboriginality		
Indigenous	1,513	6.32
Non-Indigenous	17,368	72.55
Unknown	5,059	21.13
Age		
Under 18 years	633	2.64
18-19 years	1,186	4.95
20-24 years	5,523	23.07
25-29 years	3,372	14.09
30-34 years	3,096	12.93
35-39 years	2,548	10.64
40-44 years	2,154	9.00
45-49 years	1,758	7.34
50-59 years	2,430	10.15
60-69 years	968	4.04
70-79 years	234	0.98
80+ years	29	0.12
Age not known	9	0.04

* Please note that data includes some participants referred through the Increased Traffic Offender Penalties (ITOP) scheme who may not appear before the Local Court.

Multicultural NSW Interpreters

NSW is one of the most multicultural states in the world, with:

29.3% of the state's population born overseas.

With 26.6% of NSW households speaking a language other than English at home, it is no surprise that language interpreters are regularly working in our Local Courts.

Multicultural NSW has been the preferred language services provider for NSW Courts for more than 40 years. Through this partnership, almost all state courts work with Multicultural NSW, ensuring a consistent level of quality of service for everyone in need of an interpreter or translator state-wide.

The work of interpreters is essential to ensuring access to justice and procedural fairness for people with limited English proficiency in Australia's courts. The presence of interpreters removes language barriers for people with low English proficiency so they can be linguistically present at proceedings and in the same position as an English-speaking person.

Multicultural NSW Language Services delivers face-to-face, telephone and video interpreting, and particularly demonstrates its deep expertise when interpreting and translating for the justice system. The remote interpreting services have given people living in regional and remote NSW greater access to services and programs.

Multicultural NSW oversees an Australia wide panel of qualified interpreters and translators who specialise in over 120 languages.

Court interpreters may be called to interpret during:

- court mentions
- hearings
- bail applications
- committal processes
- trials
- sentencing
- sight translations of legal documents.

During 2023, Multicultural NSW provided interpreting services to 78 local courts. Interpreting services were also provided in the district and supreme courts, as well as specialist courts.

For the financial year to 30 June 2023, Multicultural NSW provided the following interpreting services to Local Courts across NSW:

- over **22,800** interpreting assignments
- interpreting services covering **111** languages with Chinese-Mandarin, Arabic, Vietnamese, Persian (Farsi) and Spanish being the most requested languages.

Court matters that had a high demand for interpreters included:

- mentions
- hearings
- trials
- sentences
- bail applications.

During 2023, Multicultural NSW and NSW Courts continued to work closely to implement continuous improvements in the provision of court interpreting. These efforts include:

- making court hearing loops available to interpreters so they can access the best audio input, enabling greater accuracy in interpreting
- improving current practices regarding interpreter booking and courtroom processes
- ensuring interpreters have the information around the context of the assignment to allow them to better prepare and understand language in context
- multicultural NSW invested in portable simultaneous interpreting equipment for longer hearings to allow complete interpreting in improved physical conditions.

Multicultural NSW's purpose is to promote community harmony and social cohesion, and one way to ensure this is by providing the most highly regarded service of legal interpreting and translation in the state.

To deliver high-quality legal interpreting services, Multicultural NSW prioritises the development of its panel of professional interpreters through a comprehensive professional development program. This program includes skills enhancement, court-specific training, and mentoring to provide support for new interpreters.

Case Study

THE ROLE OF INTERPRETERS DURING A CORONIAL INQUEST

Multicultural NSW supports the on-going development of its interpreters while collaborating closely with government agencies to ensure best practice is applied, including having interpreters brought into the process earlier to allow them time to become familiar with the case before trial or sentencing.

A good example of the collaborative work between Multicultural NSW and NSW Courts was demonstrated through a specific case at the Coroners Court of NSW in the investigation into the disappearance of a young Belgian man in Byron Bay.

The young man's family travelled to Australia for the initial hearings and were able to follow proceedings in French through the work of Multicultural NSW interpreters in the Byron Bay Local Court.

The family followed subsequent proceedings taking place at various instances over several months and they could join the court remotely on an audio-visual link (AVL) from their home in Belgium.

To allow the family to be linguistically present at this stage, Multicultural NSW worked with NSW Courts' technical support staff to enable a secondary link on Webex where two interpreters could work in tandem to simultaneously interpret what was said by the court in French. The family connected to the court's main link, where they could see and be seen by the court, and to the secondary link to be able to listen to proceedings in French. Multicultural NSW's interpreters high-quality simultaneous interpreting skills enabled the family to be linguistically present during the inquest.

This is only one example of many possible solutions to support the language needs of NSW Courts, independently of the location where the court's work must be done.

Part 3:



The Magistracy, Assessors, Coroners and Tribunal Members

Judicial Officers of the Local Court

The judicial officers of the Local Court are magistrates. The Governor of NSW appoints magistrates pursuant to s 13 of the *Local Court Act 2007* ('Local Court Act') on the advice of the Executive Council.

The Local Court Act provides that the Governor of NSW may appoint a Chief Magistrate and deputy chief magistrates.

As of 31 December 2023 there were:

148 magistrates who presided in the Local Court and Children's Court at over **150 sitting locations** throughout the state.

The magistrates who served the Court in 2023 are listed in this section.

A number of NSW magistrates were seconded to other jurisdictions where a conflict of interest required interstate cooperation. Magistrates Abdul-Karim, Guy and Walsh presided over matters in Victoria, while Magistrate Grogin presided over a matter in the Northern Territory. Conversely, a number of interstate magistrates were seconded to sit in NSW where conflicts of interest arose here. These arrangements were coordinated by Deputy Chief Magistrate Tsavdaridis.

Chief Magistrate

His Honour Judge Peter Johnstone

Leadership Group

Her Honour Magistrate Sharon Freund,
Deputy Chief Magistrate

His Honour Magistrate Theo Tsavdaridis,
Deputy Chief Magistrate

Her Honour Magistrate Teresa O'Sullivan,
State Coroner

Her Honour Magistrate Megan Greenwood,
Senior Civil Magistrate

Her Honour Judge Ellen Skinner,
President of the Children's Court of NSW

Magistrates

His Honour Magistrate Imad Abdul-Karim

His Honour Magistrate John Arms
(from 7 February 2023)

Her Honour Magistrate Jennifer Atkinson

His Honour Magistrate Rami Attia

Her Honour Magistrate Joan Baptie

His Honour Magistrate Michael Barko

His Honour Magistrate Stephen Barlow

His Honour Magistrate Peter Barnett, SC

His Honour Magistrate Glenn Bartley

Her Honour Magistrate Geraldine Beattie

Her Honour Magistrate Joy Boulos

His Honour Magistrate Rodney Brender

His Honour Magistrate George Breton

His Honour Magistrate Peter Bugden

Her Honour Magistrate Jayeann Carney

His Honour Magistrate Ian Cheetham

His Honour Magistrate John Chicken

Her Honour Magistrate Bree Chisholm

His Honour Magistrate Gareth Christofi

His Honour Magistrate Roger Clisdell

His Honour Magistrate Stephen Corry

His Honour Magistrate Daniel Covington

Her Honour Magistrate Sharron Crews

Her Honour Magistrate Kathy Crittenden

Her Honour Magistrate Juliana Crofts

His Honour Magistrate Michael Crompton

Her Honour Magistrate Rana Daher

His Honour Magistrate Michael Dakin

Her Honour Magistrate Georgina Darcy

His Honour Magistrate David Day

His Honour Magistrate David Degnan

Her Honour Magistrate Robyn Denes

His Honour Magistrate Stuart Devine

His Honour Magistrate Doug Dick

His Honour Magistrate Hugh Donnelly

His Honour Magistrate Mark Douglass

Her Honour Magistrate Susan Duncombe

His Honour Magistrate Geoffrey Dunlevy

His Honour Magistrate Andrew Eckhold

His Honour Magistrate Gregory Elks

Her Honour Magistrate Elizabeth Ellis

Her Honour Magistrate Clare Farnan

His Honour Magistrate Peter Feather

Her Honour Magistrate Dr Gabriel Fleming

Her Honour Magistrate Catherine Follent

Her Honour Magistrate Carmel Forbes

Her Honour Magistrate Nicole Ford

His Honour Magistrate Caleb Franklin

His Honour Magistrate Richard Funston

His Honour Magistrate James Gibson

Her Honour Magistrate Jennifer Giles

Her Honour Magistrate Claire Girotto

Her Honour Magistrate Michelle Goodwin
(until 17 January 2023)

Her Honour Magistrate Harriet Grahame

Her Honour Magistrate Megan Greenwood

His Honour Magistrate Gregory Grogan

His Honour Magistrate Christopher Halburd

Her Honour Magistrate Theresa Hamilton

Her Honour Magistrate Christine Haskett

Her Honour Magistrate Allison Hawkins

His Honour Magistrate Paul Hayes

His Honour Magistrate Stephan Herridge
(from 7 June 2023)

His Honour Magistrate Kevin Hockey

Her Honour Magistrate Keisha Hopgood
(from 6 June 2023)

Her Honour Magistrate Susan Horan

Her Honour Magistrate Rebecca Hosking

Her Honour Magistrate Julie Huber

His Honour Magistrate Ross Hudson

Her Honour Magistrate Melissa Humphreys

Her Honour Magistrate Holly Kemp

Her Honour Magistrate Erin Kennedy

His Honour Magistrate Trevor Khan

His Honour Magistrate Timothy Khoo
(from 9 August 2023)

Her Honour Magistrate Jillian Kiely

Her Honour Magistrate Janine Lacy

His Honour Magistrate Derek Lee

His Honour Magistrate Jeffrey Linden
(until 18 May 2023)

His Honour Magistrate Michael Love

His Honour Magistrate Lesley Mabbutt
(until 1 July 2023)

Her Honour Magistrate Debra Maher

His Honour Magistrate Michael Maher
(from 9 February 2023)

His Honour Magistrate Ron Maiden

Her Honour Magistrate Emma Manea

His Honour Magistrate Shane McAnulty

Her Honour Magistrate Fiona McCarron

Her Honour Magistrate Margaret McGlynn

Her Honour Magistrate Susan McGowan

Her Honour Magistrate Susan McIntyre

Her Honour Magistrate Sally McLaughlin

His Honour Magistrate Don McLennan

Her Honour Magistrate Louise McManus

His Honour Magistrate Alexander Mijovich

Her Honour Magistrate Jacqueline Milledge

His Honour Magistrate Andrew Miller

Her Honour Magistrate Miranda Moody

His Honour Magistrate Gregory Moore

His Honour Magistrate Robert Munro

His Honour Magistrate Scott Nash

His Honour Magistrate Michael O'Brien

His Honour Magistrate Stephen Olischlager

His Honour Magistrate David O'Neil

His Honour Magistrate Michael Ong

His Honour Magistrate Justin Peach

Her Honour Magistrate Kasey Pearce

Her Honour Magistrate Kirralee Perry

His Honour Magistrate David Price

Her Honour Magistrate Karen Jennifer Price

His Honour Magistrate Roger Prowse

Her Honour Magistrate Margaret Quinn, PSM

His Honour Magistrate Daniel Reiss

His Honour Magistrate Mark Richardson

Her Honour Magistrate Robyn Richardson

Her Honour Magistrate Laurie Robertson

Her Honour Magistrate Leanne Robinson

His Honour Magistrate Ian Rodgers

Her Honour Magistrate Elizabeth Ryan

Her Honour Magistrate Catherine Samuels

His Honour Magistrate Albert Sbrizzi

Her Honour Magistrate Suzanne Seagrave
(until 3 July 2023)

Her Honour Magistrate Tracy Sheedy

His Honour Magistrate Brett Shields

Her Honour Magistrate Te'res Sia

Her Honour Magistrate Gemma Slack-Smith
(from 6 February 2023)

Her Honour Magistrate Julie Soars

Her Honour Magistrate Karen Stafford

Her Honour Magistrate Lisa Stapleton

His Honour Magistrate Philip Stewart

His Honour Magistrate Robert Stone

Her Honour Magistrate Vivien Swain

His Honour Magistrate Aaron Tang

Her Honour Magistrate Cathy Tawagi
(from 10 August 2023)

His Honour Magistrate Brett Thomas

Her Honour Magistrate Katherine Thompson

His Honour Magistrate Peter Thompson

Her Honour Magistrate Fiona Toose

Her Honour Magistrate Gina Towney
(from 8 August 2023)

Her Honour Magistrate Jacqueline Trad

Her Honour Magistrate Elaine Truscott

His Honour Magistrate Brian van Zuulen

Her Honour Magistrate Alison Viney

His Honour Magistrate James Viney

Her Honour Magistrate Lisa Viney

Her Honour Magistrate Julia Virgo

His Honour Magistrate Glenn Walsh

His Honour Magistrate Mark Whelan

His Honour Magistrate David Williams

His Honour Magistrate Robert Williams

His Honour Magistrate Gary Wilson

Her Honour Magistrate Pauline Wright

Her Honour Magistrate Julie Zaki
(from 8 February 2023)

Children's Magistrates

President of the Children's Court, Judge Ellen Skinner

Children's Magistrate Michael Crompton

Children's Magistrate Susan Duncombe

Children's Magistrate Andrew Eckhold

Children's Magistrate Nicole Ford

Children's Magistrate Richard Funston

Children's Magistrate Keisha Hopgood

Children's Magistrate Paul Hayes

Children's Magistrate Michael Love

Children's Magistrate Fiona McCarron

Children's Magistrate Louise McManus

Children's Magistrate Robyn Richardson

Children's Magistrate Albert Sbrizzi

Children's Magistrate Tracy Sheedy

Children's Magistrate Alison Viney

Children's Magistrate James Viney

Children's Magistrate David Williams

Deputy State Coroners

In 2023, magistrates holding Deputy State Coroner commissions were:

Her Honour Magistrate Carmel Forbes

His Honour Magistrate David O'Neil

His Honour Magistrate Derek Lee

Her Honour Magistrate Elizabeth Ryan

Her Honour Magistrate Erin Kennedy

Her Honour Magistrate Harriet Grahame

Her Honour Magistrate Joan Baptie

The following magistrates held Deputy State Coroner Commissions but worked as full-time magistrates in the regions:

His Honour Magistrate Robert Stone

His Honour Magistrate Caleb Franklin

Small Claims Assessors

There are two full-time-equivalent positions for assessors. The small claims assessors in 2023 were:

Ms Janice Connelly

Ms Emma Keir

Ms Danae Harvey

Judicial Retirements During 2023

Her Honour Magistrate Michelle Goodwin retired
17 January 2023

His Honour Magistrate Lesley Mabbutt retired
1 July 2023

His Honour Magistrate Jeffrey Linden retired
18 May 2023

Her Honour Magistrate Suzanne Seagrave retired
3 July 2023

Mental Health Review Tribunal in 2023

Her Honour Magistrate Carolyn Huntsman

His Honour Magistrate Michael Antrum

Judicial Appointments During 2023

Profiles

Her Honour Magistrate Gemma Slack-Smith

Ms Slack-Smith has over 15 years' experience as a lawyer prior to her appointment. She commenced at the Aboriginal Legal Service in 2008 and, in 2012, was appointed Principal Legal Officer in the ALS' Child Protection and Family Law Unit. She was a 2016 Churchill Fellow. In 2016, she was appointed Senior Presiding Member of the Guardianship Division of the NSW Civil and Administrative Tribunal.

Ms Slack-Smith was sworn in as a magistrate of the Local Court on **6 February 2023**.

His Honour Magistrate John Arms

Mr Arms began his career with the then Magistrates Courts Administration unit in the Department of Attorney General and Justice in 1983. He served as a clerk at various Local Courts before being appointed as Registrar of the Gosford Court in 1998. In 2017, Mr Arms took up private practice and was a sole practitioner specialising in criminal law advocacy prior to his appointment.

Mr Arms was sworn in as a magistrate of the Local Court on **7 February 2023**.

Her Honour Magistrate Julie Zaki

Ms Zaki has worked at the Office of the Commonwealth Director of Public Prosecutions since 2007. In 2016, she was appointed a Principal Federal Prosecutor in the CDPP's Organised crime and Counter-Terrorism prosecutions branch. Prior to working at the CDPP, she practised at a number of private law firms, including Prime Lawyers, Fox O'Brien and Armstrong Legal.

Ms Zaki was sworn in as a magistrate of the Local Court on **8 February 2023**.

His Honour Magistrate Michael Maher

Mr Maher began his career with the NSW Police in 1990, becoming a Police Prosecutor in 1994. In 2010, he joined the Office of the Director of Public Prosecutions, where he was a Solicitor Advocate prior to his appointment.

Mr Maher was sworn in as a magistrate of the Local Court on **9 February 2023**.

Her Honour Magistrate Keisha Hopgood

Ms Hopgood began her career working at the Children's Legal Service at the Legal Aid Commission NSW. She represented children and young people gaining extensive experience in the criminal law jurisdiction, including bail and sentence matters, diversionary applications and hearings.

Ms Hopgood went on to join the Aboriginal Legal Service (ALS) where she worked for 6 years in a variety of leadership positions, including as Principal Solicitor, Justice Projects, Policy and Practice. Prior to her appointment, Ms Hopgood was Acting Principal Legal Officer, responsible for the ALS NSW and ACT Legal Practices across criminal law, care and protection, family law and civil law.

Ms Hopgood was sworn in as a magistrate of the Local Court on **6 June 2023**.

His Honour Magistrate Stephan Herridge

Mr Herridge began his career in England where he headed a civil and family litigation department in a suburban London practice, also assisting with criminal advocacy and police station representation. He went on to specialise in child protection and represented children and adults at all levels including the UK High Court.

Since moving to Australia in 2005 he held various positions including within the then Department of Community Services (now Department of Communities and Justice), the Hawkesbury Nepean Legal Centre and, prior to his appointment, in private practice as a principal solicitor specialising in children's court care and protection proceedings.

Mr Herridge was sworn in as a magistrate of the Local Court on **7 June 2023**.

Her Honour Magistrate Gina Towney

Ms Towney has extensive experience in hearing and determining legal matters. Prior to her appointment, Ms Towney's professional background included roles at the NSW Civil and Administrative Tribunal, the Torture Claims Appeal Board in Hong Kong, the Administrative Appeals Tribunal and the University of NSW where she lectured in administrative law.

Ms Towney was sworn in as a magistrate of the Local Court on **8 August 2023**.

His Honour Magistrate Timothy Khoo

Mr Khoo is an expert in children's law, having spent almost two decades working on matters involving children and young people.

Prior to his appointment, his experience included senior roles with the Children's Legal Service at Legal Aid NSW and the Royal Commission into Institutional Responses to Child Sexual Abuse.

Mr Khoo was sworn in as a magistrate of the Local Court on **9 August 2023**.

Her Honour Magistrate Cathy Tawagi

Ms Tawagi is an experienced criminal lawyer with more than 30 years of involvement in criminal advocacy and advice, legal management, and mentoring.

She has held a number of senior leadership roles in Legal Aid NSW while conducting a high-volume criminal law practice. Prior to her appointment, Ms Tawagi worked in the coronial jurisdiction.

Ms Tawagi was sworn in as a magistrate of the Local Court on **10 August 2023**.

Acting Magistrates

Recently retired magistrates may be commissioned as acting magistrates under s 16 of the *Local Court Act 2007* for a limited tenure. Acting magistrates preside at weekend bail courts and cover absences for sick leave and extended leave.

His Honour Acting Magistrate Robert Joseph Abood
(until 8 August 2023)

His Honour Acting Magistrate John Andrews

His Honour Acting Magistrate John Anthony Bailey

Her Honour Acting Magistrate Helen Barry

His Honour Acting Magistrate Leslie Brennan

His Honour Acting Magistrate Michael Connell

His Honour Acting Magistrate John Daniel Favretto

Her Honour Acting Magistrate Michelle Goodwin
(from 6 February 2023)

His Honour Acting Magistrate Ian Guy

Her Honour Acting Magistrate Estelle Ann Hawdon

His Honour Acting Magistrate Geoffrey Hiatt

Her Honour Acting Magistrate Sharon Lee
Holdsworth

His Honour Acting Magistrate Michael Holmes OAM

His Honour Acting Magistrate Timothy Keady

Her Honour Acting Magistrate Joanne Keogh

Her Honour Acting Magistrate Georgia Knight

His Honour Acting Magistrate Jeff Linden
(from 29 May 2023)

His Honour Acting Magistrate Christopher Longley

His Honour Acting Magistrate Paul Lyon

His Honour Acting Magistrate Lesley Mabbutt
(from 3 July 2023)

His Honour Acting Magistrate Paul MacMahon

His Honour Acting Magistrate Malcolm MacPherson

His Honour Acting Magistrate John McIntosh

His Honour Acting Magistrate Ian Duncan McRae

His Honour Acting Magistrate Christopher McRobert

His Honour Acting Magistrate Carl Milovanovich

His Honour Acting Magistrate Peter Miszalski
(until 30 October 2023)

His Honour Acting Magistrate Michael Morahan
(until 3 January 2023)

His Honour Acting Magistrate Paul Mulroney

His Honour Acting Magistrate Anthony Murray

His Honour Acting Magistrate David Patrick
O'Connor

His Honour Acting Magistrate Darryl Pearce
(until 31 October 2023)

His Honour Acting Magistrate Michael Kevin Price
(until 23 August 2023)

His Honour Acting Magistrate Robert Scott
Rabbidge

His Honour Acting Magistrate Alan Railton

Her Honour Acting Magistrate Paula Russell

Her Honour Acting Magistrate Mary Ryan



DCM Freund and Judge Johnstone at the Annual Elimination of Violence Against Women Fundraising Dinner

Her Honour Acting Magistrate Beverley Anne Schurr

Her Honour Acting Magistrate Suzanne Seagrave
(from 10 July 2023)

Her Honour Acting Magistrate Annette Christine Sinclair

His Honour Acting Magistrate Anthony Alfred Spence

His Honour Acting Magistrate Garry Still

His Honour Acting Magistrate Michael Stoddart

Her Honour Magistrate Margot Stubbs
(until 16 June 2023)

Her Honour Acting Magistrate Janet Wahlquist

His Honour Acting Magistrate Robert Walker
(until 21 September 2023)

His Honour Acting Magistrate Bruce Williams

Her Honour Acting Magistrate Eve Wynhausen
(from 6 February 2023)

His Honour Acting Magistrate George Zdenkowski

Committee membership

Education Committee

Deputy Chief Magistrate Freund

Magistrate Antrum

Magistrate Hudson

Magistrate Kennedy

Magistrate Mabbutt

Magistrate McIntyre

Magistrate Stewart

Magistrate Stone

Magistrate Swain

First Nations Committee

Magistrate Douglass

Magistrate Beattie

Magistrate Dick

Magistrate Duncombe

Magistrate Farnan

Magistrate Funston

Magistrate Giroto

Magistrate Kemp

Magistrate Manea

Magistrate Ryan

Magistrate Soars

Magistrate Swain

Magistrate Trad

Magistrate van Zuylen

Wellbeing Committee

Deputy Chief Magistrate Freund

Magistrate Barko

Magistrate Beattie

Magistrate Crompton

Magistrate Denes

Magistrate Feather

Magistrate Forbes

Magistrate Halburd

Magistrate Kennedy

Magistrate O'Neil

Family Violence Committee

Deputy Chief Magistrate Freund

Magistrate Barko

Magistrate J Price

Magistrate Mabbutt

Magistrate D Maher

Magistrate O'Brien

Magistrate Sheedy

Magistrate Stone

Magistrate Swain

Innovations Committee

Deputy Chief Magistrate Tsavdaridis

Magistrate Grogin

Magistrate Miller

Magistrate Olischlager

Magistrate Soars

Magistrate Stubbs

Magistrate Trad

Magistrate A Viney

Magistrate Walsh

Court Security and Premises Committee

Deputy Chief Magistrate Freund

Magistrate McGowan

Magistrate Prowse

Local Court Rule Committee

Deputy Chief Magistrate Tsavdaridis

Magistrate Dakin

Magistrate Greenwood

Ms Lisa-Elaine Hutchinson

Ms Paula McNamara

Mr James Wiseman

Mr Robert Hoyles

Superintendent Kirsty Heyward

Mr Jonathon Prowse

Mr Michael McTegg

Judge Johnstone (ex officio)

Legislative Reform Committee

Deputy Chief Magistrate Tsavdaridis

Magistrate Chisholm

Magistrate Hawkins

Magistrate Hosking

Magistrate M Richardson

Magistrate Greenwood

Chief Magistrate's Office

The NSW Local Court has the largest number of judicial officers in a summary jurisdiction in Australia. Under the direction of the Chief Magistrate, the staff of the Chief Magistrate's Office (CMO) provide state-wide administrative support to magistrates and acting magistrates. The CMO is headed by an Executive Officer and, in 2023, also included a Policy Officer and Assistant Policy Officer, the Listing and Rostering Coordinator, the Courts Coordinator, an Executive Assistant, a Judicial Support Officer and an Administrative Assistant.

One of the primary functions of the CMO is to assist the Chief Magistrate in organising and managing the sittings of the Local Court throughout the state. The CMO is responsible for the publication of sittings schedules, rosters, the Chief Magistrate's circulars and memoranda, Local Court practice notes, listing of cases, and collection and publication of statistical information, and this Review. The CMO coordinates magistrates' travel across the state to ensure requirements for sittings are met, and coordinates magistrates' attendance at various conferences throughout the year. The CMO assists the Chief Magistrate in preparing for and participating in ceremonial functions such as the swearing in of newly appointed magistrates.

Under the supervision of the Chief Magistrate and deputy chief magistrates, the CMO is responsible for the day-to-day listing, management, and coordination of the Downing Centre Local Court.

The CMO also facilitates strategic and effective working relationships with clients and stakeholders. In particular, staff of the CMO provide advice to, and represent, the Chief Magistrate on committees and working groups regarding matters that affect the Court and assist the Chief Magistrate by providing research and project support relating to changes in legislation and policy. The CMO prepares and responds to consultation requests and identifies where proposals might be made to assist the ongoing development of a just, quick and cheap jurisdiction.

The Work of the Local Court Registries

The Local Court would be unable to operate effectively without the valued assistance and expertise of more than 700 registry staff throughout the state.

Each registry provides administrative and clerical support. The Local Court is responsible for dealing with a complex range of matters from different jurisdictions and registry staff are required to have operational knowledge covering the wide variety of functions the courts must perform.

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 all court users. Many Local Court users are not legally represented so it is often registry staff who must explain the various, at times complex, court processes in a way the person can understand.

The staff of the Local Court registry have continued to demonstrate resilience in maintaining the operations of the Court and dealing with ongoing difficulties experienced in the wake of the COVID-19 pandemic. Registry staff have shown flexibility and responsiveness by leading initiatives to help matters to proceed using existing technology and digital infrastructure.

Registrars

Registrars are appointed to the Local Court under s 18 of the *Local Court Act 2007*. Registrars exercise quasi-judicial functions conferred upon them by legislation and instruments of delegation.

The work of a registrar includes:

- exercising delegated powers to make decisions about procedural matters in the criminal jurisdiction conduct of pre-trial reviews in civil claims and small claims hearings
- issuing and determining various applications/ motions in all jurisdictions
- considering applications under *Law Enforcement Powers and Responsibilities Act 2002*
- the management and supervision of court registry staff, including the administration of court processes as required by legislation, policy and procedure.

Part 4:



Judicial Education and Professional Development

Partnering with the Judicial Commission of NSW

The Local Court partners with the Judicial Commission to deliver high quality legal information and education services to assist the courts to achieve consistency in sentencing and promote the highest standards of judicial performance and ability so that public confidence in the administration of justice in NSW is preserved and replenished.



Swearing in of Magistrate Timothy Khoo

Continuing Judicial Education Program

The Judicial Commission's Local Court Education Committee, composed of magistrates and convened by the Director, Education and Research, Judicial Commission, met regularly during the year to plan the education program. Magistrates are involved in the design, development, and delivery of the education program to ensure its relevance and acceptance.

The program aims to inform judicial officers about legislative and common law changes; practice and procedure; social, cultural, and environmental issues; developments in science and technology; the art and craft of judging and communication skills. Orientation for newly appointed magistrates, a new fundamentals program to further support the transition to the bench, and First Nations cultural awareness, the Ngara Yura Program, are also offered.

The learning is through conferences, seminars and webinars; skills-based sessions; and online resources published on the Judicial Information Resource System (JIRS). JIRS is a secure online system that provides hyperlinked modules of reference material designed to support discretionary judicial decision making, including sentencing.

Continuing Education Sessions Offered in 2023

During 2023, magistrates received specialised training tailored to meet their educational needs.

- Permanent magistrates attended 918 days of judicial education, an average of over five days per magistrate (this meets the national standard for judicial professional development which recommends judicial officers attend five days of professional development activities each year).
- The Local Court Annual Conference was held over three days in August 2023 for all NSW magistrates. Topics included discussion on the legal processes surrounding Voice Treaty Truth, Closing the Gap initiatives, evidence, environmental sentencing, understanding coercive control, court diversion, a criminal law update and others. The Annual Conference received an overall satisfaction rating of 87%.
- Smaller metropolitan and regional programs were attended by all magistrates. These sessions are interactive and structured around discussion and peer-based learning. They aim to facilitate the development of judicial knowledge and skills. Topics focused on courtroom management and craft, early referral scheme (MERIT), evidence, sentencing principles and practical workshop and bail. Common questions in coronial cases and recent developments in the Children's Court were also covered for regional magistrates.

Continuing the Focus on Skills Development

- Nine newly appointed magistrates attended pre-bench training sessions designed to familiarise them with Local Court practice and procedure.
- Nine magistrates attended an orientation program in December 2023 – this is a five-day residential program, which focuses on court craft and judicial skills for new magistrates.
- In 2023, magistrates appointed within the last two years were offered small group workshops on aggregate sentencing and 12 magistrates attended through the year. The small group setting allowed a tailored approach to address any concerns and encourage discussion.
- 2023 saw the continuation and expansion of the Civil webinar series. This program delivered six practical webinars addressing key topic areas within the civil jurisdiction. One of these was aimed at newly appointed magistrates covering the fundamentals of the Local Court’s civil jurisdiction.
- A new fundamentals series for newer magistrates was introduced, following pre-bench, which further supports new magistrates transition to the bench. The focus is on practice and procedure to ensure efficiency in court and consistency in sentencing. The series is conducted over five weeks with short, focused discussions on sentencing, court room documents, courtcraft and bail. This is further supported by a practical aggregate sentencing workshop conducted online.
- The court commenced a small, voluntary Magistrates’ Observation and Support Program. This observation model is followed in many international jurisdictions, focusing on court craft including management of the courtroom. The focus was on newer magistrates

appointed in the last two years. Some of these magistrates were appointed during the pandemic and as such had reduced exposure to more senior judicial officers, thereby limiting their opportunities to observe and learn. Ten magistrates elected to participate over the course of the year. This program allowed magistrates the opportunity for an independent confidential review of their management of the court room. The aim of the program was to provide magistrates with the opportunity to obtain constructive feedback on how they carry out their roles, about their communication and other skills in court. This assisted them in identifying areas of strength and areas for development as well as the opportunity for self-reflection.

- To support the new Family Violence Specialist List, two targeted webinars were conducted which focused on trauma informed practice and the intersection between Family Law and the Local Court jurisdiction.

Cultural and Cross Jurisdictional Programs

Magistrates continued to participate in the Judicial Commission’s Ngarra Yura Program which aims to increase awareness among judicial officers about contemporary First Nations’ society, customs and traditions, and their effect on First Nations People in the justice system.

Cross-jurisdictional programs aim to facilitate discussion about current issues and provide opportunities for exchanging ideas between members of different courts. Members of the Penrith Court participated in local sessions on the *Bugmy Bar Book* which further advanced collegiality, learning and understanding of culture.

Online Resources on JIRS

In addition to online learning opportunities, resources are available to all magistrates via the JIRS database. These include topic-based videos and recordings of education sessions, podcasts, bench books and other research tools. Compilations of statistics and sentencing reports assist magistrates achieve consistency in sentencing.

Magistrates Resources

The Magistrates' Resources page has been updated and revitalised with material restructured under headings for ease of navigation and a new section on Information for new magistrates added.

The Magistrates' Resources page includes a new link to Local Court current maximum penalties for common offences. The penalties are updated daily. This is a list of maximum penalties for specific offences in the Local Court – the offences that are included are ones that have come before the Court as a principal offence at any point in time. Where current data (from the last four years) is available, the penalties are linked to the statistics on JIRS.

Bench Books on JIRS

The most important bench books for magistrates are the *Local Court Bench Book* (LCBB) and the *Sentencing Bench Book*, available online on JIRS. Committees, chaired by the Managing Lawyer, Judicial Commission, have oversight of the content and updating of these Bench books.

Four updates to the LCBB were published in 2023, providing important information to magistrates regarding:

- many new offences in the *Crimes Act 1900* including custody and use of knives in public places (ss 93IB, 93IC), *Voluntary Assisted Dying Act* offences (ss 41C, 41E), assaulting a retail worker (s 60G), assaulting a frontline/emergency health worker (ss 60(1AA)-60AE(7)), money laundering offences (ss 193BA(i)-193C(1AB)), and possessing a dedicated encrypted criminal communication device (s 192P), in addition to offences in other legislation
- Children's Court care and protection matters following legislative changes implementing the Family is Culture report's recommendations
- committal proceedings following several Supreme Court decisions.

Sentencing Statistics on JIRS

The sentencing statistics for offences dealt with in the Local Court were updated on JIRS on four occasions throughout 2023, providing up to date sentencing information to magistrates.

JIRS Training for New Magistrates

The Commission conducted 14 presentations to magistrates of the Local Court in 2023 about JIRS and how to use this most efficiently to assist them in their work on the Bench.

Magistrate/CMO Inquiries

The Judicial Commission assisted magistrates and the Chief Magistrate's Office staff with eight enquiries in 2023.

Case Studies Highlighting the Program

Coercive Control Legislation and Local Court Initiatives

Coercive control is a pattern of behaviour by which the autonomy of a victim-survivor is eroded through behaviours that are psychologically, emotionally, financially, sexually or physically abusive, intimidating or violent. Coercive control is a form of domestic abuse and is often a precursor to domestic violence death.

Between 1 February and 1 July 2024, a new offence of abusive behaviour towards current or former intimate partners will commence. The offence criminalises coercive and controlling behaviour in intimate relationships. A new definition of 'domestic abuse' was included in the *Crimes (Domestic and Personal Violence) Act 2007* from 1 February 2024. The new offence provisions will only apply to conduct occurring on or after the commencement of the amendments: *Crimes Legislation Amendment (Coercive Control) Act 2022*, s 2; Sch 1[2], 2[6].

The court has been preparing for the changes including an introductory session at the Local Court Conference 2023 which all magistrates attended, and development of a practical workshop developed and rolled out throughout the state early 2024.

Magistrates Who Attended the Ngara Yura Program Seminar Exchanging Ideas Symposium

February 2023

His Honour Judge Peter Johnstone

Her Honour Deputy Chief Magistrate Sharon Freund

Her Honour Magistrate Susan Duncombe

Her Honour Magistrate Carmel Forbes

His Honour Magistrate Richard Funston

Her Honour Magistrate Erin Kennedy

His Honour Magistrate Brian van Zuylen

His Honour Magistrate Paul Mulrone

Magistrates Who Attended the Ngara Yura Program Webinar: Joint Program Bugmy Justice Reports

April 2023

Her Honour Elizabeth Ryan

Her Honour Magistrate Rana Daher

Her Honour Magistrate Pauline Wright

Magistrates Who Attended the Ngara Yura Program Webinar: Muru Ngubadi, The Path of Respect

May 2023

Her Honour Magistrate Carmel Forbes

Her Honour Magistrate Susan Duncombe

Her Honour Magistrate Megan Greenwood

Her Honour Magistrate Rana Daher

Her Honour Magistrate Pauline Wright

Magistrates Who Attended the Ngara Yura Site Visit: AHO

September 2023

Her Honour Magistrate Robyn Denes

Her Honour Magistrate Erin Kennedy

His Honour Magistrate Richard Funston

Magistrates Who Attended the Ngara Yura Program Webinar: First Nations Speaker Series: Mr Victor Steffensen

October 2023

Her Honour Magistrate Gina Towney

His Honour Magistrate Timothy Khoo

Magistrates Who Attended the Ngara Yura Program Webinar: First Nations Speaker Series: Ms Tammi Gissell

November 2023

His Honour Magistrate Richard Funston

Magistrates Who Attended the Local Court of NSW Orientation Program

December 2023

Her Honour Magistrate Emma Manea

Her Honour Magistrate Juliana Crofts

His Honour Magistrate Gregory Moore

Her Honour Magistrate Laurie Roberston

His Honour Magistrate Robert Munro

Her Honour Magistrate Gemma Slack-Smith

His Honour Magistrate John Arms

Her Honour Magistrate Julie Zaki

His Honour Magistrate Michael Maher

Legal Education, Speaking Engagements and Participation with External Bodies

His Honour Judge Peter Johnstone, Chief Magistrate

Membership of organisations

- Member, Judicial Commission of NSW
- Member, Council of Chief Magistrates
- Member, Uniform Rules Committee
- Member, Australia Institute of Judicial Administration
- Member, Advisory Committee of the Sydney Institute of Criminology
- Member, Early Appropriate Guilty Plea Steering Committee
- Member, NSW Police Aboriginal Strategic Advisory Committee
- Member, Aboriginal Justice Partnership Committee
- Honorary Judicial Member, Law Society of NSW
- Judicial Member, NSW Bar Association
- Member, Australian Judicial Officers Association

Speaking engagements and other activities

January 2023

Opening of Law Term Church Services

February 2023

- Law Society Opening of Law Term Dinner
- Law Society Executive, Credential Visit
- Ngara Yura Symposium on the Voice
- Local Court Metro Program at Judicial Commission
- Opening of Odyssey House Family Recovery Centre
- Visit to Waverley, Parramatta and Wollongong Local Courts

March 2023

- Meeting of the Council of Chief Magistrates, Melbourne Victoria
- Southern Regional Conference, Kiama, NSW
- Visit to Dubbo, Mudgee, Walgett, Bathurst and Lithgow Local Courts
- Northern Regional Conference, Port Macquarie

April 2023

- Ramadan Iftar Dinner
- District Court Annual Conference

May 2023

- Visit to Tweed Heads, Byron Bay, Ballina, Mullumbimby, Grafton, Maclean and Lismore Local Courts
- Bench Farewell for Magistrate Linden, Lismore, NSW
- Bench and Bar Annual Dinner
- Magistrates' Association Lunch
- District and County Courts biennial conference, Adelaide, South Australia
- Seminar Paper on Diversion at Mereweather, NSW
- Magistrate Recruitment Interviews

June 2023

- Government House Kings Birthday Parade
- Australian Judicial Officers Association 30th Anniversary Dinner
- District Court 50th Anniversary Dinner
- Bench Farewell for Magistrate Peter Bugden at Burwood
- Sheriff's Attestation Parade and Graduation Ceremony, Parramatta, NSW

July 2023

- NAIDOC celebration at Newcastle Court
- Opening of Youth Koori Court at Dubbo

August 2023

- Meeting of Local Court Coordinating Magistrates
- Local Court Annual Conference
- Legal Aid Criminal Law Conference Dinner
- Women Lawyers Association Biennial Awards Dinner
- Visit to Broken Hill and Wilcannia Local Courts
- Visit to Port Macquarie Local Court

September 2023

Australasian Institute of Judicial Administration Conference and Government House Reception

October 2023

Diverse Women in Law Diversity Showcase at the Museum of Contemporary Art

November 2023

- Visit to Batemans Bay, Bombala, Eden and Cooma Local Courts
- Asia Pacific Coroners Conference, Reception and Dinner
- Local Court Metropolitan Seminar Series
- Elimination of Violence against Women Dinner at Government House
- Meeting of Local Court Coordinating Magistrates
- Magistrates Association Christmas Luncheon

December 2023

- New Magistrates Orientation Program at Kiama, NSW
- Law Society Annual Dinner and Awards Night
- Book launch for former Magistrate Graham Blewitt at the Jewish Centre

Her Honour Deputy Chief Magistrate Sharon Freund

Membership of organisations

- Adjunct Associate Professor, Notre Dame University

- Associate Investigator, Resilience for Women Study, University of NSW School of Population Health and University of NSW School of Medicine and Health
- Local Court Representative, Consent Monitoring and Advisory Group
- Local Court Representative, Domestic Violence Legislative Proposals Working Group
- Local Court Representative, Government and Legal Reference Group (Coercive and Control)
- Chair, Judicial Commission Local Court Education Committee
- Chair, Local Court Education Committee
- Chair, Local Court Family Violence Committee
- Substantive Member, Domestic Violence Death Review Team

Speaking engagements and other activities

Presenter

- NSW Police Force Training Video – Coercive Control
- Coercive Control Local Court metropolitan seminars
- Australian Criminal Law Conference 2023 – The intersection between criminal and family law: How can we improve outcomes in domestic and family violence cases?
- NAIDOC Week, Downing Centre Local Court

Keynote speaker

Local Court Specialist Family

- Blacktown
- Downing Centre
- Newcastle
- Moree and Gunnedah

Mentor

- Diverse Women in Law
- Australian Judicial Officers Association Colloquium, Auckland

His Honour Deputy Chief Magistrate Theo Tsavdaridis

Membership of organisations

- Member, Law Society Criminal Law Committee
- Member of the Local Court Bench Book Committee
- Deputy Chair, Local Court Rule Committee

Speaking engagements and other activities

6 February 2023 | Keynote speaker

Opening of Law Term Coptic Orthodox Church Service – ‘Roaming Amongst Legal Giants: Perseverance, persistence and practice in the law’

4 March 2023 | Presenter

Toongabbie Legal Centre Inc. Criminal Law CLE seminar – Expert Evidence

18 March 2023 | Speaker

Legalwise CLE seminar – ‘Running a guilty plea or defended hearing in the Local Court’

3 May 2023

Participation and interview in research project into AVL, vulnerable witnesses, complainants and defendants in the criminal justice system

8 May 2023 | Speaker

NSW Bar Association Bar Readers’ Course – ‘Local Court Day’

8 May 2023

Presiding magistrate, NSW Bar Association Bar Readers’ Course Training Sessions, Downing Centre Local Court

17 May 2023 | Speaker

Marrickville Legal Centre and Legal Aid NSW, Law Week webinar – ‘Traffic laws and options for dealing with fines’

27 May 2023 | Presenter

Toongabbie Legal Centre Inc. Criminal Law CLE Seminar – Intensive Correction Orders (ICOs)

14 June 2023 | Speaker

NSW Sheriff’s Office, New Recruited Officers’ Training Day, Rydalmere

22 July 2023 and 29 July 2023 | Speaker and facilitator

Toongabbie Legal Centre Inc. Advocacy Workshop

2 August 2023 | Speaker

NSW Sheriff’s Office, Sydney Metropolitan Leadership Conference – ‘The Role of Leadership in the Executive Duty of the NSW Sheriff’s Office’

8 August 2023 | Speaker

Victims Services and Community Justice Centres – Staff Development Day

4 September 2023 | Speaker

NSW Bar Association Bar Readers’ Course – ‘Local Court Day’

4 September 2023

Presiding magistrate, NSW Bar Association Bar Readers’ Course Training Sessions, Downing Centre Local Court

21 September 2023 | Speaker

Transport for NSW/Revenue NSW Prosecutors’ Training Day

21 September 2023 | Speaker

Strata Levies seminar

25 September 2023 | Speaker and panellist

NSW Young Lawyers Event – ‘Re-thinking punishment – An exploration of alternative approaches to sentencing’

9 October 2023 | Speaker

City of Sydney Law Society Annual Duty Solicitors' Training Day

18 October 2023 | Keynote speaker

Parramatta and District Regional Law Society Annual Dinner – 'The Rule of Law – Small Steps in a Long Journey'

26 October 2023 | Speaker

Major Heavy Vehicle Investigations and Prosecutions Forum – National Heavy Vehicle Regulator

31 October 2023 | Attendee

Western Sydney University Faculty of Law graduation ceremony procession

18 November 2023 | Keynote speaker

NSW Justices Association Annual Conference – 'Lost in Transnation' – The story of the missing parcel and litigants' experiences in early colonial Sydney'

24 November 2023 | Speaker and panellist

36th National Conference of the Australian Institute of Interpreters and Translators (AUSIT) – UNSW

25 November 2023 | Keynote speaker

Toongabbie Legal Centre Inc. Annual Dinner – 'The Local Court of NSW: The Busiest Court in the Commonwealth'

30 November 2023 | Speaker

Inner West Law Society – CLE seminar – 'ADVOs and APVOs: Practice and procedure and professional responsibility under the *Crimes (Domestic and Personal Violence) Act 1997* (NSW)'

Chair and speaker

Toongabbie Legal Centre Inc. Criminal Law CLE Seminars (2023)

Her Honour Magistrate Debra Maher

Membership of organisations

- Member of the judiciary panels for Sydney Rugby Union, NSW Rugby Union, and Rugby Australia

Speaking engagements and other activities

May | Presentation

Children's Legal Service Conference on 'Magistrate's Reflections on Best Practice in the Children's Court'

His Honour Magistrate Doug Dick

Speaking engagements and other activities

March | Presentation

Far South Coast and Monaro Regional Law Society on 'Circle Sentencing'

Ongoing

Regular addresses to students from Batemans Bay and Moruya High Schools

His Honour Magistrate Glenn Bartley

Membership of organisations

- Member, Australian Judicial Officers Association
- Member, Environment and Planning Law Association
- Associate Member, NSW Bar Association

Speaking engagements and other activities

March | Presentation

Continuing Legal Education seminar for City of Sydney Law Society on 'Effective Advocacy in the Local Court'

May and September

Presiding Magistrate at NSW Bar Association Readers' Course Training Sessions, Downing Centre Local Court

Ongoing

Addressing HSC Legal Studies Students as part of the 'Law Day Out' program conducted by the Rule of Law Education Centre

His Honour Magistrate Mark Whelan

Speaking engagements and other activities

July

Law Society Specialist Accreditation in Children's Law, conduct of mock hearings for applicants for accreditation

September | Presentation

Legal Aid Child Protection Conference, panel discussion on 'Representation of Children and Young Persons in the Children's Court'

Her Honour Magistrate Rebecca Hosking

Speaking engagements and other activities

August | Presentation

Women in Insurance Annual General Meeting, Chair, 'Equality in the Insurance Industry'

Her Honour Magistrate Robyn Denes

Membership of other organisations

- Run director, Wildflower parkrun

Speaking engagements and other activities

Presentation

Northern Beaches Law Society on *The Bail Act 2013*

His Honour Magistrate Scott Nash

Speaking engagements and other activities

March | Presentation

Judicial Commission Northern Region Magistrates Conference on 'Domestic Violence offences in the Local Court'

August

Presentation

- Department of Communities and Justice Aboriginal Services Unit Circle Sentencing Instructional and Training Video
- NSW Magistrates Annual Conference, Chair, 'Sentencing for Environmental Crime'
- Judicial Commission Civil Law Series on 'Summary and Default Judgments'

September | Presentation

Judicial Commission New Magistrates Induction Series on 'Anatomy of a Sentence'

December

Presentation

- Charles Sturt University on 'Youth Crime in the Children's Court of NSW'
- Judicial Commission New Magistrates Induction Series on 'Anatomy of a Sentence'

His Honour Magistrate Stephan Herridge

Speaking engagements and other activities

September | Presentation

Legal Aid Child Protection Conference on 'Running the Case When Everyone but the Child Representative Consents'

Her Honour Children's Magistrate Susan Duncombe

Membership of organisations

- Ngara Yura Committee
- Youth Koori Court Working Party
- Winha-nga-nha List Working Party

Speaking engagements and other activities

March

Presided over first sitting of the Youth Koori Court in Dubbo Children's Court

June | Presentation

The Glen Rehabilitation Centre on 'Children in Care'

September

Presided over the first sitting of the Winha-nga-nha list in Dubbo Children's Court

Assessor Emma Keir

Membership of organisations

Law Society of NSW, Litigation Law and Practice Committee

Appendices

2023 court by court statistics

Court	Criminal Lodgements	Criminal Finalisations	Clearance Ratios (%)
Albion Park	507	517	101.97
Albury	4,546	4,590	100.97
Armidale	2,166	2,062	95.20
Ballina	2,029	2,026	99.85
Bankstown	12,152	11,949	98.33
Batemans Bay	1,693	1,701	100.47
Bathurst	2,951	3,017	102.24
Bega	742	742	100.00
Belmont	3,074	3,510	114.18
Blacktown	10,222	10,577	103.47
Blayney	126	143	113.49
Boggabilla	184	184	100.00
Bombala	47	48	102.13
Bourke	1,102	1,085	98.46
Brewarrina	365	421	115.34
Broken Hill	2,723	2,792	102.53
Burwood	14,550	14,268	98.06
Byron Bay	1,748	1,804	103.20
Camden	3	2	66.67
Campbelltown	10,653	10,614	99.63
Casino	1,621	1,447	89.27
Cessnock	2,481	2,492	100.44
Cobar	243	262	107.82
Coffs Harbour	6,582	6,392	97.11
Condobolin	212	224	105.66
Cooma	875	865	98.86
Coonabarabran	361	407	112.74
Coonamble	554	535	96.57
Cootamundra	568	578	101.76
Corowa	245	235	95.92
Cowra	952	951	99.89
Crookwell	8	5	62.50

Court	Criminal Lodgements	Criminal Finalisations	Clearance Ratios (%)
Deniliquin	876	862	98.40
Dubbo	6,593	6,748	102.35
Dunedoo	33	30	90.91
Dungog	18	15	83.33
East Maitland	78	52	66.67
Eden	164	161	98.17
Fairfield	7,314	8,278	113.18
Finley	359	373	103.90
Forbes	570	563	98.77
Forster	1,971	1,934	98.12
Gilgandra	291	311	106.87
Glen Innes	606	612	100.99
Gloucester	67	66	98.51
Gosford	8,034	7,990	99.45
Goulburn	2,571	2,434	94.67
Grafton	2,884	2,763	95.80
Griffith	2,752	2,775	100.84
Gulgong	30	16	53.33
Gundagai	303	289	95.38
Gunnedah	864	831	96.18
Hay	227	234	103.08
Holbrook	144	132	91.67
Hornsby	5,441	6,044	111.08
Inverell	1,638	1,560	95.24
Junee	92	81	88.04
Katoomba	1,145	1,134	99.04
Kempsey	3,221	3,177	98.63
Kiama	674	700	103.86
Kurri Kurri	688	688	100.00
Kyogle	147	160	108.84
Lake Cargelligo	123	143	116.26
Leeton	794	759	95.59

2023 court by court statistics

Court	Criminal Lodgements	Criminal Finalisations	Clearance Ratios (%)
Lightning Ridge	445	492	110.56
Lismore	3,968	3,961	99.82
Lithgow	1,540	1,623	105.39
Liverpool	14,031	13,937	99.33
Macksville	1,000	985	98.50
Maclean	521	503	96.55
Maitland	4,654	4,970	106.79
Manly	5,165	5,327	103.14
Milton	509	584	114.73
Moama	188	165	87.77
Moree	1,810	1,798	99.34
Moruya	496	515	103.83
Moss Vale	1,553	1,573	101.29
Mt Druitt	8,739	9,109	104.23
Mudgee	965	999	103.52
Mullumbimby	240	265	110.42
Mungindi	43	44	102.33
Murwillumbah	666	700	105.11
Muswellbrook	1,566	1,573	100.45
Narooma	394	392	99.49
Narrabri	748	723	96.66
Narrandera	398	405	101.76
Narromine	455	412	90.55
Newcastle	11,932	11,819	99.05
Newtown	5,192	5,228	100.69
Nowra	4,532	4,645	102.49
Nyngan	166	169	101.81
Oberon	78	70	89.74
Orange	3,043	3,256	107.00
Parkes	1,405	1,441	102.56
Parramatta*	28,843	28,339	98.25
Penrith	10,948	10,915	99.70
Picton	1,938	2,147	110.78
Port Kembla	2,876	2,996	104.17
Port Macquarie	5,360	5,409	100.91

Court	Criminal Lodgements	Criminal Finalisations	Clearance Ratios (%)
Queanbeyan	2,486	2,492	100.24
Quirindi	306	310	101.31
Raymond Terrace	3,287	3,414	103.86
Rylstone	31	31	100.00
Scone	263	255	96.96
Singleton	1,355	1,391	102.66
Sutherland	13,439	14,973	111.41
Sydney Downing Centre	33,601	33,162	98.69
Tamworth	5,039	5,153	102.26
Taree	3,657	3,729	101.97
Temora	217	205	94.47
Tenterfield	337	340	100.89
Toronto	3,247	3,530	108.72
Tumbarumba	77	67	87.01
Tumut	619	597	96.45
Tweed Heads	3,733	3,980	106.62
Wagga Wagga	5,572	5,312	95.33
Walcha	98	83	84.69
Walgett	1,004	1,048	104.38
Warren	219	201	91.78
Wauchope	123	140	113.82
Waverley	7,282	7,654	105.11
Wee Waa	94	97	103.19
Wellington	536	586	109.33
Wentworth	812	820	100.99
West Wyalong	313	318	101.60
Wilcannia	437	410	93.82
Windsor	2,803	2,850	101.68
Wollongong	11,370	11,616	102.16
Woy Woy	8	5	62.50
Wyong	8,751	8,420	96.22
Yass	440	437	99.32
Young	1,200	1,182	98.50
TOTAL	376,160	380,657	101.20

* Parramatta Includes Weekend Bail Court lodgments.

Data includes matters transferred from one location to another in lodgments and finalisations.



Local Court
New South Wales

Office of the Chief Magistrate

Level 5, Downing Centre
143-147 Liverpool Street
SYDNEY 2000

T: 9287 7615

E: cmo@justice.nsw.gov.au

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