



Local Court  
New South Wales

30 May 2022

# Local Court of New South Wales

Annual Review 2021





# Acknowledgment of Country

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

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.<sup>1</sup>

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 address that imbalance and undertakes to do so.

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

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<sup>1</sup> The full statement can be accessed at <https://ulurustatemdev.wpengine.com/wp-content/uploads/2022/01/UluruStatementfromtheHeartPLAINTEXT.pdf>







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# Foreword by the Chief Magistrate of NSW

*In 2021 the Local Court and its judicial officers were affected by considerable disruption and change.*

The COVID-19 pandemic was the cause of enforced home isolation for many and extensive restrictions on movement. Lockdowns, in their various forms, were the cause of significant disruption and delays in the hearing of cases, particularly defended crime matters. The planning and implementation of the triennial rotation program saw a significant number of judicial officers relocating to new venues in early 2022, and there were numerous changes in the Chief Magistrate's Office.

These changes included the retirement of the Chief Magistrate, Judge Graeme Henson; the elevation of Deputy Chief Magistrate, Jane Mottley, to the head of the Drug Court; the departure of the long-serving Executive Officer, Jacinta Haywood, and the Policy Officer, Brooke Delbridge.

I acknowledge the tenure and achievements of the previous administration of the Local Court under the stewardship of Judge Graeme Henson. His retirement on 27 August 2021 marked the end of a decade and a half as Chief Magistrate. In that time, he oversaw the finalisation of somewhere in the region of five million matters and was a formidable advocate for the resourcing of the Local Court.

In 2021 Judge Jane Mottley was permanently appointed as a judge of the District Court replacing His Honour Judge Roger Dive as the Senior Judge of the NSW Drug Court. Judge Mottley had served as Deputy Chief Magistrate of this Court since 2009 having first been appointed to the bench in 2000.

Ms Haywood started with the office as Listing and Rostering Coordinator in 2000 and was appointed and served as Executive Officer from 2006 until 2021. Ms Delbridge was appointed to the role of Policy Officer in 2017 and stayed in the role until late in 2021. I wish them both the best for their respective new roles and thank them for their years of dedication and service. Christopher Steptoe kindly stepped in as acting Executive Officer between 11 October and 24 December 2021, and

I thank him for his efforts in bridging the period until Yasmin Hunter was appointed to the role, with effect from January 2022.

Deputy Chief Magistrate Allen was left to administer the Court for a period on his own, as the Acting Chief Magistrate, followed by a period as sole Deputy Chief Magistrate, until the appointment of Deputy Chief Magistrate Freund and Deputy Chief Magistrate Tsavdaridis on 17 December 2021.

Deputy Chief Magistrate Allen has subsequently been appointed as an acting District Court Judge, a position his Honour is undertaking at the time of writing.

Formerly Mark Foy's Piazza Store, the Downing Centre is the busiest site of the busiest jurisdiction in Australia. In the back hallways of this building are framed pictures of old courthouses, artworks of all kinds, and a wall bearing the portraits of the past heads of the jurisdiction as this jurisdiction has existed in its various forms. Twenty-six portraits hang in total, dating from 1911 when the equivalent jurisdiction was the Metropolitan Bench and, in the intervening years, the Bench of Stipendiary Magistrates. The achievements of those men and women, and the cases heard and decided are incalculable. It was my great honour to join that group on 6 September 2021.

Some six months has passed since my appointment. In that time significant progress and change has occurred. The appointment of Deputy Chief Magistrate Freund and Deputy Chief Magistrate Tsavdaridis marked a leap forward for the new administration. The expertise, support and insight of these two deputies have been essential to designing, planning and progressing the efforts I am shortly to outline.

In the spirit of advancing a program of progressive innovation I have asked the Deputy Chief Magistrates to convene and oversee the work of the following committees, in addition to the Education Committee and the Local Court Bench Book Committee;

- First Nations Committee
- Wellbeing Committee

- Family Violence Committee
- Innovations Committee
- Policy and Planning Committee
- The Court Security and Premises Committee
- The Local Court Rule Committee
- The Legislative Reform Committee

I thank those magistrates who have started to advance the goals of these committees. I trust the essential and ongoing work will be conducted in the spirit of continuous improvement and reform.

My intention in convening the First Nations Committee is to act on the over-representation of First Nations peoples in the Local Court. I acknowledge that the over-representation is deeply intertwined with historical and ongoing experiences of intergenerational trauma, institutionalisation, and colonisation. The Local Court is committed to making an active contribution to the work being done in relation to the Closing the Gap targets. The purpose of the committee is to improve the way the Local Court interacts with First Nations peoples. One example of an initiative I am keen to progress and revitalise is the expansion of Circle Sentencing in the Local Court, a program which I value and strongly support. Work has started in that respect already.

Another recent example of advancement in protecting and recognising the disadvantage experienced by First Nations peoples, was the commencement of the First Nations Protocol in the Coroner's Court on 11 April 2022. The detail of that initiative is included elsewhere in this report; however, I welcome the development of a protocol that ensures that mandatory inquests into the deaths of First Nations peoples where the death has occurred in police or correctional custody are conducted in a culturally sensitive and appropriate manner which is respectful of the needs of the community. The Coroner's Court has recently appointed two Aboriginal support workers to support families from the beginning of their relative's entry to the system until the finalisation of the inquest. These support workers have already made an enormous improvement to how the Court works with families of First Nations peoples.

State Coroner O'Sullivan is overseeing a program of reform in the Coroner's Court following on from the recent parliamentary inquiry and a statutory review of the *Coroners Act 2009*. The State Coroner has set an agenda to improve the experience for First Nations families. Additionally, the Coroner's Court is developing ways to use collected data to better inform recommendations and develop policy

around death prevention, particularly in respect to domestic violence deaths, suicides and the deaths of First Nations peoples. State Coroner O'Sullivan has my full support in advancing these objectives.

Judge Ellen Skinner was appointed as my successor and President of the Children's Court on 22 November 2021, after a period acting in the role since my departure on 3 September 2021. Judge Skinner has accepted a five-year term and I look forward to working with her Honour over the coming years. I support Judge Skinner in developing the jurisdiction of the Children's Court while respecting the jurisdiction's statutory independence from the Local Court.

In the past decade, the number of magistrates has varied between 126 at its lowest in 2017–2018 with the number in 2021 at 141. At the time of writing there is a record high of 149 judicial positions in the Local Court of NSW. This increase is a welcome development and contributes to addressing the caseload of the Court, ensuring we are in position to improve the finalisation rate. As history has proven, an increase in jurisdiction is not always met with an increase in resources. Neither should that solution be expected. It is no easy task to arrange for the funding and appointment of new magistrates, and for that reason more magistrates cannot be the only solution to jurisdictional expansion.

It is my intention to establish a fourth tier of the NSW justice system. In the past, the solution to an ever-increasing caseload has been to increase the establishment of judicial officers. There are many reasons for the increase in the caseload of the Local Court, which has been exponential, and there is no indication that the number or complexity of matters is likely to decrease.

For that reason, I have asked the Government to consider a review of the jurisdiction of the Local Court, with the goal of identifying what kinds of quasi-judicial matters may be delegated to appropriate quasi-judicial roles. Traffic offences, many of which are strict liability offences and licence appeals, occupy a significant amount of Court resources, and I intend to reorient the work and attention of Local Court magistrates away from acting as an arm of government administration.

It is my strong view that the expertise of the judicial officers in this jurisdiction should be focused on decision-making, not administration.

Registrars and assessors should be entrusted to make decisions where it is appropriate for a function to be delegated.

This reorientation of resources is the most effective way I see for an ever-increasing demand to be met.

In the spirit of allocating judicial resources to their most appropriate application, it is my intention to similarly overhaul the civil jurisdiction of this Court. On 1 January 2022, I appointed her Honour Magistrate Megan Greenwood to the role of the Senior Civil Magistrate and changes have moved forward swiftly in that jurisdiction. Some of the most significant changes will be reflected in the issue of a significantly altered Civil Practice Note which improves case management and redirects a number of small claims matters to be heard remotely. It is also my intention that additional small claims assessors be appointed to assist the civil jurisdiction in dispatching its caseload. Further, Magistrate Greenwood is developing a proposal that includes the promotion of Court-ordered mediation to assist parties to arrive at a mutually satisfactory settlement, with the effect of permanently finalising more matters sooner.

Easing the pressures caused by record high caseloads will go some way to supporting the well-being of magistrates. Fostering the well-being of magistrates is essential. It is now more widely recognised that judicial officers in summary jurisdictions report significantly higher levels of stress and significantly lower levels of basic psychological needs satisfaction when compared to judicial officers in higher jurisdictions. It is necessary to act on this knowledge now, and the establishment of the Well-being Committee, working in collaboration with the Magistrate's Association, overseen by Deputy Chief Magistrate Freund, is tasked with promoting that cause. The Committee has commenced its task by examining the availability of specialist support services and counselling, overseeing a mentoring program, and paying particular attention to magistrates isolated in remote parts of NSW.

The cumulative effect of these changes and faithful adherence to this vision, I am sure, will benefit the administration of justice in NSW.

I started this foreword with a reference to the building in which the Chief Magistrate's Office is located. However, I recognise and respect that the jurisdiction of the Local Court extends throughout the State of NSW. Since my appointment I have met, either in person or online, with all of the judicial officers of the Court, and visited a large number of the 153 active court locations in the metropolitan area and regionally.

Those court buildings and the communities that they serve are supported by a dedicated workforce of magistrates, acting magistrates, registrars, court staff, Sheriff's Officers, support organisations and governmental departments. I would like particularly to use this platform to thank and acknowledge the work undertaken by those who assist in maintaining this jurisdiction.

I particularly acknowledge the hard work of the staff of the Chief Magistrate's Office (whom I refer to in more detail, later in this document), and my two associates; Alana McKinnon and Astrid von Drehnen. The work of the Chief Magistrate's Office is vital to the successful administration of the Court as a whole.

We work closely with Courts Services, and many of the proposals we seek to advance rely on their impressive breadth of expertise and remarkable willingness to advance change. The changes that I intend to make throughout my appointment will need support, cooperation and insight across the jurisdiction as a whole. In advance of those efforts I extend my sincere thanks to the contributors on whose foresight and dedication those changes depend.

I look forward to reporting on the effects of these changes in next year's Annual Review.



*Peter Johnstone*

JUDGE JOHNSTONE  
CHIEF MAGISTRATE



# Overview of jurisdictions

*In NSW there are three courts of general jurisdiction, with related specialist jurisdictions. In order of escalating superiority the courts of general jurisdiction are the Local Court, the District Court and the Supreme Court.*

The Local Court jurisdiction of NSW includes the Coroner's Court. The Children's Court is a separate jurisdiction, with magistrates of the Local Court presiding over the matters before that court.

Given the hierarchical structure of the Court, the highest number of individual matters are heard in the jurisdiction of the Local Court. It is the busiest of all of Australia's States and Territories, which, in turn makes the Court the busiest in Australia. In addition to being the busiest jurisdiction in Australia, 2021 was the Court's busiest year. In the last reporting period, 358,109 general crime matters were commenced in the Local Court.

If a person has contact with a court in NSW, it is most likely to be the Local Court.

The Local Court deals with a wide range of matters across several jurisdictions. This section outlines the work undertaken in those jurisdictions.

## Criminal jurisdiction

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 the **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 the majority of 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 or 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 Corrections 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. 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 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.

## Civil jurisdiction

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 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 may be presided over by a magistrate. Throughout 2021, 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**.

## Coronial jurisdiction

The NSW State Coroner is responsible for overseeing the work undertaken by all coroners within the State. In particular the State Coroner must ensure that all reportable deaths, fires and explosions are properly investigated, and that 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 of 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 fires and explosions where property has been damaged or destroyed.

The State Coroner is responsible for overseeing and coordinating all coronial services in NSW.

## 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

*The New South Wales Children's Court was first established in 1905, it was not until 1987 that the Court was separately constituted and defined in legislation. Under the **Children's Court Act 1987**, 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.*

A magistrate is qualified for appointment as a Children's Magistrate if the Chief Magistrate and the President determine that they have the necessary knowledge, qualifications, the legal skills and experience, experience in social or behavioural sciences and experience working with children, young people and families.

The jurisdiction of the Children's Court can be exercised by Children's Court magistrates and Local Court magistrates may exercise the jurisdiction of the Children's Court in regional areas.

The legislation that governs the way the Children's Court deals with cases has increased in complexity over time, however, the fundamental principles upon which the Court was established remain the same. The Children's Court aims to rehabilitate young offenders and divert them from offending and the Court seeks to determine the most suitable arrangements for children who are in need of care and protection.



Surry Hills Children's Court

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 hears traffic offences where a child is not old enough to hold a driver's licence or where a child is charged with related criminal offences.

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

Under the **Education Act 1990** the Court is empowered to make compulsory orders regarding school attendance including making directions for parties to attend a conference to resolve issues that may be inhibiting a child's attendance at school.

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 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 best interests of the safety, welfare, and well-being of each child is paramount in any action or decision by the Court.



# The Magistracy

## *The judicial officers of the Local Court are magistrates.*

The Governor of NSW appoints magistrates pursuant to **section 13 of the *Local Court Act 2007*** (Local Court Act) on the advice of the Executive Council.

The Local Court Act provides the Governor of NSW may appoint a Chief Magistrate and Deputy Chief Magistrates.

At 31 December 2021 there were 147 magistrates who presided in the Local Court and Children's Court at 153 sitting locations throughout the State.

The magistrates who served the Court in 2021 are listed below.

## Chief Magistrate

His Honour Judge Graeme Leslie Henson AM  
(until 27 August 2021)

His Honour Judge Peter Johnstone  
(from 6 September 2021)

## Deputy Chief Magistrates

Her Honour Magistrate Jane Ellen Mottley AM  
(until 8 August 2021)

His Honour Magistrate Michael Gerard Allen

Her Honour Magistrate Teresa Margaret O'Sullivan,  
State Coroner

Her Honour Magistrate Sharon Freund  
(from 17 December 2021)

His Honour Magistrate Theo Tsavdaridis  
(from 17 December 2021)

## Magistrates

His Honour Magistrate Imad Abdul-Karim

His Honour Magistrate Michael David Antrum

Her Honour Magistrate Jennifer Atkinson

Her Honour Magistrate Joan Margaret Baptie,  
Deputy State Coroner

His Honour Magistrate Michael Andrew Barko

His Honour Magistrate Peter J Barnett

His Honour Magistrate Glenn James Bartley

Her Honour Magistrate Geraldine Beattie,  
Deputy State Coroner

Her Honour Magistrate Joy Boulos

His Honour Magistrate Rodney Joel Brender

His Honour Magistrate George Breton

His Honour Magistrate Peter Ignatius Bugden

Her Honour Magistrate Jayeanne Carney

His Honour Magistrate Ian Malcolm Cheetham

His Honour Magistrate John Michael Chicken

Her Honour Magistrate Bree Chisholm

His Honour Magistrate Gareth Christofi  
(from 15 June 2021)

His Honour Magistrate Roger James Clisdell,  
Deputy State Coroner

His Honour Magistrate Michael John Connell  
(until 30 July 2021)

His Honour Magistrate Stephen Corry

His Honour Magistrate Daniel Aidan Covington

Her Honour Magistrate Sharron Maree Crews

Her Honour Magistrate Kathy Jane Crittenden

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His Honour Magistrate Michael William Crompton

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His Honour Magistrate Graeme Bryan Curran  
(until 14 April 2021)

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His Honour Magistrate Michael Gary Dakin

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Her Honour Magistrate Georgina Maree Darcy

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His Honour Magistrate David Day

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His Honour Magistrate David Patrick Degnan

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Her Honour Magistrate Robyn Eva Denes

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His Honour Magistrate Stuart James Devine

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His Honour Magistrate Douglas Raymond Dick

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His Honour Magistrate Hugh Donnelly

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His Honour Magistrate Mark Antony Douglass

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Her Honour Magistrate Susan Mary Duncombe

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His Honour Magistrate Geoffrey James Dunlevy

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His Honour Magistrate Andrew Ronald Eckhold

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His Honour Magistrate Gregory Phillip Elks

---

Her Honour Magistrate Elizabeth Anne Ellis

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Her Honour Magistrate Clare Joanne Farnan

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His Honour Magistrate Peter Gordon Feather

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Her Honour Magistrate Dr Gabriel Catherine Fleming

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Her Honour Magistrate Catherine Josephine Follent

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Her Honour Magistrate Carmel Ann Forbes,  
Deputy State Coroner

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Her Honour Magistrate Nicole Ford  
(from 15 March 2021)

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His Honour Magistrate Caleb Mark Franklin

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Her Honour Magistrate Sharon Freund  
(until 17 December 2021)

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His Honour Magistrate Richard Benedict Funston

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His Honour Magistrate James Henry Gibson

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Her Honour Magistrate Jennifer Anne Giles

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Her Honour Magistrate Claire Giroto

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Her Honour Magistrate Michelle Norma Goodwin

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Her Honour Magistrate Harriet Winifred Grahame,  
Deputy State Coroner

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Her Honour Magistrate Megan Jeanette Greenwood

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His Honour Magistrate Gregory John Grogin

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His Honour Magistrate Ian James Guy

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His Honour Magistrate Christopher Charles Halburd

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Her Honour Magistrate Theresa Hamilton

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Her Honour Magistrate Christine Mary Haskett

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Her Honour Magistrate Allison Hawkins

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His Honour Magistrate Paul Hayes

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His Honour Magistrate Geoffrey Graeme Hiatt  
(until 20 August 2021)

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His Honour Magistrate Kevin Hockey

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His Honour Magistrate Jeffrey Raymond Hogg  
(until 16 April 2021)

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His Honour Magistrate Michael North Holmes, OAM

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Her Honour Magistrate Susan Anne Horan

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Her Honour Magistrate Rebecca Hosking  
(from 15 June 2021)

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Her Honour Magistrate Julie Anne Huber

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His Honour Magistrate Ross Hudson

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Her Honour Magistrate Melissa Humphreys  
(from 1 March 2021)

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Her Honour Magistrate Carolyn Mary Huntsman  
(appointed as a Deputy State Coroner on  
20 September 2021)

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His Honour Magistrate Timothy Bernard Keady  
(until 20 September 2021)

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Her Honour Magistrate Holly Kemp

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Her Honour Magistrate Erin Camille Kennedy

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Her Honour Magistrate Joanne Mary Keogh  
(until 10 April 2021)

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Her Honour Magistrate Jillian Kiely

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Her Honour Magistrate Janine Lacy

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His Honour Magistrate Derek Jonathan Lee,  
Deputy State Coroner

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His Honour Magistrate Jeffrey Alan Linden,  
Deputy State Coroner

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His Honour Magistrate Michael Love

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His Honour Magistrate Leslie William Mabbutt

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His Honour Magistrate Paul Anthony MacMahon

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Her Honour Magistrate Debra Gladys Maher

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His Honour Magistrate Ronald John Maiden

---

His Honour Magistrate Shane McAnulty

---

Her Honour Magistrate Fiona McCarron

---

Her Honour Magistrate Margaret Mary McGlynn

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Her Honour Magistrate Susan McGowan

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Her Honour Magistrate Susan Clare McIntyre

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Her Honour Magistrate Sally McLaughlin

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Her Honour Magistrate Louise M McManus

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His Honour Magistrate Alexander Mijovich

---

Her Honour Magistrate Jacqueline Mary Milledge

---

His Honour Magistrate Andrew John Miller

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Her Honour Magistrate Miranda Moody

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His Honour Magistrate Scott Nash

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His Honour Magistrate (Bernard) Michael O'Brien

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His Honour Magistrate David Bernard O'Neil

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His Honour Magistrate Stephen Olischlager

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His Honour Magistrate Michael Ong  
(from 24 May 2021)

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His Honour Magistrate Justin Peach  
(from 1 March 2021)

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Her Honour Magistrate Kasey Pearce  
(from 24 May 2021)

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Her Honour Magistrate Kirralee Perry  
(from 3 May 2021)

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His Honour Magistrate David Price

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Her Honour Magistrate Karen Jennifer Price

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His Honour Magistrate Roger David Prowse

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Her Honour Magistrate Margaret Christine Quinn  
PSM

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His Honour Magistrate Allan Wilson Railton

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His Honour Magistrate Daniel Reiss

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His Honour Magistrate Mark Richardson

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Her Honour Magistrate Robyn Richardson  
(from 15 February 2021)

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Her Honour Magistrate Karen Robinson  
(until 14 June 2021)

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Her Honour Magistrate Leanne Robinson

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His Honour Magistrate Ian Rodgers

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Her Honour Magistrate Elizabeth Jane Ryan,  
Deputy State Coroner

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Her Honour Magistrate Mary Ryan

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His Honour Magistrate Albert John Sbrizzi

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Her Honour Magistrate Suzanne Gaye Seagrave

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Her Honour Magistrate Tracy Sheedy

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His Honour Magistrate Brett Shields (appointed as  
a Deputy State Coroner on 20 September 2021)

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Her Honour Magistrate Ellen Skinner  
(until 21 November 2021)

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Her Honour Magistrate Julie Anne Soars

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Her Honour Magistrate Karen Elizabeth Stafford

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Her Honour Magistrate Lisa Veronica Stapleton

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His Honour Magistrate Phillip Douglas Stewart

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His Honour Magistrate Robert George Stone,  
Deputy State Coroner

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Her Honour Magistrate Margot Gai Stubbs

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Her Honour Magistrate Vivien Margaret Swain

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His Honour Magistrate Brett Stephen Thomas

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Her Honour Magistrate Katherine E Thompson

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His Honour Magistrate Peter John Thompson

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Her Honour Magistrate Fiona Gladys Toose

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Her Honour Magistrate Jacqueline Maree Trad

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Her Honour Magistrate Elaine Maree Truscott,  
Deputy State Coroner

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His Honour Magistrate Theo Tsavdaridis  
(until 17 December 2021)

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His Honour Magistrate Brian John van Zuylen

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Her Honour Magistrate Alison Mary Viney

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Her Honour Magistrate Lisa Viney

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Her Honour Magistrate Julia Kathleen Virgo

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His Honour Magistrate Glenn Kevin Walsh

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His Honour Magistrate Bruce Haldane Williams

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His Honour Magistrate David Ian Williams

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His Honour Magistrate Robert Hilary Williams

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His Honour Magistrate Gary Wilson

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Her Honour Magistrate Eve Wynhausen

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## Judicial appointments during 2021

Her Honour Magistrate Melissa Humphreys

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Her Honour Magistrate Nicole Ford

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Her Honour Magistrate Robyn Richardson

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His Honour Magistrate Justin Peach

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Her Honour Magistrate Kirralee Perry

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His Honour Magistrate Michael Ong

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Her Honour Magistrate Kasey Pearce

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His Honour Magistrate Gareth Christofi

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Her Honour Magistrate Rebecca Hosking

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## Magistrates appointed as Judge of the NSW District Court

Her Honour Magistrate Karen Robinson sworn in  
15 June 2021

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Her Honour Magistrate Ellen Skinner sworn in  
22 November 2021

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## Magistrates appointed as Senior Judge, Drug Court of NSW

Her Honour Magistrate Jane Mottley AM, sworn in  
9 August 2021

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## Judicial retirements during 2021

His Honour Magistrate Graeme Curran

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Her Honour Magistrate Joanne Keogh

---

His Honour Magistrate Jeffrey Hogg

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His Honour Magistrate Michael Connell

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His Honour Magistrate Geoffrey Hiatt

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His Honour Magistrate Timothy Keady

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## Judicial appointments during 2021 – Profiles

### Her Honour Magistrate Melissa Humphreys

Melissa Humphreys joined the bench with more than 15 years of legal experience predominantly in the areas of criminal, civil and family law. Ms Humphreys commenced her legal career working as a legal research assistant with Hargrave Chambers and was called to the bar in 2007. Ms Humphreys also attained accreditation as a family law arbitrator.

Prior to joining the bench of the Local Court, Ms Humphreys was the head of chambers at Hargrave Chambers and regularly appeared in the Local Court, District Court and in the Federal Circuit Court and the Family Court of Australia. Additionally, Ms Humphreys held positions as the regional representative for the NSW Bar Association and as a sessional lecturer in the law of evidence and in advocacy skills at the University of Wollongong.

Ms Humphreys was sworn in as a magistrate of the Local Court on 1 March 2021.

### Her Honour Children’s Magistrate Nicole Ford

Nicole Ford came to the bench with 25 years of experience as a solicitor. Ms Ford commenced her legal career working as a solicitor in a private practice in Wagga Wagga. Ms Ford joined Legal Aid NSW in 2007 and has contributed to increasing access to justice in rural and regional communities in NSW.

Prior to joining the bench of the Local Court, Ms Ford was the solicitor in charge of the Legal Aid NSW Riverina Murray Offices in Wagga and Albury.

Ms Ford was sworn in as a magistrate of the Local Court on 15 March 2021 and was appointed as a Children’s Court magistrate on 22 March 2021.

### Her Honour Magistrate Robyn Richardson

Robyn Richardson holds masters’ degrees in law and in public policy. Ms Richardson was admitted as a solicitor to the NSW Supreme Court in 2008 and attained a specialist accreditation in criminal law. Prior to becoming a criminal defence lawyer, Ms Richardson worked as a youth worker and in public policy.

Following her admission to the Supreme Court, Ms Richardson worked for the Director of Public Prosecutions and as a criminal defence lawyer at leading law firms in Sydney. Ms Richardson also completed an internship with the Office of the Prosecutor at the International Criminal Tribunal for the former Yugoslavia.

In 2013, Ms Richardson established her own law practice where she worked as the principal solicitor until her ascent to the bench of the Local Court.

Ms Richardson was sworn in as a magistrate of the Local Court on 15 February 2021 and was appointed as a magistrate of the Children’s Court of NSW on 10 January 2022.

### His Honour Magistrate Justin Peach

Justin Peach was admitted as a solicitor to the Supreme Court of NSW in 2005 and was called to the bar in 2018. Following his admission to practice, Mr Peach worked as a solicitor with Aubrey Brown Partners on the Central Coast of NSW.

Mr Peach has appeared as a solicitor in criminal and civil matters in the Local Court, District Court and Children’s Court jurisdictions.

In 2010, Mr Peach began working for the Office of the Director of Public Prosecutions. Mr Peach became a crown prosecutor in 2018 and conducted complex District Court trials before joining the bench of the Local Court.

Mr Peach was sworn in as a magistrate of the Local Court on 1 March 2021.

### Her Honour Magistrate Kirralee Perry

Kirralee Perry came to the bench with 19 years of experience of working in criminal law. Ms Perry has previously worked for the Office of the Director of Public Prosecutions and has appeared regularly in complex matters in the Local Court, Children’s Court, District Court and Supreme Court. Ms Perry was admitted as a solicitor to the NSW Supreme Court in 2001 and was called to the bar in 2018.

Ms Perry was appointed and worked as a crown prosecutor before joining the bench of the Local Court.

Ms Perry was sworn in as a magistrate of the Local Court on 3 May 2021.

## **His Honour Magistrate Michael Ong**

Michael Ong was admitted as a solicitor to the Supreme Court of NSW in 2002 and came to the bench with 18 years of experience of practising in criminal law. Mr Ong holds a Bachelor of Economics, a Master of Commerce and a Bachelor of Laws.

In 2003, Mr Ong began working as a criminal solicitor with the Western Aboriginal Legal Service in rural and regional communities throughout far western NSW.

In 2005, Mr Ong joined Legal Aid NSW and has worked as solicitor in the Criminal Law Division of Legal Aid for the past 15 years. Most recently before joining the bench of the Local Court, Mr Ong held the position of solicitor in charge of the Sutherland Legal Aid Office.

Mr Ong was sworn in as a magistrate of the Local Court on 24 May 2021.

## **Her Honour Magistrate Kasey Pearce**

Kasey Pearce came to the bench with almost 20 years of experience as a solicitor and has worked in private practice and for Legal Aid NSW. Ms Pearce was accredited as a specialist in criminal law and holds a Bachelor of Arts, a Bachelor of Laws and a Master of Laws (Criminal Practice).

Ms Pearce was admitted as a solicitor to the Supreme Court of NSW in 2002 and has extensive experience in advising and representing both adults and children. Ms Pearce has appeared in matters before the Children's Court, the Local Court, the District Court, the Supreme Court and the Court of Criminal Appeal.

Most recently before joining the bench of the Local Court, Ms Pearce was the principal solicitor of Jamison Lawyers, a private practice law firm specialising in criminal law.

Ms Pearce was sworn in as a magistrate of the Local Court on 24 May 2021.

## **His Honour Magistrate Gareth Christofi**

Gareth Christofi was admitted as a solicitor to the Supreme Court of NSW in 1998 and was called to the bar in 2014.

Mr Christofi began his legal career working as a paralegal with Blake Dawson Waldron in Sydney and also worked as a Researcher with Butterworths Legal Publishing. In 1998, Mr Christofi commenced working as a solicitor with the Office of the Director of Public Prosecutions (ODPP). In 2011, he was appointed as a Trial Advocate which involved appearing for the Crown in jury trials in the District Court. Mr Christofi was appointed as a Crown Prosecutor in 2014 and held this role until ascending to the bench.

Mr Christofi was twice awarded the Director's Excellence Award during his time with the ODPP.

Mr Christofi was sworn in as a magistrate of the Local Court on 15 June 2021.

## **Her Honour Magistrate Rebecca Hosking**

Rebecca Hosking was admitted as a solicitor to the Supreme Court of NSW and to the High Court of Australia in 2001. Ms Hosking attained qualifications as a mediator and came to the bench with 19 years of experience in dispute resolution and litigation.

Ms Hosking began her legal career working as a law graduate with PricewaterhouseCoopers Legal. Ms Hosking went on to hold positions as special counsel with Wotton + Kearney and Colin Biggers & Paisley. During her time with Colin Biggers & Paisley, Ms Hosking was appointed as the team leader of the firm's pro bono project operated by the Women's Legal Service.

Most recently before joining the bench, Ms Hosking was a partner with Carter Newell Lawyers practising within the area of general insurance.

Ms Hosking was sworn in as a magistrate of the Local Court on 15 June 2021.



# State Coroner and Deputy State Coroners



Lidcombe Coroner's Court Complex

## State Coroner

Her Honour Magistrate Teresa O'Sullivan

## Deputy State Coroners

Her Honour Magistrate Joan Baptie

Her Honour Magistrate Geraldine Beattie

His Honour Magistrate Roger Clisdell

Her Honour Magistrate Carmel Forbes

Her Honour Magistrate Sharon Freund

Her Honour Magistrate Harriet Grahame

Her Honour Magistrate Caroline Huntsman

His Honour Magistrate Derek Lee

His Honour Magistrate Jeffery Linden

Her Honour Magistrate Elizabeth Ryan

His Honour Magistrate Brett Shields

His Honour Magistrate Robert Stone

Her Honour Magistrate Elaine Truscott

# Children’s Magistrates

## President of the Children’s Court

President of the Children’s Court, Judge Johnstone (until 3 September 2021)

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Acting President of the Children’s Court, Children’s Magistrate Ellen Skinner (from 6 September 2021 to 15 October 2021)

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President of the Children’s Court, Judge Ellen Skinner (from 22 November 2021)

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## Children’s Court Magistrates

His Honour Children’s Magistrate Stuart Devine

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Her Honour Children’s Magistrate Susan Duncombe

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His Honour Children’s Magistrate Andrew Eckhold

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Her Honour Children’s Magistrate Nicole Ford

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Her Honour Children’s Magistrate Christine Haskett

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His Honour Children’s Magistrate Paul Hayes

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Her Honour Children’s Magistrate Debra Maher

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His Honour Children’s Magistrate Paul MacMahon

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Her Honour Children’s Magistrate Mary Ryan

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Parramatta Children’s Court

His Honour Children’s Magistrate Albert Sbrizzi

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Her Honour Children’s Magistrate Tracy Sheedy

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Her Honour Children’s Magistrate Ellen Skinner (until 22 November 2021)

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Her Honour Children’s Magistrate Margot Stubbs

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Her Honour Children’s Magistrate Julia Virgo

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His Honour Children’s Magistrate David Williams

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Her Honour Children’s Magistrate Eve Wynhausen

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# Acting Magistrates in 2021

Recently retired magistrates may be commissioned as acting magistrates under [s 16 of the Local Court Act 2007](#) for a limited tenure. Acting magistrates are used to preside at weekend bail courts. They may also be used to cover absences for sick leave and extended leave. Acting magistrates in 2021 were:

His Honour Acting Magistrate Robert Joseph Abood

His Honour Acting Magistrate John Andrews

His Honour Acting Magistrate Peter Frederick Ashton

His Honour Acting Magistrate John Anthony Bailey

Her Honour Acting Magistrate Helen Barry

His Honour Acting Magistrate Leslie Brennan

His Honour Acting Magistrate Dr Roger Alasdair Brown (until 11 November 2021)

His Honour Acting Magistrate Michael Connell (from 23 August 2021)

His Honour Acting Magistrate Peter Dare SC (until 7 January 2021)

His Honour Acting Magistrate John Daniel Favretto

His Honour Acting Magistrate Andrew John Benson George

Her Honour Acting Magistrate Estelle Ann Hawdon

His Honour Acting Magistrate Geoffrey Hiatt (from 1 September 2021)

Her Honour Acting Magistrate Sharon Lee Holdsworth

Her Honour Acting Magistrate Mary Stella Jerram

His Honour Acting Magistrate Timothy Keady (from 27 September 2021)

Her Honour Acting Magistrate Joanne Keogh (from 14 April 2021)

Her Honour Acting Magistrate Georgia Knight

His Honour Acting Magistrate Christopher Longley

His Honour Acting Magistrate Paul Lyon

His Honour Acting Magistrate Malcolm MacPherson

His Honour Acting Magistrate Shaughan McCosker

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

His Honour Acting Magistrate Allan Darroll Moore

His Honour Acting Magistrate Michael Morahan

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

His Honour Acting Magistrate Michael Kevin Price

His Honour Acting Magistrate Robert Scott Rabbidge

Her Honour Acting Magistrate Paula Russell

Her Honour Acting Magistrate Beverley Anne Schurr

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 Acting Magistrate Janet Wahlquist

His Honour Acting Magistrate Robert Walker

His Honour Acting Magistrate George Zdenkowski



# Small Claims Assessors

Small claims assessors sit at the Downing Centre Local Court and deal with matters in the Small Claims Division (civil claims less than \$20,000) lodged in Sydney Central, Hornsby, Manly, North Sydney, Balmain and Newtown. In all other Sydney metropolitan and regional locations, small claims matters are dealt with by the presiding magistrate at that location. In 2021, there were 33,557 lodgments in the Small Claims Division.

There are two full-time-equivalent positions for assessors. The small claims assessors in 2021 were:

- Ms Janice Connelly
- Ms Danae Harvey
- Ms Emma Keir



Penrith Courthouse



# Chief Magistrate's Executive Office

In 2021, the Executive Office consisted of the following staff:

## Executive Officer

Jacinta Haywood (until 8 October 2021)

Christopher Steptoe (Acting)  
(11 October 2021 – 24 December 2021)

## Policy Officer

Brooke Delbridge (until 6 October 2021)

Jonathen Rose (from 18 October 2021)

## Listing and Rostering Coordinator

Phillip Suitor

## Courts Coordinator

Alison Mulqueeny

## Executive Assistant to the Chief Magistrate

Theresa Parkinson

## Judicial Support Officer

Linda McRae

## Administrative Assistant

Gabriella Markovski (from 22 March 2021)

## Overview

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 Executive Office provide statewide administrative support to magistrates and acting magistrates.

One of the primary functions of the Chief Magistrate's Executive Office is to assist the Chief Magistrate in organising and managing the sittings of the Local Court at the 153 locations throughout the State. The Executive Office 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 Annual Review. The Executive Office coordinates magistrates' travel across the State to ensure requirements for sittings are met, and coordinates magistrates' attendance at various conferences throughout the year. The Executive Office 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 Executive Office is responsible for the day-to-day listing, management and coordination of the Downing Centre and Central Local Courts.

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

Further information can be found on the Local Court website at: [www.localcourt.nsw.gov.au](http://www.localcourt.nsw.gov.au)

# The work of the Local Court registries



Dubbo Courthouse – credit: Jared Lyons

*The Local Court would be unable to operate effectively without the valued assistance and expertise of the 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.

Throughout the pandemic the staff of the Local Court registry demonstrated resilience in maintaining the operations of the Court. 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 section 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 (LEPRA)*
- the management and supervision of court registry staff, including the administration of court processes as required by legislation, policy and procedure.

# Court operations during 2021

## Criminal jurisdiction

Between 1 January and 31 December 2021:

- 358,109 criminal matters were commenced in the Local Court, representing an increase of 0.94% since 2020 and an increase of 27.75% since 2011
- 351,407 criminal matters were finalised, a clearance ratio for the reporting period of 98.13%.

## Local Court general crime commenced

2011	280,314
2012	269,306
2013	277,224
2014	289,826
2015	311,592
2016	330,480
2017	330,755
2018	339,219
2019	346,930
2020	354,775
2021	358,109

## Timeliness

In accordance with published time standards, this Court aims to finalise 100% of summary criminal trials and indictable matters discharged or committed for trial or sentence to the Supreme or District Court within 12 months of commencement.

### In 2021:

- 91.95% of matters were completed within 6 months of commencement.
- 98.62% of matters were completed within 12 months of commencement.

## Developments in criminal jurisdiction – 2021

### Court Appointed Questioners

The *Stronger Communities Legislation Amendment (Domestic Violence Act) 2020* amended the *Criminal Procedure Act 1986* to introduce various protections for complainants giving evidence in proceedings for a domestic violence offence and related Apprehended Domestic Violence Order (ADVO) proceedings.

While most of those provisions commenced in 2020, section **289VA of the *Criminal Procedure Act 1986*** commenced on 1 September 2021.

**Section 289VA** provides that an unrepresented defendant in proceedings for a domestic violence offence and related ADVO proceedings cannot directly examine the complainant. Instead, the complainant is examined by a person appointed by the Court (a Court Appointed Questioner (CAQ)) or through the use of (yet to be introduced) technology. The role of the CAQ is not to advocate on behalf of the defendant but to put the questions, as asked, by the defendant to the complainant.

The Court has experienced some difficulty implementing the legislation, in part with respect to the availability of people able and willing to perform the role of CAQ. As there is no discretion for the Court to decline to appoint a CAQ, the hearing will be delayed where a CAQ is not available, and in some cases adjourned.

An associated issue arises when a defendant is in custody, and both the complainant and defendant appear via audiovisual link (AVL). Technology available does not allow a magistrate to control the volume on the AVL set-up and therefore the complainant will hear the questions being relayed by the defendant to the CAQ, which negates the intention and effect of the legislation.

These issues are further exacerbated when a defendant or complainant requires the services of an interpreter.

The CAQ process is in development and the Local Court is working with key stakeholders to meet the legislative requirements, and to ensure these issues are resolved and that the legislation does not have an unintended negative effect on the people it was designed to protect.

## Use of AVL facility for mentions, bail applications, sentencing and hearings

The effect of COVID-19 has resulted in accelerated development for the Court.

During 2020, the various restrictions legislated in the Public Health Act 2010, required various stakeholders (NSW Police, Corrective Services, Legal Aid, ALS, Law Society, the Bar Association) to assemble and cooperate to ensure that the work of the Court could continue. As a result there was an increased use of audiovisual link (AVL), importantly for bail or release applications and defended hearings.

The trend continued in 2021 without apparent detriment to the legal interests of defendants, with the associated benefit of reducing the risk of COVID-19 transmission. This was particularly important for Corrective Services, due to the enhanced risk of transmission among the prison population.

In-person court attendance requires travel in prison vans, with other prisoners, usually to a holding cell at a police station, and then being brought from there to court, with each changeover increasing risk of infection. The cooperation between agencies has reduced the risks associated and increased efficiency during a time where delays caused by outbreaks could have increased more significantly than was the case in 2021.

## Table offence reform, the section 58 issue

During the past five years, a number of serious indictable criminal offences previously only heard in the District Court have been transferred to the jurisdiction of the Local Court. These include the offences of robbery, certain drug supply offences, perjury, break enter and steal in company and deal with proceeds of crime.

From time to time, persons facing sentence for these types of matters are already serving a sentence and/or were on parole or an Intensive Correction Order (ICO) when the offence was committed. If an offender is already serving a sentence or concurrent or aggregate sentences of five years, the Local Court is powerless to impose a further prison sentence even though it may be the appropriate penalty – this is due to section 58 Crimes (Sentencing Procedure) Act 1999. The offender in those circumstances effectively cannot be given an additional custodial sentence in the Local Court, and the effect of that section may or may not operate depending on something as incidentally arbitrary as the date a matter is listed for sentence. The legislation caps the maximum cumulative sentence that may be given in the Local Court at five years. Any effort to circumvent the intention of the legislation by delaying sentencing, is a ground of appeal (successfully so in *Stoneham v DPP (NSW)* [2021] NSWSC 73). Section 58 operates in this manner regardless of the circumstances surrounding the offence, and in some instances can cause the perverse outcome of effective impunity.

The Local Court is working with government and stakeholders to address this issue.





Cootamundra Courthouse

## Special arrangements in response to COVID-19

Throughout 2021, the Local Court's criminal jurisdiction was affected by successive lockdowns and isolation requirements variously imposed by Public Health Orders. This resulted in disruption to the number of matters that could be finalised, particularly in relation to defended hearings.

Throughout 2021, the Court has worked closely with the Sheriff of NSW, Tracey Hall, and with our departmental colleagues, as well as users of the Court, to develop an appropriate response to pressures created by the pandemic. The guiding principle behind decision making was the need to protect the health and safety of all persons who attend the court, appropriately weighed against the need to maintain access for justice. Of particular concern to the Local Court was, and remains, the additional injustice persons in custody may suffer if their hearings are delayed. The Court recognised the increased risk of injustice that may be caused to victims of domestic violence throughout this period, where complex family and personal violence matters take longer to resolve given the increased delays for defended hearings. Justice delayed is justice denied.

In 2021, the two main instruments at the Local Court's disposal for managing the risk exposed to court staff and users, were the issue of memoranda and Court Security Act Orders (s7 Court Security Act 2007). The current memo (at the time of writing) is Chief Magistrates Memorandum No. 27B.

The first COVID-19 memorandum was issued by Chief Magistrate, Judge Graeme Henson in March 2020. The first memorandum of 2021 (Memo 16) was circulated on 5 January 2021. Eight subsequent memoranda were issued throughout 2021, and each were developed in consultation with key stakeholders, and reflected changes to available public health advice.

The memoranda are essentially temporary practice notes and establish various listing rules to limit the number people entering court premises, for example, placing limits on the number of support persons that may accompany certain court users. Another example is the issue of a direction for certain classes of matters to be heard remotely. The memoranda have, additionally, generally provided rules in relation to masks, COVID-safe check-in, social distancing and density limits.

Supplementary to COVID-19 memoranda, s7 of the Local Court Act 2007 permits a judicial officer to order that members of the public, generally or specifically, may be directed to leave, or not granted admittance to places where the Local Court is sitting. These orders are developed in liaison with the Sheriff of NSW, as Sheriff's officers implement the orders at the entrances and exits of NSW Court locations, and the security of the Court is enforced by a dedicated workforce of Sheriff's officers. Section 7 Orders are valid for 28 days. These orders were developed with stakeholders.

Both the memoranda and the Court Security Act Orders are shared widely at the time of publication and posted on the Local Court website.

## Legislative amendments in response to COVID-19

In 2021 COVID-19 legislation was commenced to assist the NSW Government to manage the pandemic.

A change to the Criminal Procedure Act 1986, introducing a new Part 5, commenced on 24 March 2021 relating to the use of pre-recorded evidence in criminal proceedings. A change included at

s182(5) of that same Act allowed for written pleas to be submitted for an accused person who has been granted or refused bail or where bail is dispensed with, reducing the need for an accused to attend Court.

Section 22C of Evidence (Audio and Audio Visual Links) Act 1998 increased the use of audio and audio visual links in court.

A change to Part 3 of the Court Security Act 2005 increased the powers to Sheriff's Officers and Security Officers to manage public health risks associated with people attending court in person. This included conducting health checks and enabling officers to direct persons showing signs of illness to leave court premises.

All of the above temporary provisions were repealed, in accordance with sunset clauses, on 22 March 2022.

## Domestic and personal violence

The number of final Apprehended Domestic Violence Orders increased again in 2021, with 41,115 Orders finalised (compared to 39,158 in 2020). That is an increase of 5% (1,957 matters).



Denilquin Courthouse

## Apprehended violence statistics 2021

### DOMESTIC VIOLENCE

#### Lodgments

2017	31,445
2018	33,248
2019	34,861
2020	37,054
2021	39,273

#### Application not served

2017	212
2018	154
2019	68
2020	35
2021	52

#### Final Orders made

2017	26,418
2018	26,363
2019	28,025
2020	28,826
2021	30,101

#### Orders varied/revoked

2017	3,750
2018	3,479
2019	3,766
2020	3,640
2021	3,549

#### Complaints withdrawn/dismissed

2017	6,179
2018	5,405
2019	5,147
2020	4,792
2021	5,364

#### Application to vary / revoke withdrawn / dismissed

2017	974
2018	1,097
2019	1,383
2020	1,365
2021	1,484

#### Complaints dismissed after hearing

2017	468
2018	477
2019	442
2020	314
2021	325

#### Finalised – other

2017	-
2018	111
2019	152
2020	186
2021	240

### Total Domestic Violence finalisations





## PERSONAL VIOLENCE

### Lodgments

2017	6,480
2018	6,272
2019	6,581
2020	6,650
2021	7,128

### Final Orders made

2017	4,311
2018	3,833
2019	3,890
2020	3,784
2021	4,433

### Complaints withdrawn / dismissed

2017	2,266
2018	1,984
2019	1,836
2020	1,749
2021	1,857

### Complaints dismissed after hearing

2017	103
2018	103
2019	96
2020	73
2021	70

### Application not served

2017	59
2018	43
2019	27
2020	12
2021	9

### Orders varied / revoked

2017	174
2018	138
2019	149
2020	111
2021	121

### Application to vary / revoke withdrawn / dismissed

2017	66
2018	57
2019	71
2020	42
2021	58

### Finalised – other

2017	-
2018	93
2019	145
2020	119
2021	134

## Total Personal Violence finalisations





## Assistance for victims of domestic violence

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 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



Wauchope Courthouse

- Court appointed questioners who assist the Court in meeting the Court legislation ([s289VA Criminal Procedure Act 1986](#)). Court appointed questioners relay questions from unrepresented defendants in domestic violence hearings to the complainant.



Gosford Courthouse

## Civil jurisdiction

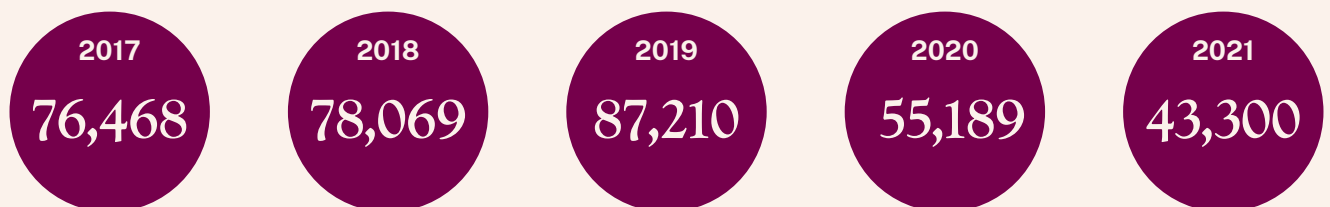
Between 1 January and 31 December 2021, a total of 43,300 civil actions were commenced (decreasing from 55,189 in 2020). Of those matters, 33,454 were filed in the Small Claims Division and 5,452 were filed in the General Division. This is approximately 24% less filings than the previous year, a reduction that can largely be attributed to the response by litigants to the COVID-19 pandemic. The number of civil filings has fallen by 67% since 2019.

General Division filings have fallen from 72,070 matters lodged in 2019 to 45,277 matters lodged in 2021 – a drop of 37.2%. Small Claims Division matters have fallen by a similar proportion; 11,046 matters were lodged in 2019 as against 6,601 matters lodged in 2021 – a decrease of 40.2%.

It is expected that the fall in lodgments may be attributed to economic uncertainty and financial impacts resulting from COVID-19.

Overall, and despite the drop in lodgments, 47,561 civil actions were finalised in total, representing a clearance ratio of 109%.

## Total lodgments



### Small Claims Division lodgments

2017	59,635
2018	57,293
2019	72,070
2020	45,277
2021	33,454

### General Division lodgments

2017	13,271
2018	16,965
2019	11,046
2020	6,601
2021	5,452

### Other lodgments (ie. certificates)

2017	3,569
2018	3,811
2019	4,094
2020	3,311
2021	4,394

## Timeliness

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

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

### In 2021:

- in the Small Claims Division – 91% of matters were finalised within 12 months; and
- in the General Division – 84% of matters were finalised within 12 months.

## Developments in 2021

### Special arrangements in response to COVID-19

The Court was able to transfer the majority of matters to online case management during the court closure period, where in-person hearings were suspended. In the place of in-person attendance, motions and short hearings were heard remotely via AVL and telephone.

All adjourned and pending matters were subsequently transferred back to the Court when sittings resumed – an enormous effort from all those involved, including the legal profession who readily adapted to the challenge.

The Local Court's published time standards aim to finalise 90% of civil proceedings within six months of commencement and 100% of proceedings within 12 months of commencement.

We continue to work steadily through the backlog of listings, and continue to insist on the just quick and cheap resolution of proceedings, together with adherence to [Civil Practice Note 1](#).

It is a credit to all of the stakeholders within the civil jurisdiction that despite COVID-19, an average of 87.5% of matters across the Small Claims and General Divisions were finalised during 2021. It is encouraging to see a settlement rate of around 12% in relation to those matters that were ultimately listed for trial. An increase is expected in these figures through the continuing encouragement of mediation and open negotiation between parties, represented or not.

### *Arsalan v Rixon, Nguyen v Cassim*

The year 2021 closed with the judgment of the High Court in *Arsalan v Rixon and Nguyen v Cassim* [2021] HCA 40. The Court welcomed the clarification of the appropriate heads of damage for assessing claims in motor vehicle collisions which include a claim for a replacement hire car. This area of litigation makes up a large part of both the Small Claims and General Division's hearing time and it is hoped that the parties will now be able to move more readily to the appropriate issues in dispute, narrow the focal points for the Court, and reduce complexity, time and costs for all involved.

## Coronial jurisdiction

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

In the year ending December 2021, a total of 6,721 deaths were reported to the Coroner. This figure represents an increase of 347 deaths from the previous year. In this reporting period 108 coronial inquests were conducted throughout the State.

During 2021, modified inquest arrangements, arising from COVID-19, required that some inquests were vacated and adjourned. However, this did not significantly affect the overall number of inquests conducted in 2021. This was largely due to the increased use of technology, including AVL and livestreaming.

The *Report on Government Services (RoGS)* for 2020–2021 shows that the NSW coronial jurisdiction continued to maintain a high clearance rate of 104.9%.



Lidcombe Coroner's Court Complex

## Coronial statistics 2021

Deaths reported	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Glebe/Lidcombe	2,864	2,807	2,901	2,989	3,109	3,550	3,423	3,672	3,570	3,563
Other Statewide	2,505	2,533	2,709	2,777	2,851	3,052	2,841	3,037	2,839	3,156
<b>Total</b>	<b>5,369</b>	<b>5,340</b>	<b>5,610</b>	<b>5,766</b>	<b>5,960</b>	<b>6,602</b>	<b>6,264</b>	<b>6,709</b>	<b>6,409</b>	<b>6,719</b>

Investigations finalised*	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Glebe/Lidcombe	2,185	2,305	3,169	2,950	3,031	3,508	3,240	3,660	3,833	3,646
Other Statewide	1,989	2,209	2,185	3,426	2,700	2,942	2,647	2,913	3,093	3,175
<b>Total</b>	<b>4,174</b>	<b>4,514</b>	<b>5,354</b>	<b>6,373</b>	<b>5,731</b>	<b>6,450</b>	<b>5,887</b>	<b>6,573</b>	<b>6,926</b>	<b>6,821</b>

Inquests/inquiries*	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Glebe/Lidcombe	111	98	103	87	92	57	74	110	88	89
Other Statewide	37	44	37	63	28	27	37	14	14	14
<b>Total</b>	<b>148</b>	<b>142</b>	<b>140</b>	<b>150</b>	<b>120</b>	<b>84</b>	<b>111</b>	<b>124</b>	<b>102</b>	<b>109</b>

Fires reported	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Glebe/Lidcombe	-	-	-	-	-	-	-	108	87	54
Other Statewide	-	-	-	-	-	-	-	49	66	62
<b>Total</b>								<b>157</b>	<b>153</b>	<b>116</b>

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

Note: Due to a data review within the Coroner's Court, numbers reported for 2019 and 2020 have been amended to better reflect the operations of the Court.





Orange Courthouse – credit: Jared Lyons

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

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

Pursuant to **s 37 of the Coroners Act 2009**, an annual summary of all s 23 deaths for each 12 months must be provided to the Attorney General and tabled in Parliament.

In 2021 the State Coroner presented, for the first time, a standalone report into First Nations people's deaths in custody in NSW. The report was presented to the Attorney General in addition to the annual **s 37 report**. The report presented data relating to coronial findings and recommendations for deaths that occurred in the period 2008–2018. The report primarily focused on the deaths of First Nations peoples who died in custody and does not include deaths as a result of police operations.

In 2021, 43 deaths resulting from a death in custody or as a result of a police operation were reported to the Coroner. This represents a decrease of five deaths from the previous year. Deaths as a result of natural causes still remain the most likely cause of death: 20 of those 43 deaths were attributed to natural causes. The remaining deaths were due to a variety of causes including criminal activity, misadventure or suicide.

Of concern was the number of First Nation's people's deaths reported pursuant to s 23 in 2021. There were 16 such deaths reported, an increase of 12 deaths from the previous year. This figure (40% of all s 23 deaths) represents the highest number of s 23 deaths for First Nations peoples recorded since the 1991 Royal Commission into Aboriginal Deaths in Custody.

A total of 39 s 23 inquests were held in 2021 and a number of wide-ranging coronial recommendations were made as a result of these inquests. Coronial findings were delivered in all 39 matters.

One matter reported to the Coroner prior to 2021 was ultimately determined not to be a s 23 death following careful consideration of the evidence.

## 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 2021 there were a total of 104 s24 deaths reported to the Coroner. This included disability deaths reported pursuant to s24(e) of the Act and child deaths pursuant to s24(a), (b), (c), (d) of the Act.

## Fires

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

The inquiries and inquests into the NSW bushfire disaster 2019/2020 commenced, presided over by the State Coroner, in late 2021 and continue into 2022.

## Developments in 2021

### Reportable deaths

Doctors, healthcare professionals, emergency service workers and police are under a statutory obligation to report deaths to the Coroner when:

- the death was violent or unnatural (for example, homicide, suicide, drug, alcohol and poison related deaths)
- the death was sudden and the cause of it unknown
- the death resulted, directly or indirectly, from an accident or injury, even if there is a prolonged interval between the incident and death (for example, drownings; deaths caused by a traumatic event such as a motor vehicle accident)
- the death occurred during or following a health-related procedure where the death is or may be causally related to the procedure and a registered medical practitioner would not, immediately before the procedure was undertaken, have reasonably expected the death
- a Medical Certificate of Cause of Death form has not been signed and is not likely to be signed (for example, where an opinion about the probable cause of death cannot be formed)
- the deceased was in, temporarily absent from, or residing at a declared mental health facility within the meaning of the **Mental Health Act 2007** – an external site for the purpose of receiving care, treatment or assistance
- the identity of the deceased is not known
- the death occurred in custody
- the death occurred as a result of a police operation
- the deceased was a child in care about whom a report has been made (or a sibling) in the three years preceding their death to the Department of Family and Community Services
- the deceased was living in, or temporarily absent from, an authorised residential centre for persons with a disability.

**Missing Persons:** The police officer in charge of a missing person investigation must report the matter to the Coroner once they are satisfied that no further enquiries can be made as to whether a missing person is alive or deceased. This should occur as soon as the investigator is of the belief that the missing person is now deceased.

## Disaster victim identification

In the case of a disaster or a mass casualty, the State Coroner has responsibility for identifying every deceased person who has died as a result of the mass casualty or disaster. This process is called disaster victim identification (DVI). The State Coroner works with specialist police, forensic experts and counsellors to ensure this responsibility is performed with accuracy, timeliness and compassion.

## Death prevention

Apart from the role of establishing the identity, and the manner and cause of a death, the Coroner's Court has an important role in death prevention. The Coroner may make recommendations after an inquest or through the death review process established in relation to domestic violence related deaths undertaken by the Domestic Violence Death Review Team and through data provided by the Suicide Monitoring System.

## First Nations peoples

On 11 April 2022, the First Nations Protocol commenced. The protocol provides supplementary arrangements applicable to section 23 deaths where First Nations peoples have passed.

The protocol applies when a First Nations person has died in custody or as a result of a police operation. The protocol was developed in compliance with Recommendation 8 of the Royal Commission into Aboriginal Deaths in Custody: That the State Coroner be responsible for the development of a protocol for the conduct of coronial inquiries into deaths in custody and provide such guidance as is appropriate to Coroners appointed to conduct inquiries and inquests.

The protocol sets out the Court's commitment to ensuring mandatory inquests into deaths of First Nations peoples are conducted in a culturally sensitive and appropriate manner that is respectful of the needs of the community.

The Court has recently appointed two Aboriginal support workers to support families from the beginning of their relative's entry into the system until the finalisation of the inquest.

## Legislative amendments to the Coroners Act 2009

There were no amendments to the Coroners Act 2009 in 2021.

## Aboriginal Coronial and Information Support Officers

In 2021, two new positions for Aboriginal Coronial and Information Support Officers were created and occupied. These positions are based at Lidcombe within the Coronial Information and Support team (CISP). The two officers identify Aboriginal deaths reported statewide, and provide information and support to the affected families from the beginning of the coronial process to finalisation. They also provide inquest support and cultural awareness education for staff. In the short period of time since these roles commenced the two officers have brought enormous benefit to the jurisdiction, particularly to the families they work with.

## NSW Parliament Select Committee into the NSW Coronial Jurisdiction

In May 2021, the Select Committee into the NSW Coronial Jurisdiction was established. The committee received a number of submissions and conducted a series of public hearings. The committee visited the Lidcombe Forensic Medicine and Coroners Court Complex. The Committee delivered their first report to Parliament in April 2022, which is available [here](#).

## 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. The Commission commenced hearings in late 2021 and those hearings will continue in 2022. The NSW Coroners jurisdiction and State Coroner are committed to and have been providing assistance to the Commission in its inquiries.

## Continuing response to COVID-19

In 2021, the COVID-19 pandemic continued to affect the NSW Coroners Court. The experience of the previous year was drawn upon in managing the effects on the jurisdiction by making procedural changes to the operation of the Court to ensure business continuity.

After the success of the COVID-19 protocol for 2020, the State Coroner issued State Coroners COVID 19 Memorandum No 4 to again restrict the number of people attending court in person. Essentially, only those inquests using technology to provide for remote appearances could proceed. Some inquests had to be adjourned and as a result of some restrictions to travel, inquests in regional areas were either postponed or transferred to Lidcombe

The introduction in 2020 of centralised reporting of all NSW deaths to a senior coroner at Lidcombe as a result of COVID-19 proved to be so successful that it will now remain as a permanent change. The many benefits achieved by centralising decision-making by specialist full-time coroners have been far reaching and have also seen a reduction in the number of post-mortem examinations conducted. To allow for the continuation of centralised reporting, two positions were created in the Coronial Case Management Unit.

## Newmarch House and Ruby Princess inquests

Two inquests arising from the COVID-19 outbreak will be conducted in 2022 by the State Coroner and a deputy state coroner. The first involves deaths arising from the COVID-19 outbreak at the Newmarch House Nursing Home and the second involves the deaths arising from the outbreak of COVID-19 on board the Ruby Princess cruise ship.

## Improving timeliness of Coronial Procedures Taskforce

The Improving Timeliness of Coronial Procedures Taskforce was established to minimise delays in the coronial process that affect families and loved ones.

This joint agency initiative between NSW Health and the Department of Communities and Justice was tasked with examining the current coronial process from report of death to the Coroner, through case triage, transport of the deceased, autopsy, post-mortem report finalisation and return of remains to the family for burial. Opportunities for improvement were identified, including diversion of people from the coronial system who have died from natural causes. One of the key tasks of the team was to address the issue of the delay in the timely provision of post-mortem reports.

The taskforce provided a report to the respective ministers on 29 October 2021. The report detailed the outcomes, improvements and initiatives resulting from the work of the taskforce. The report also detailed the proposed continuation of the work commenced by the taskforce by the NSW Coronial Services Committee.

## 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 Force) to collectively manage front-end coronial cases. There are currently two CCMUs – one based at the Forensic Medicine and Coroners Court Complex at Lidcombe, and another based at Newcastle's Department of Forensic Medicine.

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 the coroner to assist their decision, and by facilitating real time information sharing between stakeholders at a centralised location.

The CCMU continues to improve communications with bereaved families, as well as streamlining interagency administrative operations which allow coroners to make informed and timely decisions.



## 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 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 earlier 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](#).

Work is continuing to grow and develop the Suicide Monitoring System's data collection and reporting capacity.

## Domestic Violence Death Review Team

Since 2010 the NSW Domestic Violence Death Review Team has been engaged in the systematic review of deaths occurring in the context of domestic violence. The scope of review includes individual case analyses and the maintenance of a comprehensive database from which research data is derived. The team has recently released its 2019–21 report. The report presents extended data findings in relation to intimate partner violence homicides as well as focused research relating to murder-suicides and filicides (the deliberate act of a parent killing their own child).

For this report the team has elected not to make any new recommendations but rather has taken the opportunity to reflect on its body of work by undertaking an analysis of the 122 recommendations the team has made to date. This work aims to provide insights into the team's

operation and progress and will inform the team's work moving forward. Such reflection will ensure that the team continues to contribute to the reform of the domestic violence response system in the most meaningful and effective way possible.

Over the past 12 months, the team has shared its learnings at a range of forums including a Statewide workshop with Community Corrections staff and a training session with the Crown Solicitors Office Inquiries Practice Group. The secretariat has continued to work with death reviews in other jurisdictions including leading a project in partnership with ANROWS (Australia's National Research Organisation for Women's Safety) to progress the work of the Australian Domestic and Family Violence Death Review Network. The secretariat has also worked closely with Coroners on a number of inquests where domestic violence was a key issue being considered, providing specialised case analyses and contributing to the development of evidence-based recommendations.

## Disaster Victim Identification and Coronial Services Committee

The NSW State Coroner chairs the NSW Disaster Victim Identification (DVI) Committee and the NSW Coronial Services Committee. The DVI committee meets quarterly and comprises representatives from NSW Health, NSW Police and the coronial jurisdiction.

During 2021 the State Coroner and Deputy State Coroners participated in a DVI exercise conducted by NSW Police and Forensic Services at the Lidcombe Forensic Medicine Complex. These exercises are conducted annually and are critically important to ensure that all agencies are appropriately prepared to respond to a mass casualty event should one occur.

## Coronial Services Committee

The Coronial Services Committee meets quarterly and has representatives from Justice, NSW Health and NSW Police. It is a high-level strategic committee that aims to improve the delivery of coronial services in NSW.

# Children's Court operations in 2021

## The President of the Children's Court

Under s16 of the [Children's Court Act 1987](#) the President of the Children's Court has responsibility for administering the Court, arranging the sittings of the Court, providing judicial leadership to the Court and overseeing the training of Children's Magistrates and prospective Children's Magistrates. The President may also issue Practice Notes relating to the practice and procedure of the Children's Court.

## Registrars of the Children's Court

Under s11 of the [Children's Court Act 1987](#) registrars of the Children's Court are employed under the [Government Sector Employment Act 2013](#) to enable the Court to exercise its jurisdiction. In regional areas, Local Court registrars also perform the functions of registrar of the Children's Court.

Unique to the Children's Court is the role of the Children's Registrar. Children's Registrars are Australian lawyers appointed pursuant to s10A of the [Children's Court Act 1987](#) to perform alternative dispute resolution functions under the [Children and Young Persons \(Care and Protection\) Act 1998](#). Children's Registrars assist with facilitating conferences under the [Education Act 1990](#) to address unsatisfactory school attendance. Children's Registrars are based at seven locations across the state and provide services throughout the State.

## Relationship between the Local Court and the Children's Court

In 2021 there were sixteen specialist Children's Magistrates appointed to the Children's Court from the Local Court bench. Courthouses at Parramatta, Surry Hills, Broadmeadow and Woy Woy are specifically allocated to the Children's Court. In other locations the Children's Court shares court facilities with the Local Court.



Surry Hills Children's Court

Children's Magistrates preside over the majority of Children's Court proceedings. A small proportion of Children's Court matters (approximately 10% of care proceedings and between 30 and 40% of criminal proceedings across the State) are heard by Local Court magistrates. Given the specialist nature of the care and protection jurisdiction, Local Court magistrates presiding over care proceedings may seek assistance from a specialist Children's Magistrate under a protocol agreed between the Chief Magistrate and the President of the Children's Court.

## Developments in 2021

In 2020, the then President of the Children's Court, Judge Peter Johnstone approved a set of standardised orders to be used in care proceedings. These orders seek to facilitate the timely issue of orders and the future electronic transmission of orders. In 2021, **Practice Note 14** was issued which made the use of these standardised care orders mandatory. The Children's Court distributed an electronic template to make it easier for legal practitioners to use the orders and presented some webinars to both practitioners and judicial officers to assist with the transition.

On Monday 22 November 2021, Children's Magistrate Ellen Skinner was sworn in as a Judge of the District Court and as the President of the Children's Court of NSW. Judge Skinner has been appointed to serve a five-year term as President of the Children's Court and replaces Judge Peter Johnstone. Judge Skinner is the third President of the Children's Court since the role was created by statute in 2009.

In October 2021 the Children's Court published a set of **Bail Guidelines** to highlight the considerations that are relevant to making a bail decision for a child consistent with the risk assessment required to be made under ss 17 and 18 of the *Bail Act 2013*.

During February 2021, the Children's Court, in cooperation with Legal Aid NSW and the Department of Communities and Justice, held the first *Child Protection Legal Conference*. The Conference successfully provided a forum for the provision of legal updates in care and protection law and facilitated discussion amongst attendees. The Conference's interdisciplinary speakers provided an opportunity to educate staff and attendees on current social, health, medical, and scientific research relevant to child protection law and practice. The *Child Protection Legal Conference* will run again on 26 and 27 of May 2022.



Newtown Courthouse

The **Family is Culture Review Report** was released in November 2019. The Review is about the experiences of Aboriginal children and young people, their families, and their communities, as they navigate the NSW Child Protection System. In 2021 the Children's Court commenced work to establish a dedicated care list for Aboriginal families consistent with Recommendation 125 of the Review. A Working Group comprised of a number of representatives of First Nation communities, legal stakeholders and Children's Court representatives has recommended the establishment of a pilot list in Dubbo NSW. Members of the Working Group are currently consulting with members of the First Nations community in Dubbo with a trial of a co-designed model expected to commence in 2022.

# Court-based programs

## Senior Aboriginal Client & Community Support Officer

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

The objectives of the S/ACCSO program are to:

- assist Aboriginal defendants, victims and families understand the outcome of their court matter
- improve Aboriginal 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 Aboriginal community and the Court.

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

- providing court support to defendants, victims and their families
- explaining the outcome of the court matter
- explaining the process of court
- assisting with registry services
- contacting family members
- helping completing forms
- linking new clients to legal representatives
- liaising between defendants and legal representatives when required.

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

## Justice Advocacy Service

The Justice Advocacy Service (JAS) supports young people and adults with cognitive impairment who are in contact with the NSW criminal justice system (as victims, witnesses and defendants) to exercise their rights and fully participate in the process. The service uses an individual advocacy approach by arranging a support person to be with victims, witnesses and suspects/defendants when they are in contact with police, courts and legal representatives. JAS is delivered by the Intellectual Disability Rights Service (IDRS). The service is available across NSW including in rural, regional and remote areas, and concentrated in NSW police area commands, police districts and around hub court locations.

### Seven core functions

1. Support for suspects or defendants with cognitive impairment in police custody 24 hours/7 days per week.
2. Support for victims and witnesses with cognitive impairment when in contact with police and court.
3. Support for people with cognitive impairment attending court in person or via audiovisual link from a youth justice or correctional centre.
4. Support for people with cognitive impairment attending legal appointments, including in-custody legal appointments.
5. Training for justice agency staff on working with people with cognitive impairment in contact with the criminal justice system.
6. Capacity building and peer mentoring for people with cognitive impairment in contact with the criminal justice system.
7. Free legal advice from a trained solicitor for suspects with cognitive impairment in police custody.





Mungindi Courthouse

## Magistrates Early Referral into Treatment (MERIT) Program

The Magistrates Early Referral into Treatment (MERIT) Program is a pre-plea 12-week drug treatment and rehabilitation program based in the Local Court that provides adult defendants with an opportunity to break the drug-related crime cycle.

MERIT has operated since 2000 and is currently available in 62 court locations: Drug MERIT is available in 55 courts and Alcohol MERIT (where alcohol is the principal drug of concern for participants) is available in seven courts: Bathurst, Broken Hill, Coffs Harbour, Dubbo, Orange, Wellington and Wilcannia.

The Local Court works in partnership with the NSW Department of Communities and Justice, the NSW Police Force, NSW Health, the Legal Aid Commission and a network of drug and alcohol agencies in the delivery, expansion and development of MERIT.

The program is designed to help defendants to focus on treating drug problems independently from their legal matters and aims to intervene in the cycle of drug use and crime by addressing the health and social welfare issues that bring defendants into contact with the criminal justice system. Treatment commences prior to any pleas being entered, with the adjournment of court matters until the completion of the program. Defendants participate in the program voluntarily and are case-managed by the MERIT team, which provides regular reports on the participant to the presiding magistrate. The final hearing and/or sentence proceedings generally coincide with the completion of the MERIT program, usually within a three-month timeframe. Magistrates are then able to consider the defendant's progress in treatment as part of final sentencing.

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

### Eligibility

JAS is available to victims, witnesses and suspects/defendants in contact with the NSW criminal justice system who may have a cognitive impairment. A potential client of JAS does not need to provide evidence of cognitive impairment to use this service.

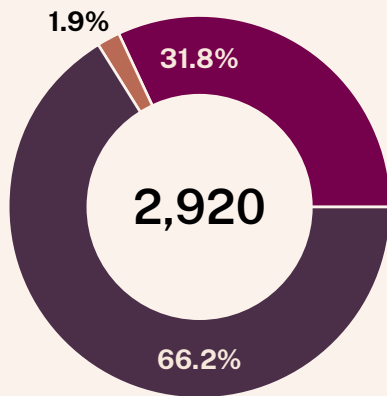
If police, court, legal representatives, correctional officers or other stakeholders suspect a person may have cognitive impairment, a referral can be made by calling the service.

### Expansion

From 1 April 2022, JAS will be expanded to include a court-based diversion service at the Downing Centre, Parramatta, Blacktown, Penrith, Gosford and Lismore local courts. This service will involve a diversion coordinator identifying eligible defendants for diversion under section 14 of the [Mental Health and Cognitive Impairment Forensic Provisions Act 2020](#). Furthermore, the service will assist in:

- conducting preliminary assessment of defendants for cognitive impairment
- engaging with the defendant's lawyer to understand the evidence needed to support diversion away from the criminal justice system
- collecting relevant evidence that will support a diagnosis of cognitive impairment, and where this evidence is not available, broker a timely cognitive assessment from a trained clinician
- assisting the defendant to access the National Disability Insurance Scheme (NDIS).

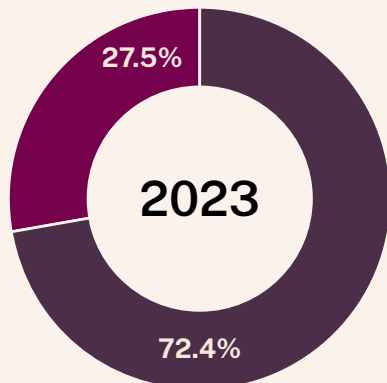
The court-based diversion service in these six locations is likely to be operational by July 2022.



### During 2021

**2,920** defendants were referred to MERIT, of which:

- 1,934 (66.2%) were accepted into the program
- 56 (1.9%) were partially assessed
- 930 (31.8%) were not accepted
- 546 identified as Aboriginal or Torres Strait Islander.



**1,466 (72.4%)** participants successfully completed the program, of which:

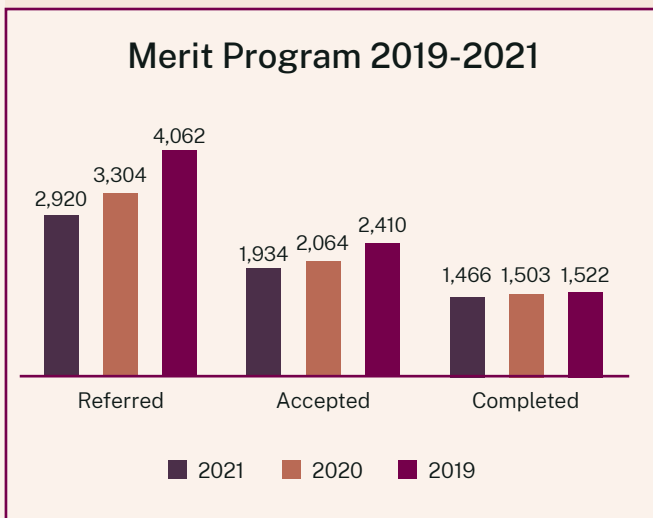
- 228 identified as Aboriginal or Torres Strait Islander.

**557 (27.5%)** participants did not complete the program for the following reasons:

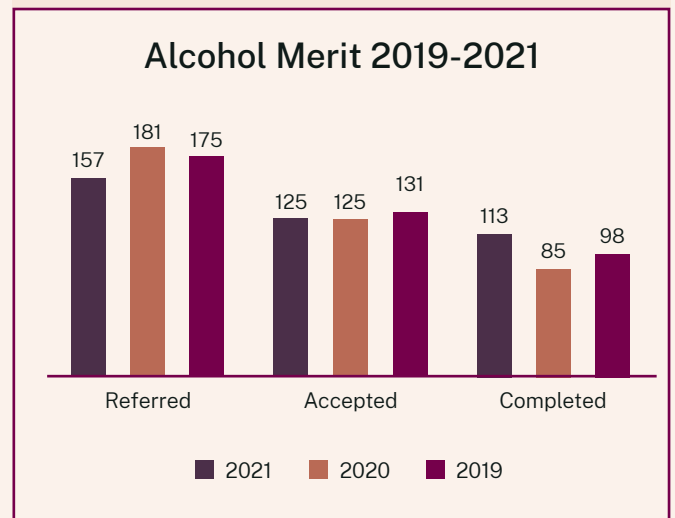
- 344 (61.8%) did not comply with the program conditions
- 115 (20.6%) withdrew voluntarily
- 62 (11.1%) were removed by the court
- 35 (6.3%) were exited for other reasons.

Acceptance rates and completion rates were higher in 2021 than in 2020 and 2019. The COVID-19 pandemic may have affected referral numbers, which were lower in 2021 than in 2020 and 2019.

Number referred, accepted and completed for MERIT program, including Alcohol MERIT participants:



Number referred, accepted and completed for Alcohol MERIT participants only:



**Note:** The annual number of program completions is not proportional to the annual number of program referrals. As MERIT is a 12-week program, some participants referred after 1 September 2021 will still be in the program at 31 December 2021, therefore cannot be accounted for in the 2021 completion figures above. Similarly, the 2021 completion figures include participants who commenced MERIT in the previous year, i.e., between 1 September 2020 and 31 December 2020, and completed the program in 2021.

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

In 2021, Circle Sentencing was available in the following communities:

- Armidale
- Blacktown
- Mount Druitt
- Walgett
- Wellington
- Nambucca
- Kempsey
- Lismore
- Dubbo
- Nowra
- Brewarrina
- Bourke

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 Aboriginal community.

In the period January to December 2021, a total of 28 matters proceeded to Circle Sentencing. This is considerably lower than in previous years. As previously outlined in this review, COVID-19 significantly affected the courts' listings and in addition presented significant health concerns for the Aboriginal community. In an attempt to protect the most vulnerable within the community, participation in Circle Sentencing was extremely limited in 2021.

In May 2020, BOCSAR released its latest report on Circle Sentencing. The study looked at 656 Aboriginal offenders who completed the program and found that, when compared to Aboriginal offenders sentenced in the traditional way, offenders participating in Circle Sentencing:

- were 9.3 percentage points less likely to receive a prison sentence
- are 3.9 percentage points less likely to reoffend within 12 months, and
- take 55 days longer to reoffend if and when they do.

The study demonstrates a strong correlation between indigenous sentencing courts and reduced imprisonment and recidivism.

## ENGAGE (men's behaviour change program)

ENGAGE is a brief voluntary intervention that aims to address a gap in delivery of early interventions for domestic violence perpetrators. ENGAGE facilitates engagement with other longer-term services and programs, including men's behaviour change programs. The process involves an ENGAGE officer attending the Local Court to recruit participants on domestic violence list days to attend a free, six-hour workshop delivered by organisations with experience delivering men's behaviour change programs and supporting participants to accept referrals to other services and programs.

ENGAGE was available at the following Local Court locations in 2021:

- Blacktown
- Fairfield
- Maitland
- Cessnock
- Raymond Terrace

ENGAGE is suitable for men over 18 years old charged with a domestic violence offence against their current or former intimate partner, or a defendant in an application for an ADVO (also limited to intimate partner violence). ENGAGE officers conduct a brief eligibility and suitability assessment of defendants who are referred by magistrates, solicitors and police.

The COVID-19 pandemic affected the delivery of ENGAGE. In 2021, ENGAGE officers operated in courts from January to 30 June 2021 only; in that period 319 defendants received a referral or attended a workshop through ENGAGE. Referrals are made by Local Court magistrates and other court users. It is expected that ENGAGE will return to in-person court attendance in 2022, with an increased presence at additional locations, including the Downing Centre.

## ReINVEST

ReINVEST is a clinical trial examining whether treating impulsive, repeat violent offenders with a commonly prescribed pharmacotherapy (Sertraline) can assist in managing impulsive behaviour and thus reduce offending. The trial is conducted by the School of Population Health at the University of NSW (UNSW) in collaboration with partners from NSW Department of Communities and Justice, Justice Health and Forensic Mental Health Network, and several other universities.

Adult male offenders with a history of violent offending who plead guilty to a further violent offence may be referred into the program by a magistrate, subject to eligibility screening and suitability assessments. Once accepted, the offender's court proceedings are adjourned prior to sentencing to allow him to commence the trial. The offender is then randomly placed in either the active (sertraline) or placebo arms of the study. Significant ongoing care is provided to the offender by the clinical team and all offenders participating in the trial do so voluntarily.

At sentencing the Court is provided with a report indicating the offender's progress after six weeks of participation, and then a further report after three months participation, at which point the offender will be sentenced and the court proceedings concluded. Where appropriate, the reports may be taken into account by the court as a factor in the offender's favour when sentencing. Conversely, as participation is voluntary, an offender's withdrawal from the study or lack of progress while on the study program is not to be taken into account as a factor adverse to the offender.

At the conclusion of court proceedings, the offender may opt to continue the treatment.

Further information about the trial can be accessed at <https://offenderhealth.net.au/strand-project/reducing-impulsivity-repeat-violent-offenders-using-selective-serotonin-reuptake-0>

Recruitment closed on 30 June 2021 after a three-month enhanced recruitment period with assistance from Corrective Services NSW. All active participants will be monitored until the last participant has 12 months of follow-up in 2022. Final trial results will likely be publicly available around the end of 2022. Should there be a positive result, this approach has significant potential for impact in this area, including reductions in domestic violence reoffending. The ReINVEST approach has the potential to align with, complement and encourage engagement with other perpetrator programs.

In 2021, 760 offenders were referred to the program for eligibility screening, with 124 of those offenders continuing to medical assessment. Of those offenders who were assessed, 96 were medically screened as suitable and accepted into the randomised trial.

Up until 30 June 2021, the ReINVEST trial operated in 16 Local Court locations:

- Burwood
- Downing Centre (Sydney)
- Gosford
- Fairfield
- Sydney Central
- Penrith
- Toronto
- Maitland
- Liverpool
- Parramatta
- Mount Druitt
- Bankstown
- Newtown
- Blacktown
- Newcastle
- Wyong



Ethical approval for this study has been granted by UNSW HREC (Human Research Ethics and Clinical Trials Governance), Corrective Services NSW (CSNSW), Aboriginal Health and Medical Research Council (AHMRC), and Justice Health and Forensic Mental Health Network (JH&FMHN).

Figures used in this section have been obtained from the School of Population Health of the University of NSW and the Kirby Institute of the University of NSW and supplied to the Chief Magistrate's Office by ReINVEST.

## Traffic Offender Intervention Program

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.

The TOIP is regulated by [Part 9 of the Criminal Procedure Regulation 2017](#).

### TOIP providers

- Aspire Traffic Offender Course
- Blacktown Traffic Offenders Program
- Police Citizens Youth Clubs (PCYC) NSW TOIP
- Road Sense Australia
- Save Traffic Program
- Parramatta Traffic Offenders Program
- Drug and Multicultural Education Centre (DAMEC)
- Scone Neighbourhood Resource Centre
- Sydney Safe Road

### TOIP annual figures for 2021

Participants who completed the program:

**20,209**

Participants who did not complete the program:

**1,593**

### Type of offences

Speeding offences

**32%**

PCA offences

**25%**

Regulatory offences

**19%**

Licence offences

**15%**

Other offences

**9%**

# Technology in the Local Court

## Audiovisual link technology (AVL)

Video conferencing allows an individual to appear at court from a remote location. The benefits of remote appearance include a reduction in transportation of prisoners to and from courthouses, especially in regional locations, and increased security. The use of AVL assists in the management of custodial matters throughout the Local Court and results in significant reductions of recurrent expenditure for government, while reducing the risks associated with the transportation of inmates. AVL provides a more convenient option for parties and witnesses to participate in proceedings, avoiding the need for travel, and enhances protections for victims of crime.

In 2021, AVL was used to conduct more than 70,784 adult in-custody appearances in the Local and Children's Courts, an increase of approximately 2,862 appearances or 4.21% when compared to the previous reporting period. This significant rise in AVL appearances was a result of the Court's response to the COVID-19 pandemic and the desire to protect a vulnerable prison population.

In addition to this figure, 5,635 appearances were conducted from a Corrective Services NSW site via AVL for weekend and public holiday bail courts, and 945 matters for the jurisdiction of the Children's Court.

AVL facilities were available in the following 81 Local Court, Children's Court and Coroner's Court locations during 2021:

- Albury
- Albion Park
- Armidale
- Ballina
- Bankstown
- Bateman's Bay
- Bathurst
- Bega
- Belmont
- Blacktown
- Bourke
- Brewarrina
- Broadmeadow Children's Court
- Broken Hill
- Burwood
- Byron Bay
- Campbelltown Local and Children's Courts
- Central (Sydney)
- Cessnock
- Coffs Harbour
- Cooma
- Coonamble
- Cootamundra
- Coroner's Court, Lidcombe
- Cowra
- Deniliquin
- Downing Centre (Sydney)
- Dubbo
- East Maitland
- Fairfield
- Gosford
- Goulburn
- Grafton
- Griffith
- Gunnedah
- Hornsby
- Inverell
- John Maddison Tower (Sydney)
- Katoomba
- Kempsey
- Lismore
- Lithgow
- Liverpool
- Maitland
- Manly
- Moree
- Moss Vale
- Mt Druitt
- Mudgee
- Muswellbrook
- Narrabri
- Newcastle
- Newtown
- Nowra
- Orange
- Parkes
- Parramatta Local and Children's Courts
- Penrith
- Picton
- Port Kembla
- Port Macquarie
- Queanbeyan
- Raymond Terrace
- Singleton
- Surry Hills Children's Court
- Sutherland
- Tamworth
- Taree
- Toronto
- Tweed Heads
- Wagga Wagga
- Walgett
- Waverley
- Wellington
- Wentworth
- Wilcannia
- Windsor
- Wollongong
- Woy Woy
- Wyong
- Young

## Remote witnesses

In 2021 there were 120 remote witness facilities available at 95 Local Court locations, with 39 dedicated multipurpose suites available at 34 locations, all of which interconnect to 250 courtrooms across the State. Every Local Court circuit has at least one court location with a remote witness room.

Remote witness rooms enable vulnerable witnesses in sensitive matters (such as sexual assaults) to give evidence via AVL or closed-circuit television (CCTV) from a remote location. This facility is highly utilised and provides some measure of comfort and security to victims of crime.

## Virtual courtrooms

In response to the COVID-19 pandemic, virtual courtrooms were set up in the Local Court in every courtroom with AVL facilities as a means of allowing matters to progress without the need for all participants to attend in person. With the Court's approval, legal representatives and prosecutors were permitted to access the virtual courtrooms via a secure link on their own device, which provided a digital option for matters to progress without the need for participants to attend in person.

Use of this technology was not as high as in other jurisdictions where it was more compatible with the nature of the work being undertaken.

## Court lists online

The provision of online access to daily court lists for Local Court locations across NSW enhances public accessibility to the Court. Court users can access the online facility through the Local Court website or the [Online Registry site](#).

## Electronic lodgment civil claims

Electronic lodgment of civil claims allows court users to lodge initiating process documents and to file for default judgment. Electronic lodgment results in increased timeliness in court practices and procedures by reducing the number of matters that need to be heard in open court.

Online Court is a digital service in the civil jurisdiction, which enables legal practitioners and registrars to manage and process preliminary Orders (call-overs) without having to enter the courtroom. This optimises use of court time, precluding the need for waiting for matters to be heard as the list progresses throughout the day, as well as saving travel costs associated with appearing in person.

## Criminal processes

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

## Apprehended Violence Orders (AVOs)

The NSW Police Force is able to file applications for AVOs electronically directly into JusticeLink, which precludes the need for manual processing of AVOs by court registry staff. Related information about related court Orders is electronically shared with police.

## Local Court website

The Local Court website provides access to information including Local Court Practice Notes, forms, fees and COVID-19 related Orders and memoranda. The website can be found [here](#).

Due to the large number of cases magistrates hear, the majority of judgments in the Local Court are delivered orally (ex tempore). Selected written judgments are published on the [Caselaw NSW website](#).

# Judicial education and professional development



Cooma Courthouse

*The Local Court, in partnership with the Judicial Commission of NSW, provides a relevant, contemporary and practical continuing judicial education program for all magistrates. The program aims to inform judicial officers about changes to the law, community values, court practice and procedure in order to maintain and improve judicial performance.*

Each year, the Judicial Commission's Local Court Education Committee, composed of magistrates and convened by the Director, Education, meets regularly to plan the education program. In contrast to the previous year when the pandemic limited most activities, the committee was able to hold five meetings in 2021 and planned a comprehensive education program both in person and by webinar.

## Challenges of 2021

The backlog of matters caused by the COVID-19 pandemic shutdowns in 2020 had a flow-on effect for magistrates. With the additional workload imposed by the backlog, availability to participate in education programs was quite limited.

As many hotels and venues were closed or had been redeployed as government quarantine hotels due to the impact of COVID-19, we encountered

some difficulties in sourcing a venue for the Local Court annual conference 2021. Given the large numbers (usually ~150 attendees) and social distancing requirements, suitable spaces were limited. A venue was eventually sourced and the conference was able to take place.

## Highlights of 2021

In 2021, the Judicial Commission continued to build on the work undertaken throughout 2020 to enhance the scope of the Local Court of NSW programs, using the new delivery platforms and technology acquired. The Court has adapted well to work within this flexible framework.

The Judicial Commission redesigned the week-long Magistrates' Orientation Program and delivered it in December 2021. The reworking of the program structure included an increased focus



on applications, judicial behaviour and better use of resources and time. The refreshed model was highly successful, attaching an unprecedented 100% satisfaction rating.

The Judicial Commission developed and began rolling out a series of webinars for the Coroners Court, specifically addressing vicarious trauma and with a focus on the Bushfire Inquiry, followed by reflective practice.

## Conferences, seminars, webinars and other education opportunities

During 2021, magistrates continued to receive specialised training tailored to meet their educational needs:

- Permanent magistrates attended 852 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 June 2021 for all NSW magistrates. Topics included evidence, vicarious trauma, artificial intelligence, corrective services and court diversion, a criminal law update and others. The annual conference received an overall satisfaction rating, above target at 91%.
- Smaller, interactive metropolitan and regional programs were attended by all magistrates. These interactive sessions, structured around discussion and peer-based learning, facilitate the development of judicial knowledge and skills. Topics focused on recent legislative amendments as well as courtroom management in light of COVID-19 challenges, evidence, bail and others. 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.
- 12 magistrates attended a residential orientation program in November – this is a five-day residential program that focuses on court craft and judicial skills for new magistrates. In line with public health guidelines, these highly interactive training sessions were

adapted to ensure social distancing and other COVID-19 safe practices. It paved the way to a resumption of more traditional interaction which is preferable for this type of practical learning. The overall usefulness and relevance of the program was rated at 100%.

## Cultural and cross-jurisdictional programs

Magistrates continued to participate in the Judicial Commission's Ngara Yura Program which aims to increase awareness among judicial officers about contemporary Aboriginal society, customs and traditions, and their effect on Aboriginal people in the justice system. Magistrates were well represented at all Ngara Yura programs in 2021. Two face-to-face and four online events were held covering important considerations in understanding culture.

Cross-jurisdictional programs aim to facilitate discussion about current issues and provide opportunities for exchanging ideas between members of different courts. In light of COVID-19 there were limited options for in-person programs; however, a number of magistrates attended the cross-jurisdictional webinar on the latest DNA capabilities and limitations.

The online platform provided the opportunity to deliver information and training during a time when the courts were dealing with the unique challenges brought about by the pandemic and, of course, high work load. In addition to online learning, resources such as video recordings and podcasts, bench books and other research tools were available to all magistrates via the JIRS (Judicial Information Research System) database.

## Faculty participation

Magistrates are involved in the development and delivery of the education program to ensure its relevance to the judicial role.

Participants are asked to rate the practical value of each education event to their work.

A key aspect of the education program is the development of faculty to deliver the content. Magistrates are encouraged to research and present on suitable topics, supported by the Committee and the Judicial Commission staff. This approach not only aims to ensure that the particular needs of the learner cohort are met, but it also expands the knowledge and skillset of the presenter.

## **Magistrates who attended the Ngarra Yura program: Solutions to reducing the Indigenous prison population – Role of a specialist court (County Koori Court of Victoria)**

### **March 2021**

- His Honour Magistrate Richard Funston
- Her Honour Magistrate Julie Soars
- Her Honour Magistrate Jacqueline Trad
- His Honour Magistrate Brian van Zuylen

## **Magistrates who attended the Ngarra Yura program: Visit to Weave**

### **April 2021**

- His Honour Magistrate Glenn Bartley
- Her Honour Magistrate Susan Duncombe
- Her Honour Magistrate Clare Farnan
- Her Honour Magistrate Elizabeth Ryan
- Her Honour Magistrate Nell Skinner
- His Honour Acting Magistrate Paul Mulroney

## **Magistrates who attended the Ngarra Yura webinar: First Nations Speaker Series – Dr Tyson Yunkaporta**

### **August 2021**

- His Honour Deputy Chief Magistrate Michael Allen
- Her Honour Magistrate Teresa O’Sullivan, State Coroner, Coroner’s Court of NSW
- Her Honour Magistrate Joan Baptie
- Her Honour Magistrate Susan Duncombe
- His Honour Magistrate Richard Funston
- His Honour Magistrate Christopher Halburd
- Her Honour Magistrate Vivien Swain
- Her Honour Magistrate Katherine Thompson
- His Honour Magistrate Brian van Zuylen
- His Honour Acting Magistrate Paul Mulroney

## **Magistrates who attended the Ngarra Yura webinar: First Nations Speaker Series – Ms Karlie Noon**

### **August 2021**

- His Honour Deputy Chief Magistrate Michael Allen
- Her Honour Magistrate Teresa O’Sullivan, State Coroner, Coroner’s Court of NSW
- Her Honour Magistrate Joan Baptie
- Her Honour Magistrate Susan Duncombe
- His Honour Magistrate Richard Funston
- His Honour Magistrate Christopher Halburd
- Her Honour Magistrate Vivien Swain
- Her Honour Magistrate Katherine Thompson
- His Honour Magistrate Brian van Zuylen

## **Magistrates who attended the Ngarra Yura webinar: First Nations Speaker Series – Uncle Bruce Pascoe**

### **September 2021**

- His Honour Deputy Chief Magistrate Michael Allen
- Her Honour Magistrate Joan Baptie
- Her Honour Magistrate Susan Duncombe
- His Honour Magistrate Christopher Halburd
- Her Honour Magistrate Vivien Swain
- Her Honour Magistrate Katherine Thompson
- His Honour Magistrate Brian van Zuylen
- His Honour Acting Magistrate Paul Mulroney

## **Magistrates who attended the Ngarra Yura webinar presented in collaboration with the Francis Forbes Society: Making the Past Visible – The Legacies of the Protectionist Legislation**

### **November 2021**

- Her Honour Magistrate Susan Duncombe
- His Honour Magistrate Richard Funston
- His Honour Magistrate David O’Neil
- Her Honour Magistrate Jacqueline Trad

## Magistrates who attended the cross-jurisdictional webinar: DNA – the latest capability and limitations of DNA technology and techniques

May 2021

- His Honour Magistrate Richard Funston
- His Honour Magistrate Ronald Maiden
- His Honour Magistrate David O’Neil
- Her Honour Magistrate Jacqueline Trad
- His Honour Magistrate Brian van Zuylen

## Magistrates who attended the Local Court of NSW Orientation Program

November 2021

- His Honour Judge Peter Johnstone, Chief Magistrate
- Her Honour Magistrate Bree Chisholm
- His Honour Magistrate Scott Nash
- Her Honour Magistrate Robyn Richardson
- Her Honour Magistrate Melissa Humphreys
- His Honour Magistrate Justin Peach
- Her Honour Magistrate Nicole Ford
- Her Honour Magistrate Kirralee Perry
- His Honour Magistrate Michael Ong
- Her Honour Magistrate Kasey Pearce
- His Honour Magistrate Gareth Christofi
- Her Honour Magistrate Rebecca Hosking



Warialda Courthouse



# Legal education and participation with external bodies

In 2021, magistrates continued to be involved in legal education, with a number of magistrates regularly volunteering their time to present on current legal developments to various organisations. Many magistrates have also participated in internship programs with the Law Society of NSW, University of NSW and Wollongong University.

The State Coroner and Deputy State Coroners also presented numerous lectures and papers to various stakeholders in the coronial jurisdiction.

Magistrates' activities in 2020 are summarised below:

## 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, Australian Judicial Officers Association
- Member, Advisory Committee of the Sydney Institute of Criminology
- Member, NSW Police Aboriginal Strategic Advisory Committee
- Member, Aboriginal Justice Partnership Committee
- Honorary Judicial Member, Law Society of NSW
- Associate Member, NSW Bar Association

### Speaking engagements and other activities:

- Feb** Presentation, NSW Child Protection Legal Conference 'Perspectives from the President'
- March** Presentation, Royal Australian and New Zealand College of Psychiatrists' Section of Child and Adolescent Psychiatry Virtual Conference 'Children and Criminal Responsibility in NSW'

- July** Presentation, Sydney Rotary Club, 'Youth Justice in NSW – Why We Treat Children Differently'
- Presentation, Children's Court Clinic 20th Anniversary Symposium, 'The Children's Court Clinic: 20 Years of Independent Expert Assistance'
- Aug** Panel discussion, Legal Aid NSW Family Law and Care and Protection Legal Conference 'Latest and greatest cases in Care and Protection and Family Law'
- Sep** Presentation, Sydney Wahroonga Rotary Club, 'Youth Justice in NSW – Why We Treat Children Differently'
- Oct** Judge, Corrs Chambers Westgarth, First Year Moot Semi-Final
- Nov** Presentation, Local Court Orientation Program
- Dec** Member, ACT selection/interview panel for positions of magistrate/coroner

## His Honour Magistrate Glenn Bartley

### Speaking engagements and other activities:

- March** Presentation, 'Effective Advocacy in the Local Court' at a CLE seminar conducted by the Eastern Suburbs Law Society

### Membership of organisations:

- Member, Environment and Planning Law Association (NSW)

## Her Honour Magistrate Sue Duncombe

### Membership of organisations:

- Member, Judicial Council on Cultural Diversity
- Member, Ngara Yura Committee



## Her Honour Magistrate Sharon Freund (Deputy Chief Magistrate from 17 December 2021)

### Membership of organisations:

- Member, Law Society of NSW (Hon. Member)
- Associate Professor, Notre Dame Medical School
- Member, Women Lawyers Association
- Member, Judicial College of Australia

## His Honour Magistrate Michael Holmes

### Membership of organisations:

- Member, Law Society of England and Wales
- Member, Law Society of NSW (Hon. Member)

## Her Honour Magistrate Rebecca Hosking

### Membership of organisations:

- Member of the Women Lawyers Association

## Assessor Emma Keir

### Membership of organisations:

- Member, NSW Law Society Litigation  
*Law & Practice Committee.*

## Her Honour Magistrate Debra Maher

### Membership of the judiciary panels for the following organisations:

- Sydney Premiership Rugby
- NSW Rugby Union
- Super W (Women's Super Rugby Competition)
- Super Rugby Trans-Tasman Competition 2021  
(SANZAR)

## His Honour Magistrate Scott Nash

### Speaking engagements and other activities:

- March** 'Appearing in the Local Court and Children's Court' –CPD seminar presented to members of the NSW Bar Association (organised by the Practice Development Committee)
- Nov** 'Environmental Crime: Prosecutions in the Local Court' –seminar presented to the Environmental Planning Law Association Inc (NSW) as part of the association's annual conference

## His Honour Magistrate Brett Shields

### Membership of organisations:

- Professor of Law (Adjunct) at the University of Notre Dame, Australia

## His Honour Magistrate Philip Stewart

### Speaking engagements and other activities:

- Nov** Chief Adjudicator at the 60th JH Milne Police Prosecution Public Speaking Competition

## His Honour Magistrate Van Zuylen

### Membership of organisations:

- Member, Ngara Yura Committee



# Appendices

## The Court's time standards

The Court aims to finalise its caseload in accordance with the following time standards:

### Local Court criminal time standards

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

### Local Court civil time standards

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

### Children's Court Criminal Time Standards

- **90%** of all summary criminal trials – within 6 months and **100%** – within 12 months

### Children's Court Care Time Standards

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

## Coroner's time standards

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

## The Court's committees

### Membership of committees in 2021

#### Local Court Education Committee

- Her Honour Deputy Chief Magistrate J Mottley AM
- His Honour Deputy Chief Magistrate M Allen (Chair)
- His Honour Magistrate I Guy
- Her Honour Magistrate V Swain
- His Honour Magistrate L Mabbutt
- Her Honour Magistrate S McIntyre
- His Honour Magistrate M Antrum
- His Honour Magistrate R Stone
- Her Honour Magistrate C Huntsman
- Her Honour Magistrate E Kennedy
- His Honour Magistrate P Stewart
- Her Honour Magistrate K Robinson
- His Honour Magistrate R Hudson
- Her Honour Magistrate N Ford
- Ms B Delbridge, Policy Officer, Chief Magistrate's Office
- Ms U Doyle, Director, Education, Judicial Commission of NSW (Convenor)



### Local Court Bench Book Committee

- Her Honour Judge J Mottley AM
- His Honour Deputy Chief Magistrate M Allen
- Her Honour Magistrate T O’Sullivan
- Her Honour Magistrate S McIntyre
- His Honour Magistrate M Antrum
- Her Honour Magistrate D Maher
- Ms B Delbridge, Policy Officer, Chief Magistrate’s Office
- Ms P Mizzi, Director, Research and Sentencing, Judicial Commission of NSW (Chair and Convenor)

### Statute Law Revision and Procedures Committee

- Chair: Her Honour Deputy Chief Magistrate Jane Mottley AM
- His Honour Deputy Chief Magistrate Michael Allen
- Ms Brooke Delbridge, Policy Officer

### Terms and Conditions of Service Committee

- Chair: His Honour Judge Graeme Henson AM, Chief Magistrate
- Members: Her Honour Deputy Chief Magistrate Jane Mottley AM
- His Honour Deputy Chief Magistrate Michael Allen
- Secretary: Ms Jacinta Haywood, Executive Officer
- Ms Brooke Delbridge, Policy Officer

### Ethics Committee (ad hoc)

- Chair: His Honour Judge Graeme Henson AM, Chief Magistrate
- Her Honour Deputy Chief Magistrate Jane Mottley AM
- His Honour Deputy Chief Magistrate Michael Allen

### Local Court Bench Book Committee

- Chair: His Honour Deputy Chief Magistrate Michael Allen
- Her Honour Deputy Chief Magistrate Jane Mottley AM



Newcastle Justice Precinct

- Ms Brooke Delbridge, Policy Officer
- Ms Pierrette Mizzi, Judicial Commission of NSW
- Mr Mark Zaki, Judicial Commission of NSW

### Court Security Committee

- Chair: His Honour Judge Graeme Henson AM, Chief Magistrate
- Her Honour Deputy Chief Magistrate Jane Mottley AM
- His Honour Deputy Chief Magistrate Michael Allen
- His Honour Magistrate Michael Barko
- His Honour Magistrate Michael Dakin
- His Honour Magistrate Peter Feather
- Her Honour Magistrate Sharon Freund
- His Honour Magistrate Gregory Grogin
- His Honour Magistrate Jeff Linden

### Local Court Rule Committee

- Chair: His Honour Judge Graeme Henson AM, Chief Magistrate
- Her Honour Deputy Chief Magistrate J Mottley AM
- His Honour Deputy Chief Magistrate M Allen + external representatives



## 2021 court by court statistics

Court	Criminal lodgments	Criminal finalisations	Clearance ratios
Albion Park	437	410	93.82
Albury	4,577	4,740	103.56
Armidale	2,217	2,265	102.17
Ballina	1,766	1,674	94.79
Bankstown	12,384	10,970	88.58
Batemans Bay	1,447	1,433	99.03
Bathurst	2,773	2,705	97.55
Bega	868	842	97.00
Belmont	3,195	3,227	101.00
Blacktown	9,308	9,133	98.12
Blayney	86	86	100.00
Boggabilla	168	173	102.98
Bombala	71	71	100.00
Bourke	1,139	1,092	95.87
Brewarrina	417	418	100.24
Broken Hill	2,155	2,403	111.51
Burwood	12,129	12,069	99.51
Byron Bay	1,483	1,471	99.19
Camden	129	211	163.57
Campbelltown	9,539	8,896	93.26
Casino	1,140	1,149	100.79
Central	7,390	7,081	95.82
Cessnock	2,576	2,687	104.31
Cobar	287	321	111.85
Coffs Harbour	4,696	4,679	99.64
Condobolin	186	222	119.35
Cooma	853	872	102.23
Coonabarabran	377	384	101.86
Coonamble	580	610	105.17
Cootamundra	573	559	97.56
Corowa	270	284	105.19
Cowra	929	915	98.49
Crookwell	31	35	112.90
Deniliquin	852	805	94.48
Dubbo	6,612	6,683	101.07
Dunedoo	56	62	110.71

Court	Criminal lodgments	Criminal finalisations	Clearance ratios
Dungog	39	36	92.31
Eden	240	239	99.58
Fairfield	8,586	8,169	95.14
Finley	276	290	105.07
Forbes	654	653	99.85
Forster	1,604	1,609	100.31
Gilgandra	290	294	101.38
Glen Innes	637	610	95.76
Gloucester	72	69	95.83
Gosford	7,492	7,226	96.45
Goulburn	2,422	2,426	100.17
Grafton	1,822	1,811	99.40
Griffith	2,683	2,527	94.19
Gulgong	39	42	107.69
Gundagai	243	222	91.36
Gunnedah	926	938	101.30
Hay	285	293	102.81
Holbrook	154	156	101.30
Hornsby	7,034	6,336	90.08
Inverell	1,729	1,679	97.11
Junee	106	106	100.00
Katoomba	1,101	1,104	100.27
Kempsey	2,682	2,620	97.69
Kiama	897	884	98.55
Kurri Kurri	719	690	95.97
Kyogle	145	133	91.72
Lake Cargelligo	93	103	110.75
Leeton	867	878	101.27
Lightning Ridge	276	259	93.84
Lismore	4,159	4,087	98.27
Lithgow	1,646	1,670	101.46
Liverpool	14,641	14,368	98.14
Macksville	905	878	97.02
Maclean	422	467	110.66
Maitland	4,200	4,278	101.86
Manly	4,648	4,536	97.59

<b>Court</b>	<b>Criminal lodgments</b>	<b>Criminal finalisations</b>	<b>Clearance ratios</b>
Milton	575	572	99.48
Moama	155	172	110.97
Moree	2,227	2,278	102.29
Moruya	418	416	99.52
Moss Vale	1,767	1,765	99.89
Mt Druitt	8,044	8,007	99.54
Mudgee	1,155	1,103	95.50
Mullumbimby	249	261	104.82
Mungindi	56	46	82.14
Murwillumbah	609	660	108.37
Muswellbrook	2,556	2,726	106.65
Narooma	386	395	102.33
Narrabri	546	548	100.37
Narrandera	435	431	99.08
Narromine	451	431	95.57
Newcastle	10,924	10,880	99.60
Newtown	5,044	4,745	94.07
Nowra	3,855	3,840	99.61
Nyngan	190	208	109.47
Oberon	66	66	100.00
Orange	2,780	2,826	101.65
Parkes	1,222	1,196	97.87
Parramatta	23,481	22,835	97.25
Peak Hill	28	35	125.00
Penrith	9,655	9,200	95.29
Picton	2,111	2,252	106.68
Port Kembla	2,864	2,819	98.43
Port Macquarie	4,727	4,937	104.44
Queanbeyan	2,199	2,217	100.82
Quirindi	398	408	102.51
Raymond Terrace	3,447	3,369	97.74
Rylstone	55	62	112.73
Scone	279	346	124.01
Singleton	711	744	104.64
Sutherland	13,755	13,771	100.12
Sydney Downing Centre	27,601	26,236	95.05
Tamworth	5,004	5,025	100.42
Taree	3,307	3,365	101.75
Temora	198	196	98.99



Finley Courthouse



Eden Courthouse

Court	Criminal lodgments	Criminal finalisations	Clearance ratios
Tenterfield	349	353	101.15
Toronto	3,957	3,919	99.04
Tumbarumba	49	52	106.12
Tumut	537	545	101.49
Tweed Heads	3,455	3,513	101.68
Wagga Wagga	5,642	5,731	101.58
Walcha	95	106	111.58
Walgett	1,084	1,042	96.13
Warren	192	192	100.00
Wauchope	225	243	108.00
Waverley	7,595	7,474	98.41
Wee Waa	147	147	100.00
Wellington	815	799	98.04
Wentworth	615	692	112.52
West Wyalong	229	231	100.87
Wilcannia	362	371	102.49
Windsor	2,336	2,275	97.39
Wollongong	9,405	9,104	96.80
Woy Woy	3	3	100.00
Wyong	7,441	7,239	97.29
Yass	446	467	104.71
Young	1,170	1,197	102.31
<b>Total</b>	<b>358,109</b>	<b>351,407</b>	<b>98.13</b>











**Local Court**  
New South Wales

**Office of the Chief Magistrate**

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

**E:** [cmo@justice.nsw.gov.au](mailto:cmo@justice.nsw.gov.au)

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