

Local Court of New South Wales

Annual Review 2020



Local Court
of New South Wales

Contents

Foreword by Chief Magistrate of New South Wales	2
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1. An overview of the Local Court	5
Jurisdictions and Divisions	6
The Magistrates	8
Chief Magistrate's Executive Office	12
The work of the Local Court registries	13

2. Court operations during 2020	14
Criminal jurisdiction	15
Civil jurisdiction	20
Coronial jurisdiction	21

3. Diversionary programs and other aspects of the Court's work	26
Diversionary programs	27
Technology in the Local Court	31

4. Judicial education and community involvement	33
Judicial education and professional development	34
Legal education in the community and participation in external bodies	38

Appendices	40
The Court's time standards	41
The Court's committees	42
2020 Court by Court statistics	43

Foreword by Chief Magistrate of New South Wales

At the conclusion of the 2019 court year I held some optimism that my request for additional resources would be favourably considered by government. The rationale behind a request for greater resources had been assessed by the bureaucracy and the Bureau of Crime Statistics and Research (BOCSAR) and found to be justified. Faced with the facts, empirically tested by an external body ignoring reality became a poor option for government. At the height of optimism the world changed in the shape of the arrival of the pandemic.

The declaration of the pandemic and a lack of deep understanding of what the impact would mean created a completely different landscape. Government priorities focused on the need to protect the community from imagined consequences of a potentially widespread outbreak of disease whilst at the same time harnessing the institutions of the state to maintain and manage the basic structures of society. The need to ensure continuance of our system of justice at the level of the Local Court remained fundamentally necessary.

This meant that throughout the State the Local Court continued to operate but in a very different manner. With an eye to compliance with public health orders, the primary objective of the Local Court was to maintain access to justice whilst at the same time adjusting its operations to minimise the risk of infection. In a jurisdiction which sees well over half a million people come through its doors annually this was a challenge. Against that background it is in this Annual Review pertinent to describe in broad terms the steps taken to meet the risk and challenges that arose during a unique period.

A court jurisdiction is not just made up of laws and litigation. It is an amalgam of many parts – magistrates, court staff, police prosecutors, the DPP, Legal Aid, Aboriginal Legal Service, barristers, solicitors, support persons, interpreters, justice health professionals, victim support people, witnesses and the public in general all embraced within an environment of open justice. The impact of changed arrangements on all of these components could not be ignored.

Given the volume of people who come through the doors of a Local Court each day the immediate reaction was to abandon the hearing of defended matters scheduled for the period between mid-March and May. This created an immediate reduction in the number of parties, witnesses and others who would otherwise have been required to move within the community to and from court thereby reducing the level of exposure within court premises and the community to the risk of infection. The Court recognized the inconvenience and ultimate consequence in terms of delay however accepted that this was the appropriate and better course of action.

The initial short period during which abandonment of hearings occurred reflected the likelihood that as more was known within government regarding the community situation, the appropriate public health response would lead to greater clarity and allow the court to tailor its response with greater precision. The unknown extent of risk at the beginning of the pandemic supported such a conservative approach.

As the reach of the pandemic expanded a decision was taken in April 2020 to abandon listed defended hearings in May, June and July and relist all abandoned hearings for call over and reallocation of hearing dates. This proved to be an effective mechanism for limiting the continually expanding delay, bolstered by the confidence in operational safety that had been effective during the early months of the pandemic. As I write this foreword some 12 months after the declaration of the pandemic there have still not been, to my knowledge, any recorded cases of COVID-19 sourced to any court premises within the state. For that outcome the registry staff, sheriffs and all who keep our Local Courts operational are to be commended.

Despite the limitations created by public health directives the Court was not left helpless in a one dimensional sense. From the beginning of its response it marshalled its limited AVL facilities throughout the State to deal with an expected surge in release applications from people in custody concerned at the prospect of COVID-19 finding its way into the prison population. Over 2,300 release applications flooded the court in short order.

In dealing with this situation the Court recognized it had to balance the health and safety of the individual held in custody and facing serious charges against the need to ensure people were not unduly detained in custody in the context of a changed operating environment. In particular the reduced capacity of the Court to hear defended proceedings was likely to result in delay which in turn might impart a longer period of time in custody than matched the seriousness of the charged conduct. Unlike the higher jurisdictions, where a sentence of imprisonment is imposed in the Local Court it is measured by and large in periods of 2 years or less. The concern of the Court was not to let hearings involving people in custody to become so prolonged that it may create an unjust outcome.

When it is understood that each year the Local Court deals with over 100,000 bail decisions, it was fortuitous the Court abandoned defended hearings as swiftly as it did given the surge in release applications. The legislative imperative to hear release applications with immediacy meant the Court could not have otherwise coped with the demands on its time.

At the same time as it turned to greater use of technology to deal with bail matters, the Court maintained its scheduled finalisations of sentence matters involving people in custody. In doing this the prospect of injustice in sentencing people in custody to periods of imprisonment which were less than the period of time they had been in custody was avoided. All the while domestic violence lists and other list courts continued. The Court changed its procedures to allow interlocutory appearances by AVL, telephone or email, an approach taken up with alacrity by the legal profession in particular, with the benefit of reducing physical appearances on court premises. So successful were these arrangements they are likely to be retained in modified form once the risk of infection is further mitigated following the roll out of the vaccination process.

A new normal of sittings began at the end of July 2020. Satisfied as to the effectiveness of social distancing and public health arrangements and concerned at the intermediate and long term impact of a lengthy cessation of hearing defended matters, the decision was made to

recommence defended hearings. All abandoned hearings were relisted for allocation of new hearing dates. In what can only be described as an outstanding contribution to reducing consequential delay occasioned by the impact of the pandemic, NSW Police, who carry the overwhelming burden of matters before the Local Court, began a rigorous process of negotiation with legal practitioners and defendants intended to narrow issues or resolve matters that had been previously listed for hearing. This process, conducted across the State, arguably saved the court a month's worth of delay in the hearing of defended hearings. The willingness of the prosecution and defence to own their part of the consequences of COVID-19 represented pragmatism at its most useful and took pressure off the system.

The magistracy also played an important part. Magistrates abandoned periods of annual leave, scheduled conferences including the Annual Conference were abandoned and overall this fed approximately 1,000 additional sitting days back into the system. Given that a decision was taken in March 2020 to block out the month of October 2020 from the listing of defended hearings in order to deal with a perceived surge in the backlog of list matters, the increase in the capacity of the Court was welcome.

At the end of March 2020, and before COVID-19 had reached its full impact, the backlog within the Local Court (those matters which were in the system but not finalised) was 68,723. By June it had risen to 92,741. By the end of October – (the month set aside 6 months earlier as a tactical response to an anticipated rise in the backlog) the backlog had been reduced to 77,852. By the end of December it was down to 76,696, still above what would have been a norm of approximately 62,000 but better than the Court had any right to expect. The contribution by stakeholders, with a special mention for registry staff who have been tireless during 2020, has been outstanding.

None of the foregoing comes without a cost. By the end of 2020 the Court as a whole, including registry staff, was exhausted. I suspect the same observation would apply to the major stakeholders such as Police Prosecutors, the DPP, Legal Aid and support agencies.

That the Court met the challenge created from circumstances beyond its control is noteworthy but it is not the end.

The legacy of 2020 is represented by a significant lengthening of delay in the finalisation of defended hearings. Some court locations in the metropolitan area have delays approaching 12 months, a position unheard of in the history of the Local Court. The need for additional resources highlighted over the last 3 years has not disappeared. Common sense informs that the need is even more urgent. The existence of extended periods of delay in the Local Court should not be measured against those in the higher jurisdictions. The Court deals with over 94% of all criminal prosecutions, almost all domestic violence matters and a broad civil jurisdiction. Its activities impact on the lives of hundreds of thousands of people on a yearly basis.

Leaving delay unaddressed by an inadequate response from government in terms of sufficient resourcing imposes a far greater burden on the community than that which represents the by-product of delay in the higher jurisdictions.

Being unable to effectively deploy additional resources means the delays which are in part the consequence of the pandemic and the rise in case load in recent years cannot be brought back to what was once regarded as an acceptable level. When the proposal for the appointment of 10 additional magistrates was put to government in 2019 it was reviewed by the Department of Communities and Justice and BOCSAR. Both confirmed that the needs of the Court were as I had indicated.

If the need was confirmed in 2019, common sense suggests the impact of COVID-19 has made the need even more necessary and urgent. A significant part of the challenge for the Court lies in country regions – Albury, Wagga Wagga, the Central West, Coffs Harbour and the Illawarra. Part of the proposal to government also made the case for a substantial increase in resources for use in the coronial jurisdiction of the Local Court. It is a broad proposal to government but one which is vital to the continued efficient operations of the Court. Whether and how government will respond are questions that remain unanswered at this time.

I am enormously proud of the contribution made by magistrates during the time of COVID-19 in 2020 but I have also seen the impact on the health and morale of the Court. Both are at serious risk of decline. The Local Court is not an inexhaustible source of contribution. The potential impact of expecting too much for too long without regular reviews of the sufficiency of resourcing is highlighted in the research paper into the impact of vicarious trauma on the judiciary conducted by the University of New South Wales. It makes for concerning reading. Identification of the potential risk to magistrates of constant exposure to vicarious trauma is to highlight the reality that judging is not a risk free environment.

When the issue is compounded by association with high levels of stress produced by constant exposure to high volumes of caseload the reasonable conclusion is one that necessitates a positive response from government. We live in hope.

Judge Graeme Henson AM
Chief Magistrate

1 An overview of the Local Court

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

Jurisdictions and Divisions

The Local Court is the first point of contact many people have with the justice system in New South Wales. In order of ascension, the District Court, Supreme Court, Courts of Appeal and Criminal Appeal, and the High Court of Australia follow.

The Court deals with a wide range of matters across several 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 particular indictable offences nominated under the *Criminal Procedure Act 1986*. The Court also conducts committal proceedings to determine whether or not indictable offences are to be committed to the District and Supreme Courts.

Magistrates are involved in the majority of criminal proceedings from the time a matter first comes before the court, to the time it is either:

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

Prosecutions in the criminal jurisdiction include matters that are:

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

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

- Non-custodial sentences, including:
 - A dismissal without a conviction being recorded against the offender
 - A discharge upon condition the offender enter into an intervention program
 - A discharge under a Conditional Release Order, without conviction being recorded against the offender
 - A conviction without further punishment
 - A Conditional Release Order, with conviction
 - A fine, with conviction
 - A Community Corrections Order, with conviction
- Custodial sentences, including:
 - An Intensive Correction Order, under which the offender serves a sentence of imprisonment 'in the community' and is required to comply with conditions such as a curfew, 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

Community Correction Orders and Intensive Correction Orders often involve the offender being externally assessed as to their suitability for certain conditions before the sentence is delivered.

The maximum term of full-time imprisonment that can be imposed by the Local Court is a term of 2 years for a single offence where gaol is the maximum penalty or an accumulation of up to 5 years for multiple offences where the maximum penalty for each offence is a term of imprisonment.

Civil jurisdiction

The Local Court exercises a civil jurisdiction, in which it deals with 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 case load of the Court is split between two Divisions:

- The **Small Claims Division** deals with 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. The hearing is generally an informal process where the Court considers statements and documents provided by the parties. The parties are also given the opportunity to comment upon the evidence.
- The **General Division** deals with claims between the amounts of \$20,000 and \$100,000 (except in claims relating to personal injury or death, where a jurisdictional limit of \$60,000 applies). 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.

Coronial jurisdiction

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

A death must be reported to the State Coroner or Deputy State Coroner where a person dies during the course of a police operation or whilst in custody, and an inquest must be conducted into the circumstances of that death. The State Coroner or a Deputy State Coroner also has sole jurisdiction in relation to deaths of children in care or at risk of harm and certain deaths of people with disabilities.

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

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

Special jurisdiction

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

One example is the review of dependency certificates under the *Drug and Alcohol Treatment Act 2007*, which authorise the involuntary detention and treatment of persons with severe substance dependence. Magistrates are regularly scheduled to attend the hospitals where the Involuntary Drug and Alcohol Treatment (IDAT) program operates (currently, Royal North Shore Hospital, St Leonards and Bloomfield Hospital, Orange) to conduct review hearings to determine whether the ongoing detention of a person under a dependency certificate is warranted. Hearings are held on a regular day of the week as required, and are conducted with as little technicality and formality as possible.

Industrial jurisdiction

Since 2013, all magistrates have been appointed as industrial magistrates. The industrial jurisdiction deals with matters including:

- 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; and
- Prosecutions for statutory breaches.

The Magistrates

The judicial officers of the Court are the magistrates. The Governor of New South Wales appoints magistrates pursuant to section 13 of the *Local Court Act 2007* on the advice of the Executive Council.

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

As at 31 December 2020, there were 141 magistrates (133 full-time and 8 part-time) who presided in the Local Court and Children's Court at approximately 150 sitting locations throughout New South Wales.

In 2020, the magistrates were as follows:

Chief Magistrate

His Honour Judge Graeme Leslie Henson AM

Deputy Chief Magistrates

Her Honour Magistrate Jane Ellen Mottley AM

His Honour Magistrate Michael Gerard Allen

Her Honour Magistrate Teresa Margaret O'Sullivan, State Coroner

Magistrates

His Honour Magistrate Imad Abdul-Karim

His Honour Magistrate Michael David Antrum

Her Honour Magistrate Jennifer Atkinson

Her Honour Magistrate Joan Margaret Baptie

His Honour Magistrate Michael Andrew Barko

His Honour Magistrate Peter J Barnett SC

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 Jayeane Carney

His Honour Magistrate Ian Malcolm Cheetham

His Honour Magistrate John Michael Chicken

Her Honour Magistrate Bree Chisholm
(from 11 May 2020)

His Honour Magistrate Roger James Clisdell,
Deputy State Coroner

His Honour Magistrate Michael John Connell

His Honour Magistrate Stephen Corry

His Honour Magistrate Daniel Aidan Covington

Her Honour Magistrate Sharron Maree Crews

Her Honour Magistrate Kathy Jane Crittenden

His Honour Magistrate Michael William Crompton

His Honour Magistrate Graeme Bryan Curran

His Honour Magistrate Michael Gary Dakin

Her Honour Magistrate Georgina Maree Darcy

His Honour Magistrate David Day

His Honour Magistrate David Patrick Degnan

Her Honour Magistrate Robyn Eva Denes

His Honour Magistrate Stuart James Devine

His Honour Magistrate Douglas Raymond Dick

His Honour Magistrate Hugh Donnelly

His Honour Magistrate Mark Antony Douglass

Her Honour Magistrate Susan Mary Duncombe

His Honour Magistrate Geoffrey James Dunlevy

His Honour Magistrate Andrew Ronald Eckhold

His Honour Magistrate Gregory Phillip Elks

Her Honour Magistrate Elizabeth Anne Ellis

Her Honour Magistrate Clare Joanne Farnan

His Honour Magistrate Peter Gordon Feather

Her Honour Magistrate Dr Gabriel Catherine Fleming

Her Honour Magistrate Catherine Josephine Follent

Her Honour Magistrate Carmel Ann Forbes,
Deputy State Coroner

His Honour Magistrate Caleb Mark Franklin

Her Honour Magistrate Sharon Claire Freund,
Deputy State Coroner

His Honour Magistrate Richard Benedict Funston

His Honour Magistrate James Henry Gibson

Her Honour Magistrate Jennifer Anne Giles

Her Honour Magistrate Claire Girotto

Her Honour Magistrate Michelle Norma Goodwin

Her Honour Magistrate Harriet Winifred Grahame,
Deputy State Coroner

Her Honour Magistrate Megan Jeanette Greenwood

His Honour Magistrate Gregory John Groggin

His Honour Magistrate Ian James Guy

His Honour Magistrate Christopher Charles Halburd

Her Honour Magistrate Theresa Hamilton

Her Honour Magistrate Christine Mary Haskett

Her Honour Magistrate Allison Hawkins
 His Honour Magistrate Paul Hayes
 His Honour Magistrate David Michael Heilpern
 (until 23 May 2020)
 His Honour Magistrate Geoffrey Graeme Hiatt
 His Honour Magistrate Kevin Hockey
 His Honour Magistrate Jeffrey Raymond Hogg
 His Honour Magistrate Michael North Holmes, OAM
 Her Honour Magistrate Susan Anne Horan
 Her Honour Magistrate Julie Anne Huber
 His Honour Magistrate Ross Hudson
 Her Honour Magistrate Carolyn Mary Huntsman
 His Honour Magistrate Timothy Bernard Keady
 Her Honour Magistrate Holly Kemp
 Her Honour Magistrate Erin Camille Kennedy
 Her Honour Magistrate Joanne Mary Keogh
 Her Honour Magistrate Jillian Kiely
 Her Honour Magistrate Janine Lacy
 His Honour Magistrate Derek Jonathan Lee,
 Deputy State Coroner
 His Honour Magistrate Jeffrey Alan Linden,
 Deputy State Coroner
 His Honour Magistrate Michael Love
 His Honour Magistrate Leslie William Mabbutt
 His Honour Magistrate Paul Anthony MacMahon
 Her Honour Magistrate Debra Gladys Maher
 His Honour Magistrate Ronald John Maiden
 His Honour Magistrate Shane McAnulty
 Her Honour Magistrate Fiona McCarron
 Her Honour Magistrate Margaret Mary McGlynn
 Her Honour Magistrate Susan McGowan
 Her Honour Magistrate Susan Clare McIntyre
 Her Honour Magistrate Sally McLaughlin
 Her Honour Magistrate Louise M McManus
 His Honour Magistrate Alexander Mijovich
 Her Honour Magistrate Jacqueline Mary Milledge
 His Honour Magistrate Andrew John Miller
 Her Honour Magistrate Miranda Moody
 His Honour Magistrate Scott Nash
 (from 11 May 2020)
 His Honour Magistrate (Bernard) Michael O'Brien
 His Honour Magistrate David Bernard O'Neil

His Honour Magistrate Stephen Olischlager
 His Honour Magistrate David Price
 Her Honour Magistrate Karen Jennifer Price
 His Honour Magistrate Roger David Prowse
 Her Honour Magistrate Margaret Christine Quinn
 PSM
 His Honour Magistrate Allan Wilson Railton
 His Honour Magistrate Daniel Reiss
 His Honour Magistrate Mark Richardson
 Her Honour Magistrate Karen Robinson
 Her Honour Magistrate Leanne Robinson
 His Honour Magistrate Ian Rodgers
 Her Honour Magistrate Paula Mary Russell
 (until 11 May 2020)
 Her Honour Magistrate Elizabeth Jane Ryan,
 Deputy State Coroner
 Her Honour Magistrate Mary Ryan
 His Honour Magistrate Albert John Sbrizzi
 Her Honour Magistrate Suzanne Gaye Seagrave
 Her Honour Magistrate Tracy Sheedy
 His Honour Magistrate Brett Shields
 Her Honour Magistrate Ellen Skinner
 Her Honour Magistrate Julie Anne Soars
 Her Honour Magistrate Karen Elizabeth Stafford
 Her Honour Magistrate Lisa Veronica Stapleton
 His Honour Magistrate Phillip Douglas Stewart
 His Honour Magistrate Garry James Still
 (until 10 July 2020)
 His Honour Magistrate Michael Martin Stoddart
 (until 21 October 2020)
 His Honour Magistrate Robert George Stone,
 Deputy State Coroner
 Her Honour Magistrate Margot Gai Stubbs
 Her Honour Magistrate Vivien Margaret Swain
 His Honour Magistrate Brett Stephen Thomas
 Her Honour Magistrate Katherine E Thompson
 His Honour Magistrate Peter John Thompson
 Her Honour Magistrate Fiona Gladys Toose
 Her Honour Magistrate Jacqueline Maree Trad
 Her Honour Magistrate Elaine Maree Truscott,
 Deputy State Coroner
 His Honour Magistrate Theo Tsavdaridis
 His Honour Magistrate Brian John van Zuylen

Her Honour Magistrate Alison Mary Viney
Her Honour Magistrate Lisa Viney
Her Honour Magistrate Julia Kathleen Virgo
His Honour Magistrate Glenn Kevin Walsh
His Honour Magistrate Bruce Haldane Williams
His Honour Magistrate David Ian Williams
His Honour Magistrate Robert Hilary Williams
His Honour Magistrate Gary Wilson
Her Honour Magistrate Eve Wynhausen

Judicial appointments during 2020

Her Honour Magistrate Bree Chisholm

Bree Chisholm comes to the bench after 9 months as Director of Proceedings and Legal Services at the Health Care Complaints Commission. Before that, she spent more than 16 years' practicing criminal law predominantly in the Local Court and Children's Court. She spent 7 years managing a large team of prosecutors and staff at the Parramatta office of the Director of Public Prosecutions (DPP).

Ms Chisholm was sworn in as a magistrate on 11 May 2020.

His Honour Magistrate Scott Nash

Scott Nash practiced at the criminal and civil Bar and has extensive experience in a broad range of areas including criminal, environmental, planning, local government, administrative, compulsory acquisition, land valuation, property and commercial law. He has appeared across numerous jurisdictions, including the Local Court, Supreme Court, Court of Appeal, Court of Criminal Appeal, Land and Environment Court and NSW Civil and Administrative Tribunal. He also brings a record of service to his local community as a Councillor on Randwick City Council, including twice serving as Mayor.

Since August 2010, he has been a lecturer and course leader in environmental planning and development law at the University of Technology, Sydney.

Mr Nash was sworn in as a magistrate on 11 May 2020.

Judicial retirements during 2020

His Honour Magistrate David Heilpern
Her Honour Magistrate Paula Russell
His Honour Magistrate Garry Still
His Honour Magistrate Michael Stoddart

Acting Magistrates in 2020

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 on sick leave and extended leave.

The Court could not continue to achieve the outstanding service to the administration of justice that makes it a leader within the Commonwealth without the energy and assistance of acting magistrates.

Acting magistrates in 2020 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
His Honour Acting Magistrate James Alister Coombs
(until 15 November 2020)
His Honour Acting Magistrate John Ormonde Crawford
(until 24 December 2020)
His Honour Acting Magistrate Peter Dare SC
His Honour Acting Magistrate John Daniel Favretto
His Honour Acting Magistrate Andrew John Benson George
Her Honour Acting Magistrate Estelle Ann Hawdon
Her Honour Acting Magistrate Sharon Lee Holdsworth
Her Honour Acting Magistrate Georgia Knight
Her Honour Acting Magistrate Daphne Anne Kok
(until 13 September 2020)
His Honour Acting Magistrate Christopher Longley
His Honour Acting Magistrate Brian Anthony Lulham
(until 16 July 2020)
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
 (from 18 September 2020)
 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
 (from 13 August 2020)
 His Honour Acting Magistrate Michael Stoddart
 (from 30 October 2020)
 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) which are lodged in Sydney Central, Hornsby, Manly, North Sydney, Balmain and Newtown. In other Sydney metropolitan and regional locations, Small Claims matters are dealt with by the magistrate.

Small Claims assessors in 2020 were:

Ms Danae Harvey
 Ms Janice Connelly
 Ms Emma Keir

Chief Magistrate's Executive Office

In 2020, the Executive Office consisted of six staff:

Executive Officer

Jacinta Haywood

Policy Officer

Brooke Delbridge

Listing and Rostering Co-ordinator

Phillip Suitor

Courts Co-ordinator

Alison Mulqueeney

Executive Assistant to the Chief Magistrate

Theresa Parkinson

Judicial Support Officer

Linda McRae

The New South Wales Local Court has the largest number of judicial officers in a summary jurisdiction in Australia. Under the direction of the Chief Magistrate, the staff of the Chief Magistrate's Executive Office provide state-wide 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 approximately 150 locations throughout the State. The Executive Office is responsible for the publication of sittings schedules, rosters, Chief Magistrate's circulars, Local Court Practice Notes, listing of cases and collation of statistical information. The Executive Office co-ordinates magistrates' travel across the State to ensure requirements for sittings are met and co-ordinates magistrates' attendance at various conferences throughout the year. The Executive Office also assists the Chief Magistrate in discharging ceremonial functions such as the swearing in of newly appointed magistrates.

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

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

Further information about the NSW Local Court can be found on the Local Court website at: www.localcourt.nsw.gov.au

The work of the Local Court registries

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

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

Registrars

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

The work of the registrar includes:

- Conduct of call-overs in both the civil and criminal jurisdiction;
- Conduct of pre-trial reviews in civil claims and small claims hearings;
- Issuing of search warrants;
- Determining various applications and motions in all jurisdictions;
- Management and supervision of the court registry;
- Swearing in of Justices of the Peace; and
- Limited responsibilities in relation to births, deaths and marriages.

2 Court operations during 2020

- Criminal jurisdiction
- Civil jurisdiction
- Coronial jurisdiction

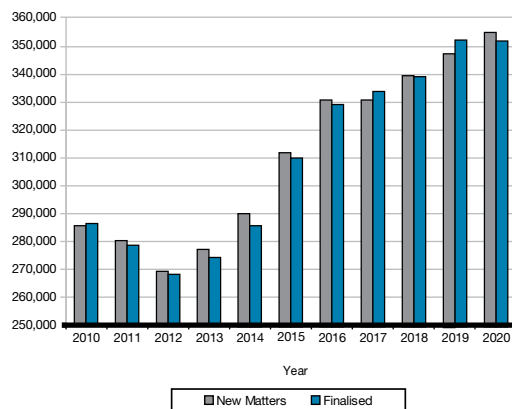
Criminal jurisdiction

Criminal matters in 2020

Between 1 January and 31 December 2020:

- 354,775 criminal matters were commenced in the Local Court, representing an increase of 2.26% since 2019
- 351,630 criminal matters were finalised, giving a clearance ratio for the period of 99.11%

Criminal matters commenced and finalised



Note: Due to source differences, no direct comparison can be made between figures for 2009 onwards and previous years.

Timeliness

In accordance with published time standards, the 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 2020:

- 92.99% of matters were completed within 6 months of commencement.
- 98.65% of matters were completed within 12 months of commencement.

Developments in 2020

Growth in criminal caseload

Despite the impact of COVID-19, the Local Court saw continued sustained growth in the number of new criminal matters commenced in 2020, with an increase in filings of approximately 7,845 from 2019 levels. This is consistent with the trend of increasing criminal caseload in the Local

Court over the last 8 years, which has resulted in a substantial overall increase in workload – in 2020, approximately 85,469 more criminal matters were commenced in this jurisdiction compared to 2012.

Against this reality, delays in the Local Court have increased significantly in the last 12 months as a consequence of the arrangements which were put in place as a necessary response to COVID-19. As at December 2020, the Court's pending criminal caseload had increased by approximately 10,000 matters (to 76,696) when compared to pre-COVID figures. This has had a significant impact on the Court's ability to list hearings and finalise matters within existing Time Standards. As at December 2020, some court locations were listing defended hearings, including domestic violence matters, into late 2021.

Protections for domestic violence complaints giving evidence

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

The changes commenced on 25 November 2020 and include:

- A requirement for the court to be closed when a domestic violence complainant gives evidence (including by electronic means)
- Discretion for the court to direct for any other part of, or the entire proceedings, to be held in camera
- An entitlement for complainants to give evidence by AVL or other alternative arrangements (i.e. screens and planned seating arrangements)

The introduction of an entitlement to give evidence by AVL without an investment in additional AVL facilities created significant logistical challenges for the Court. While a high volume of domestic violence offences are dealt with in this jurisdiction, only approximately 50% of Local Court locations are equipped with AVL facilities. Even at locations where AVL is available,

not all court rooms have this equipment installed and there is competition for differing purposes, as well as between jurisdictions. The Court, with the assistance of NSW Police did its best to accommodate the changes without creating further adjournments, however some additional delays were inevitable.

Amendment to Practice Note Crim 1 and increase to Domestic Violence Time Standards

The amendments to the *Criminal Procedure Act 1986* to introduce an entitlement for domestic violence complainants to give evidence by AVL or other alternative arrangements necessitated changes to Local Court practices in relation to domestic violence matters. Consequently, Local Court Practice Note Crim 1 was amended in December 2020 to introduce procedures for the prosecution to notify the court whether a complainant wishes to exercise their entitlement.

In this same update, the Court increased the Time Standard for listing domestic violence offences for hearing from 3 months to 6 months from the date the charges are laid. This decision was made in response to serious ongoing concerns in relation to the delays in the Local Court. The combined effect of consistent increases in criminal caseload without the provision of additional judicial resources, the increase in pending caseload resulting from arrangements put in place during COVID-19, and the impact of multiple legislative amendments with unfunded resourcing implications has pushed the Court to a point where it was unable to meet its Time Standards.

The six month Time Standard is considered to be aspirational at best as a review of delays revealed approximately 53 court locations had defended hearing delays of beyond 6 months. A number of locations were also approaching delays of up to 10-12 months.

While the Court will endeavour to provide assistance to these locations where possible, any significant improvement in the delays in these locations, as well as within the Court generally, will require an investment by government in the resourcing of the Local Court.

Special arrangements in response to COVID-19

As indicated in the forward to this review, the Local Court put in place series of arrangements in response to COVID-19 to ensure its continued operations in the pandemic environment. The primary aim of these arrangements was to ensure continued access to justice while complying, so far as was possible, with public health orders and minimising the risk of infection. This included vacating defended hearings listed during the period April to July 2020 and relisting them for mention in super-call overs for the allocation of new hearing dates. The Court also put in place procedures permitting alternative appearances in interlocutory matters, including appearances by email and in writing. A blanket direction that all defendants in custody were to appear by AVL (including fresh custodies) was issued in recognition of the need to protect the vulnerable prison population from the spread of the virus. With the co-operation and assistance of Corrective Services NSW, Court and Tribunal Services, NSW Police, Legal Aid and the Aboriginal Legal Service the Court was able to overcome initial difficulties with this arrangement and put in place a system which continued in place throughout 2020 and into 2021.

Other than those arrangements which applied to defendants in custody, none of the arrangements put in place by the Court prevented an in person appearance. Throughout the pandemic, parties, witnesses, and members of the legal profession continued to appear in person. To their credit, registry staff, court officers, monitors and Police Prosecutors consistently maintained a physical presence in all NSW Local Court locations consistently throughout 2020 to facilitate the continued operations of the Court.

From July 2020, the Court recommenced hearing defended matters and progressed towards a resumption of normal sitting arrangements. While arrangements for alternative appearances remained in place in some form throughout 2020, public confidence in the effectiveness of public health arrangements saw a steady increase in in person appearances as the year progressed.

Legislative amendments in response to COVID-19

Various legislative amendments were introduced throughout 2020 as a necessary response to the COVID-19 pandemic. Those relevant to the Local Court included:

- An amendment to the *Criminal Procedure Act 1986* to permit written plea notices in matters where the accused has been granted or refused bail, or in relation to matters where bail has been dispensed with.
- Various amendments to the *Evidence (Audio and Audio Visual Links) Act 1998* allowed for special arrangements for AVL appearances, including a presumption in favour of AVL for all accused persons in proceedings relating to bail (including first appearances). Discretionary powers were also introduced permitting the court to direct that accused persons (other than accused detainees), witnesses and legal representative to appear by AVL at the direction of the court.
- Various amendments to the *Court Security Act 2005* permitted sheriffs to conduct health status checks of persons entering or in court premises, as well as powers to refuse entry to or require a person who has exhibited or reported a sign of illness to leave the premises.

These amendments were in place from March 2020 and were extended to continue to at least September 2021.

Admissibility of tendency and coincide evidence

The *Evidence Amendment (Tendency and Coincidence) Act 2020* introduced a range of amendments to the tendency and coincidence provisions in the *Evidence Act 1995* in response to recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse in its Criminal Justice Report. These amendments commenced on 1 July 2020 and the majority were aimed at increasing the admissibility of tendency evidence in child sexual offence proceedings. While the first limb of the test for admissibility was maintained, a rebuttable presumption was introduced to the effect that tendency evidence about the defendant's sexual interest in children/ acting on a sexual interest in children has significant probative value. There is scope for the court to determine tendency evidence does not have significant probative value if satisfied there are sufficient grounds to do so. However, in making this determination the court cannot take into account certain matters unless the court considers there are exceptional circumstances in relation to those matters to warrant taking them into account.

The second arm of the admissibility rule was also amended to provide tendency or coincidence evidence will not be admissible unless 'the probative value of the evidence outweighs the danger of unfair prejudice to the defendant'.

Domestic and personal violence

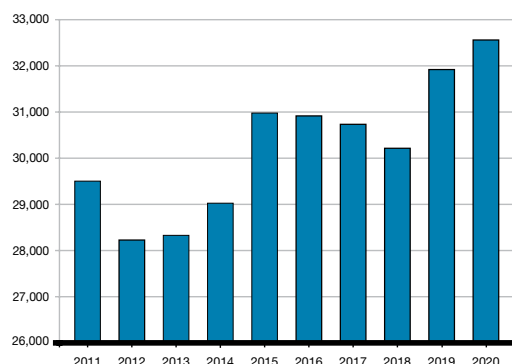
The number of final apprehended domestic violence orders increased again in 2020, with 28,826 orders made (compared to 28,025 in 2019). The number of final personal violence orders made decreased slightly to 3,784 (compared to 3,890 in 2018).

Apprehended Violence Statistics 2020

Domestic Violence	2017	2018	2019	2020
Lodgements	31,445	33,248	34,861	37,054
Finalisations				
Final Orders made	26,418	26,363	28,025	28,826
Complaints withdrawn/dismissed	6,179	5,405	5,147	4,792
Complaints dismissed after hearing	468	477	442	314
Application not served	212	154	68	35
Orders varied/revoked	3,750	3,479	3766	3,640
Application to vary/revoke withdrawn/dismissed	974	1,097	1,383	1,365
Other Miscellaneous Finalisations	419	111	152	186
Total finalisations	38,420	37,086	38,983	39,158

Personal Violence	2017	2018	2019	2020
Lodgements	6,480	6,272	6,581	6,650
Finalisations				
Final Orders made by Court	4,311	3,833	3,890	3,784
Complaints withdrawn/dismissed	2,266	1,984	1,836	1,749
Complaints dismissed after hearing	103	103	96	73
Application not served	59	43	27	12
Orders varied/revoked	174	138	149	111
Application to vary/revoke withdrawn/dismissed	66	57	71	42
Other Miscellaneous Finalisations	176	93	145	119
Total finalisations	7,155	6,251	6,214	5,890

Final domestic and personal violence orders



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

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

Crimes (Domestic and Personal Violence) Act 2013 reforms

The *Crimes Legislation Amendment Act 2018* passed in November 2018 and introduced broad amendments to the scheme Apprehended Domestic Violence Orders (ADVOs) under the *Crimes (Domestic and Personal Violence) Act 2013*. Some of the uncommenced provisions were further amended by the *Justice Legislation Amendment Act (No 2) 2019*, which passed in November 2019. These amendments commenced on 28 March 2020 and included:

- An increase to the default duration of ADVOs to 2 years
- The introduction of statutory factors to be considered by the court when determining the duration of an ADVO
- The introduction of provisions allowing the court to make an ADVO for an indefinite period.

Special arrangements in response to COVID-19

In April 2020, a series of arrangements were put in place to ensure protections under apprehended violence orders continued in the pandemic environment, whilst also maintaining access to justice in an environment of uncertainty. These arrangements were set out in a *Chief Magistrate's COVID-19 Memorandum No. 7* and included provisions for existing contested AVO hearings (initially in April, and then for the period May to July) to be adjourned to a later date. Arrangements were also put in place to permit appearances in writing or by email for matters which were listed for mention during this period.

The Court continued to accept urgent applications to vary or revoke final or provisional orders, as well as private applications for AVOs, with alternative arrangements put in place to permit appearances by email and submissions in writing where appropriate.

The *COVID-19 Legislation Amendment (Emergency Measures) Act 2020* also amended the *Crimes (Domestic and Personal Violence) Act 2007* to facilitate changes to the listing of provisional orders during the pandemic period. With the assistance and co-operation of NSW Police, the Court utilised this amendment to permit the listing of fresh provisional orders outside the standard 28-day timeframe during the period April to mid-June 2020 as means of reducing the number of persons physically present in court premises during the lockdown period. Following this period, normal listing practices for provisional orders resumed and continued throughout the remainder of 2020.

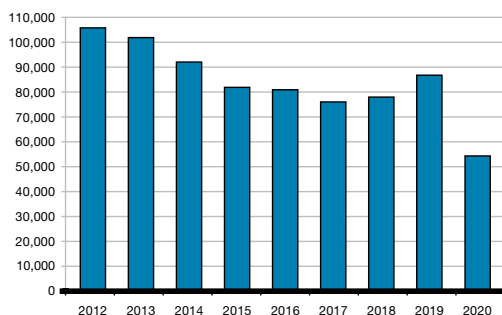
Civil jurisdiction

Civil claims in 2020

In the period 1 January to 31 December 2020, a total of 55,189 civil actions were commenced (decreasing from 87,210 in 2019). Of those matters, 45,277 were filed in the Small Claims Division and 6,601 were filed in the General Division. This is approximately 30% less filings than the previous year, a reduction that can largely be attributed to the response by litigants to the COVID-19 pandemic. It is expected that lodgments will return to previous levels or higher in 2021.

Overall, and despite the drop in lodgments, 78,436 civil actions were finalized in total, representing a clearance ratio of 142%.

Civil actions commenced



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 2020:

- In the Small Claims Division – 94% of matters were finalised within 12 months; and
- In the General Division – 87% of matters were finalised within 12 months.

Developments in 2020

Special arrangements in response to COVID-19

The COVID-19 pandemic and the Court's concern for community safety and wellbeing saw the suspension of all contested hearings in the General Division at the Sydney Civil Registry from March 2020 to September 2020. The majority of matters were then transferred to the Online Court for case management, and any mentions, reviews or directions were conducted via telephone or AVL. Any new claims were also case managed by the Sydney Civil Registry in this manner. As strategies were put in place to reduce risk, the Sydney Civil Registry was able to return to hearing matters from July 2020.

While the Sydney Civil Registry processes the majority of the State's civil caseload, civil claims lodged at regional court locations proceeded in a similar manner – hearings were deferred until a later date and matters were case managed via alternative arrangements which allowed applications to be made in writing or by email and appearances for the determination of motions by telephone or AVL (where possible).

Small Claims Division matters continued throughout the pandemic period, with most contested claims proceeded by telephone and AVL where possible.

The implementation and ongoing co-ordination of these arrangements was a vast undertaking and required an extraordinary effort from all stakeholders involved. The Court could not have achieved the outcome that it did without the hard work and dedication of the Court's registry staff and the co-operation of the legal profession. It is a credit to all stakeholders within the civil jurisdiction that, despite the impact of COVID-19, 94% of Small Claims matters and 87% of General Division matters were finalised within applicable Time Standards. The Court continues to work steadily through the subsequent increase in pending civil caseload created by these unprecedented circumstances.

Coronial jurisdiction

NSW 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 examinable deaths, fires and explosions are properly investigated and that inquests and inquiries are held where it is considered appropriate to do so.

Her Honour Magistrate Teresa O'Sullivan is the NSW State Coroner.

In 2020, magistrates holding commissions as Deputy State Coroners were:

His Honour Magistrate Roger Clisdell

Her Honour Magistrate Carmel Forbes

Her Honour Magistrate Harriet Grahame

His Honour Magistrate Derek Lee

His Honour Magistrate Jeffery Linden

Her Honour Magistrate Elizabeth Ryan

His Honour Magistrate Robert Stone

Her Honour Magistrate Elaine Truscott

The year ending December 2020 saw a reduction in the number deaths reported to the Coroner down to 6374 deaths, representing a reduction of approximately of 299 deaths from the previous year. During this period, 112 coronial inquests/ inquiries were conducted throughout the state.

It is noted that during the period from mid-March through to mid-year 2020, at the peak of the COVID-19 pandemic, the number of reportable deaths to the Coroner decreased significantly. The reduction of deaths during this time was likely as a result of the lock down arrangements within NSW restricting movement of the population. This is possibly the reason why fewer deaths were reported to the Coroner in 2020 compared to previous years.

The Report on Government Services (RoGS) for 2019/20 shows that the NSW coronial jurisdiction continued to maintain a high clearance rate for coronial matters of 104.9%. It is noted ROGs data reflects on the financial year and for the 2019/20 period there were 6506 reported deaths to the Coroner.

Coronial Statistics 2020

	2012	2013	2014	2015	2016	2017	2018	2019	2020
Deaths reported									
Glebe/ Lidcombe:	2864	2807	2901	2989	3109	3550	3423	3470	3540
Other State-wide:	2505	2533	2709	2777	2851	3052	2841	3203	2834
Total:	5369	5340	5610	5766	5960	6602	6264	6673	6374
Investigations finalised*									
Glebe/ Lidcombe:	2185	2305	3169	2950	3031	3508	3240	3834	3829
Other State-wide:	1989	2209	2185	3426	2700	2942	2647	2369	3211
Total:	4174	4514	5354	6373	5731	6450	5887	6203	7040
Inquests-Inquiries**									
Glebe/ Lidcombe:	111	98	103	87	92	57	74	77	94
Other State-wide:	37	44	37	63	28	27	37	36	18
Total:	148	142	140	150	120	84	111	117	112
Fires Reported									
Lidcombe	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	148
Other State-wide	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	54
Total:									202

* 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.

** This figure represents the number of inquests (not inquest days) in Sydney and regional NSW throughout the year.

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 during the course 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 into the circumstances of the death.

A summary of all section 23 deaths is provided to the Attorney General for each twelve-month period.

In 2020, 48 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 10 deaths from the previous year. Deaths as a result of natural causes still remain the highest manner of death with 20 of the 48 deaths attributed to natural causes. The remaining deaths had a variety of causes due to criminal activities, misadventure or suicide.

A total of 45 inquests in this type of death were held in 2020 and total of 16 coronial recommendations were made as a result of these inquests. Coronial findings were delivered in 37 matters, four matters were referred to the NSW Director of Public Prosecutions following the inquest and four inquests were suspended

due to a person being charged with an indictable offence in relation to the deaths. Two further matters reported to the Coroner prior to 2020 were determined not to be section 23 deaths following 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 3 years
- Deaths of siblings of children who have been at risk of harm in the past 3 years
- Deaths of children whose deaths are, or may be, due to abuse, neglect or occurring in suspicious circumstances
- Deaths of persons living in or temporarily absent from residential care provided by a service provider and authorised or funded under the *Disability Services Act 1993* or a residential care centre for handicapped persons
- Deaths of persons who are in a target group within the meaning of the *Disability Services Act 1993* and receive from a service provider, assistance to enable independent living in the community.

In 2020 there were a total of 279 section 24 deaths reported to the coroner. This included 179 disability deaths reported pursuant to section 24(e) of the Act and 100 child deaths pursuant to section 24(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. Generally, fires account for less than 10% of matters reported to a coroner and very few result in an inquiry.

In late 2019 and into 2020 the state of NSW was subject to an unprecedented bushfire disaster season, the result of which 25 people lost their lives and many properties were destroyed. The State Coroner assumed jurisdiction over each of these matters and made determinations as to whether an inquiry/inquest will be conducted.

The NSW Bushfire Disaster inquests are to be dealt with simultaneously and are scheduled for approximately 15 weeks commencing in September 2021 and then adjourning to 2022.

Developments in 2020

Amendments to the Coroners Act 2009

The *Justice Legislation Amendment Act 2019* amended the *Coroners Act 2009* to introduce changes to the meaning of reportable death affecting the requirement to report deaths occurring in circumstances where the deceased person has not been attended by a medical practitioner during the 6 months prior to their death. In practice, this means there is no longer a time frame in which a medical practitioner must have seen the deceased person to be in a position to issue a death certificate.

The amending Act also introduces a preliminary examination power which will allow pathologists to undertake certain non-invasive procedures without a post-mortem direction from the coroner.

These amendments commenced on 20 January 2020.

Special arrangements in response to COVID-19

The coronial jurisdiction prepared for the COVID-19 pandemic impacts by making procedural changes to the operation of the court to ensure business continuity. In anticipation of the need to redirect health services and potential rise in reportable deaths, from March 2020, the State Coroner met regularly with the Executive Management of Forensic and Scientific Services (FASS). The Purpose of the meetings was to ensure there were no disruptions to the essential work of reporting deaths to the Coroner, the admission of bodies to Forensic Medicine facilities throughout the State and the timely making of coronial directions could continue. The State Coroner issued *State Coroners COVID -19 Memorandum No 1* on 24 March 2020 restricting the way court proceedings were to take place. Essentially, only inquests using technology to provide for remote appearances, could proceed. Many inquests had to be adjourned. As a result of some restrictions to travel, inquests in regional areas were also postponed.

One of the significant changes adopted as a result of the pandemic was the introduction of centralised reporting of all NSW deaths to a senior coroner at Lidcombe. Centralised reporting proved to be so successful that the State Coroner wishes for it to remain as a permanent change. The many benefits achieved by a single decision maker 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, it does require ongoing support from the Department as well as the creation of further administrative staff to provide assistance to the duty coroner.

The State Coroner introduced guidelines to Police to allow for a more flexible approach to the identification of a deceased by the use of other platforms for visual identification, such as, facetime, scanned images and AVL.

The amendment introduced to the Coroners Act 2009 effective from February 2020, allowing for preliminary forensic testing to be conducted on a body prior to a Coroners direction was utilised to allow for a COVID-19 test to be conducted upon a deceased person on admission to a forensic facility.

On 20 May 2020, the State Coroner issued *State Coroner's COVID -19 Memorandum No 2*. This outlined the procedures to be adopted from 1 June 2020 in relation to the conduct of coronial proceedings at Lidcombe and established the measures to maintain compliance with COVID-19 physical distancing protocols.

Newmarch House and Ruby Princess Inquests

The COVID-19 pandemic gave rise to two significant inquests to be conducted by the State Coroner. The first involves deaths arising from the COVID-19 outbreak at the Newmarch House Nursing Home and second involves the deaths arising from the outbreak of COVID-19 on board the Ruby Princess cruise ship.

These inquests will be conducted in 2021.

NSW Suicide Register

The NSW Suicide Data Monitoring System is an interagency project which was established in 2020 in collaboration with NSW Health, Department of Communities and Justice and NSW Police to enable the collection and reporting of information on recent suspected and confirmed suicides in NSW. The system monitors suspected suicides and confirmed suicides in NSW, using data collected by NSW Police and the coronial jurisdiction of the Court. The data about suspected suicides is an estimate. A final determination of the manner of death can only be made by the coroner after detailed enquiry.

The System allows provision of information to support communities, local organisations and government agencies to respond to suicide more timely and effectively.

The first NSW Suicide Monitoring System Report was published on 9 November 2020 and is publically available here - <https://www.health.nsw.gov.au/mentalhealth/resources/Pages/suicide-monitoring-report-oct-2020.aspx>

NSW Health is continuing to work with the Department of Communities and Justice, the State Coroner and NSW Police to produce monthly public NSW Suicide Monitoring System Reports. There is also work underway on the system to report on information dating back to 1 January 2015 to provide robust comparative data.

Improving Timeliness of Coronial Procedures Taskforce

The Improving Timeliness of Coronial Procedures Taskforce was established by the Secretary, NSW Ministry of Health and the Secretary, Stronger Communities cluster to minimise delays in the coronial process that impact 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 are being identified, including diversion of people

from the coronial system who have died from natural causes. One of the key tasks of the team is to address the issue of the delay in the timely provision of Post Mortem reports.

The Chief Magistrate and State Coroner continue to participate in this Taskforce to assist it to work towards addressing these issues and identifying further improvements in the coronial process. It is expected that the Taskforce will complete its work in mid-2021.

Statutory Review of the Coroners Act 2009

The statutory review of the *Coroners Act 2009* is yet to be finalised and has been placed on hold, pending the completion of work being undertaken as part of the Improving Timeliness of Coronial Procedures Taskforce.

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 Justice and NSW Police) to collectively manage front-end coronial cases. There is currently two CCMU's – 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 inter-agency administrative operations which allow coroners to make informed and timely decisions.

The introduction of centralised reporting of all NSW deaths from March 2020 expanded the roles and duties of the CCMU, as well as increasing its workload.

Domestic Violence Death Review Team

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

Despite the challenges arising from the COVID-19 pandemic, the work of the DVDRT continued to progress throughout 2020. The DVDRT has undertaken a focused review of all domestic violence context murder-suicide cases in NSW between 2000 and 2018 and commenced a review of all filicide cases for the same review period. The findings from this research will be set out in the forthcoming 2019-21 report.

The secretariat has shared learnings from the sixth report (published in March 2020) at various online and face to face forums and has continued to work with death reviews in other jurisdictions, including to lead a project in partnership with ANROWS to progress the work of the Australian Domestic and Family Violence Death Review Network.

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 is comprised of representatives from NSW Health, NSW Police and the coronial jurisdiction.

During 2020 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 they are critically important to ensure that all agencies are appropriately prepared to respond to a mass casualty event should it occur.

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

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

- Diversionary programs
- Technology in the Local Court

Diversionary programs

Magistrates Early Referral Into Treatment Program

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

The Local Court works in partnership with the NSW Department of 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 allow 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 may 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, who provide regular reports on the participant to the magistrate. The final hearing and/or sentence proceedings generally coincide with the completion of the MERIT program, usually within a 3 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 to establish how a defendant is progressing and to offer encouragement or admonishment as appropriate. MERIT also relies on many staff at NSW Health and the Local Court remains committed to this partnership.

During 2020:

- 3304 defendants were referred to MERIT
- 2064 (62.5%) defendants were accepted on to the program, of which:
 - 2% were partially assessed
 - 35% were found either ineligible, declined or did not appear for assessment; and
- 1503 (62.8%) defendants successfully completed the program.
- Of those accepted in the program 683 participants did not complete the program for the following reasons:
 - 450 (66%) did not comply with the program conditions
 - 121 (18%) withdrew voluntarily
 - 70 (10.2%) were removed by the court
 - 42 (6%) were exited for other reasons

The COVID-19 pandemic may have impacted on referral numbers as they are lower than in previous. Both acceptance rates and completion rates were higher in 2020.

The program was available in 62 Local Court locations (including the 7 Alcohol MERIT locations listed below).

Alcohol MERIT

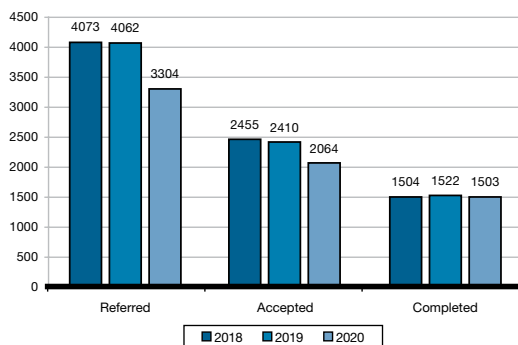
The Alcohol MERIT model is identical to MERIT in terms of eligibility and suitability criteria, referral pathways and court reporting. However, the clinical treatment provided is tailored to the specific needs of defendants with alcohol use as their principal drug of concern.

Alcohol MERIT is currently available in the following Local Court locations:

- Bathurst
- Broken Hill
- Coffs Harbour
- Dubbo
- Orange
- Wellington
- Wilcannia

The referral, entry and completion figures above and below include Alcohol MERIT participants.

MERIT and Alcohol MERIT Program Statistics



Note: The annual number of program completions is not proportional to the annual number of program referrals. This is because MERIT is a 12 week program, therefore some participants referred after September 2020 will still be on the program at 31 December 2020, thus cannot be accounted for in the completion figures above. Similarly, the completion figures include participants who commenced MERIT in the previous year i.e. between September to December 2019 and would completed the program in 2020.

Circle Sentencing

Circle Sentencing is an alternative sentencing court for adult Aboriginal offenders 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, set out in clause 10 of the *Criminal Procedure Regulation 2010*, 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; and
- Reduce recidivism in Aboriginal communities.

In 2020, 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 2020, 18 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 2020. Circle Sentencing Programs have recommenced and it is anticipated that participation numbers will greatly increase in 2021.

The program was evaluated by the NSW Bureau of Crime Statistics and Research (BOCSAR) to estimate its causal effect on a suite of criminal justice and health outcomes for Aboriginal offenders in New South Wales. The evaluation report was released by BOCSAR in May 2020.

Statewide Community Court Liaison Services

The Statewide Community and Court Liaison Service (SCCLS) assists the Local Court to appropriately manage people with psychiatric illnesses by providing full time mental health nurses at a number of Local Court locations, which enables early diagnosis of defendants and facilitates treatment in conjunction with progress through the criminal justice system.

The SCCLS operated in 22 Local Court locations in 2020:

- Bankstown
- Blacktown
- Burwood
- Campbelltown
- Central Sydney
- Coffs Harbour
- Dubbo
- Gosford
- Kempsey
- Lismore
- Liverpool
- Milton
- Nowra
- Parramatta
- Penrith
- Port Macquarie
- Sutherland
- Sydney Downing Centre
- Tamworth
- Wagga Wagga
- Wollongong
- Wyong

In the 2019-20 financial year, 12,408 people were screened for mental health problems in the court cells. Of this number, 2,780 received a comprehensive mental health assessment, of which 2,602 were found to have a mental illness, mental disorder and or a cognitive impairment and 2,116 were diverted from the criminal justice system.¹

The figures above indicate that the SCCLS assessed 535 less defendants and diverted 384 less defendants than for the previous financial year (2018-19). The reduction in numbers can be attributed to the impact of COVID-19 restrictions and the resultant temporary cessation of face to face assessments in courts. To maintain its service provision the SCCLS adapted its practice by performing mental health assessments via Audio Visual Link to correctional centres, police cells and in designated areas within the court.

ReINVEST

The Chief Magistrate continues to support the Local Court's participation in ReINVEST, a world first clinical trial² 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 being conducted by the School of Population Health at the University of New South Wales (UNSW) in collaboration with partners from NSW Department of Communities & Justice, Justice Health & Forensic Mental Health Network, and several 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.

The sentencing court is provided with a report indicating the offender's progress after 6 weeks of participation, and then a further report after 3 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 on 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>

¹ Figures obtained from Justice Health & Forensic Mental Health Network

² Ethical approval for this study has been granted by UNSW HREC, Corrective Services NSW (CSNSW), Aboriginal Health and Medical Research Council (AHMRC), and Justice Health & Forensic Mental Health Network (JH&FMHN).

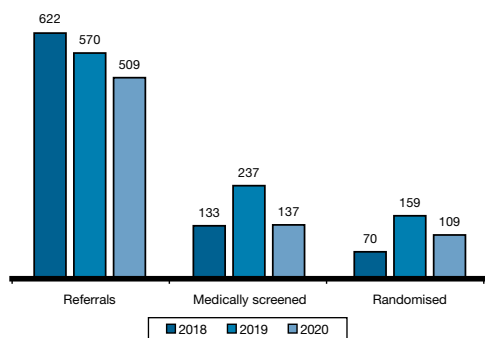
As at December 2020, the ReINVEST trial operated in 16 Local Court locations:

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

In 2020, 509 offenders were referred to the program for eligibility screening, with 137 of those offenders progressing to medical assessment. Of the offenders assessed, 102 were medically screened as suitable and accepted into the randomised trial.³

ReINVEST Statistics

ReINVEST Participant Statistics 2020



Traffic Offender Intervention Program

The Traffic Offender Intervention Program (TOIP) is targeted at defendants who have pleaded guilty to, or been found guilty of, a traffic offence. A magistrate is able to refer a defendant to an approved traffic course provider on application by the defendant or their legal representative, or on the Court's own motion. A referral is made prior to sentencing, with the proceedings adjourned to allow sufficient time for the nominated course to be completed.

Although traffic offender programs were historically the product of ad hoc local arrangements, the regulations made under the *Criminal Procedure Act 1986* now provide for the referral of offenders to a TOIP. There are currently six traffic course providers operating in 127 locations across the State to whom referrals may be made.

In 2020:

- 13,155 individuals participated in, and 12,207 individuals (92.79%) completed, a TOIP.
- Driving with a mid-range prescribed concentration of alcohol (i.e. drink driving) represented the most frequent offence type (15.57% of offences).
- The majority of participants (74.88%) were male, with the most frequent age group being those aged 20-24 years (23.63%).

The number of participants significantly decreased from the previous year as a consequence of the COVID-19 pandemic. Due to social restriction requirements service providers were offering online courses instead of face-to-face. Towards the end of 2020, service providers slowly began resuming face-to-face courses and are hoping to return to normal courses after July 2021, pending any other outbreaks of the pandemic.

³ Figures obtained from the Kirby Institute of the University of New South Wales.

Technology in the Local Court

Audio Visual Link Technology (AVL)

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

In 2020, AVL was used to conduct over 67,922 adult in-custody appearances in the Local and

Children's Courts, an increase of approximately 11,000 appearances or 20% when compared to the previous year. This significant rise in AVL appearances was a direct result of the courts response to the COVID-19 pandemic and the desire to protect the vulnerable prison population. It is a credit to the New South Wales Corrective Services that New South Wales custodial facilities have remained infection free.

In addition to this figure, 5,669 appearances were conducted from a Corrective Services NSW site via AVL for weekend and public holiday bail courts.

AVL facilities were available in the following 76 Local Court, Children's Court and Coroner's Court locations during 2020:

- Albury
- Albion Park
- Armidale
- Ballina
- Bankstown
- Bateman's Bay
- Bathurst
- Bega
- Belmont
- Blacktown
- Bourke
- Broadmeadow Children's Court
- Broken Hill/Burwood
- Byron Bay
- Campbelltown Local and Children's Courts
- Central (Sydney)
- Cessnock
- Coffs Harbour
- Coonamble
- Coroner's Court, Glebe
- Coroner's Court, Lidcombe
- 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
- Newcastle
- Newtown
- Nowra
- Orange
- Parkes
- Parramatta Local and Children's Courts
- Penrith
- Picton
- Port Kembla
- Port Macquarie
- Queanbeyan
- Raymond Terrace
- 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 2020 there were 115 remote witness facilities available at 74 Local Court locations, with 39 dedicated multipurpose suites available at 34 locations, all of which connected to 239 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. As discussed early in this review the increased use of remote witness facilities for domestic violence proceedings has created greater competition for such facilities.

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 all participants to attend in person.

While there was some uptake of this technology in the Local Court, it was not without its limitations, particularly in busy lists courts. When a large number of participants connected at once, this would affect the performance of connections at that court location, as well as across the state-wide network. Although it was possible to alleviate these issues by staggering court listings, such an approach was not compatible in a busy, high volume jurisdiction such as the Local Court.

Consequently, 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 New South Wales enhances public accessibility to the Court. Court users are able to access the online facility through the Local Court website or the Online Registry site: <https://onlineregistry.lawlink.nsw.gov.au/content/>

Electronic lodgement

Civil claims

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

Criminal processes

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

Apprehended violence orders (AVOs)

NSW Police are able to file applications for AVOs electronically into JusticeLink, overcoming the need for manual processing by court registry staff. Information about court orders is also electronically submitted to police.

Local Court website

The Local Court website provides access to information including Local Court Practice Notes, as well as forms and fees. The website can be found at <http://www.localcourt.nsw.gov.au>

Due to the large number of cases magistrates deal with, the majority of judgments in the Local Court are delivered orally. Selected written judgments continue to be published on the Caselaw NSW website. These decisions can be found at <https://www.caselaw.nsw.gov.au/>

4 Judicial education and community involvement

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

Judicial education and professional development

The Local Court, in partnership with the Judicial Commission of New South Wales, provides a 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, and court practice and procedure in order to maintain and improve judicial performance.

The Local Court offers each magistrate a minimum five days of judicial education each year with an emphasis on practical and interactive sessions which relate directly to the daily work of magistrates. The program is delivered through:

- An annual conference with an emphasis on sentencing, important legal developments, improving knowledge in difficult areas of legal practice and procedure, and the development of judicial skills
- Specialised interactive workshops which encourage peer-based learning through discussion and problem-solving
- Pre-bench and orientation programs to assist recently-appointed magistrates with their transition to judicial office, with a focus on knowledge and fundamental judicial skills about court craft, decision-making, sentencing, judicial administration and judicial conduct
- Cross-jurisdictional seminars facilitating educational exchanges with other judicial officers
- Experiential learning through field trips and site visits

The Local Court Education Committee, composed of magistrates and the Judicial Commission's Director of Education, develops each education program based on the identified needs of magistrates. The Committee's Chair is also a member of the Judicial Commission's Standing Advisory Committee on Judicial Education. Magistrates are involved in the development and delivery of the education program to ensure its relevance to the judicial role. Magistrates are encouraged to research and present on suitable topics, supported by the Committee and the Judicial Commission staff.

Not only does this approach aim to ensure that the particular needs of the learner cohort are met, it also expands the knowledge and skillset of the presenter.

Fewer programs than usual were offered in 2020 due to the COVID-19 pandemic and all in-person programming was suspended from 20 March 2020, in line with public health regulations. Due to the pandemic, the frequency of Local Court Education Committee's meetings was curtailed. However, as the year progressed, the education program was adapted to operate within this new framework of community health and safety.

Cognisant that many magistrates are located in regional areas, programs have been offered online and by webinar. However, the true value of this medium for delivering education was highlighted in 2020.

Conferences and Seminars

During 2020, magistrates continued to receive specialised training tailored to meet their educational needs where possible:

- Pre COVID-19, the Judicial Commission usually conducts smaller metropolitan and regional seminars (two metropolitan series, one southern and one northern) over the course of a year. These sessions usually take the format of smaller, interactive group sessions, structured around discussion and peer-based learning, with the aim of facilitating the development of judicial knowledge and skills. In the regional areas they also provide an opportunity for magistrates who travel solo on circuit to meet and discuss issues with colleagues who they may only see three times a year. Due to COVID-19, only the Metropolitan Seminar Series I session (February 2020) and Southern Regional Conference (March 2020) took place.

- The year started positively with 83 metropolitan magistrates attending the one-day Metropolitan Seminar Series I held over five days in February 2020 at the Judicial Commission. Sessions included bail practice and procedure, aggregate sentencing, defended hearings in sexual offences as well as a presentation by the Justice Advocacy Service outlining the practical support that can be offered to the court when dealing with persons with a cognitive impairment and/or intellectual disability. The evaluation results received from the participants who attended indicated a high regard for the program content, with the overall rating at 98%.
- The Southern Regional Conference was held over 3 days in March 2020, with 24 magistrates participating in the sessions outlined above, in addition to sessions on youth crime and coronial work. The evaluation results received an overall rating of 97%, with 100% of magistrates considering the program was relevant to their work.
- The Local Court Annual Conference scheduled over three days in July 2020 was postponed until 2021 in line with public health orders. Similarly, COVID-19 restrictions impacted on Metropolitan Seminar Series 2 sessions (scheduled for November 2020) which also had to be cancelled.
- In lieu of these cancellations, the Commission's library of video recordings was significantly expanded to increase learning opportunities for magistrates, covering topics such as sentencing, implicit bias and indigenous justice.
- Smaller, interactive metropolitan and regional seminars were attended by all magistrates. These interactive sessions, structured around discussion and peer-based learning, facilitate the development of judicial knowledge and skills. Topics focussed on managing witnesses, consistency in sentencing, managing documents, and recent legislative amendments as well as other topics such as costs, adjournments, and applications before the court. Common questions in

coronial cases and recent developments in the Children's Court were also covered for regional magistrates. These programs overall received a 95% satisfaction rating from participants which is exceptionally high.

- Continuing the focus on skills development:
 - Two newly appointed magistrates attended a pre-bench training session designed to familiarise them with Local Court practice and procedure.
 - Nine magistrates attended a residential orientation program in September — this is a five-day residential program, which focuses on court craft and judicial skills for new magistrates. This was the first face to face program held since March 2020 and was only possible due to the small number in the group. In line with public health guidelines, this highly interactive workshop was 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. One face to face and three online events were held covering important considerations in understanding culture and learning from other jurisdictions with similar challenges: *"Indigenous Over Representation in Canada: Legislation, Litigation and Mobilization"*, *"Implicit Bias against Indigenous Australians"* and an illuminating presentation *"Making the Past Visible: the Colonial Frontier Massacre Map Project and the Legacies of the Frontier Massacres"* as well as *"A Virtual Tour of the MAAS"*.

- Due to COVID-19, a number of other pressing issues confronting the courts were dealt with through a series of webinars and using a cross jurisdictional approach: *“The Neurobiology of ‘Prejudice’ or ‘Bias’ in Legal Decision Making”*, *“An Introduction to the Bugmy Bar Book”* (a new resource designed to assist courts and lawyers understanding various types of disadvantage), *“2020 Interrupted- Judicial Wellbeing in Trying times”* and *“Sexual Harassment Prevention and Response in the Workplace – a New Approach”*. These important topics could not be left unaddressed.
- Online platforms 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 database. A dedicated COVID-19 Resources page was set up to enable easy access to public health orders, case law, and other materials specifically relevant to the pandemic.

Magistrates who attended the Ngará Yura Program: Indigenous Over-Representation in Canada: Legislation, Litigation and Mobilization

February 2020

Her Honour Magistrate Teresa O’Sullivan,
State Coroner

His Honour Magistrate Brian van Zuylen
Her Honour Magistrate Susan Duncombe
Her Honour Magistrate Erin Kennedy
His Honour Magistrate Michael Crompton
Her Honour Magistrate Debra Maher

Magistrates who attended the Ngará Yura Virtual Tour of the Linear Exhibition, MAAS

September 2020

Her Honour Magistrate Carmel Forbes
His Honour Magistrate Michael Antrum
Her Honour Magistrate Mary Ryan

Magistrates who attended the Ngará Yura Webinar: Implicit Bias against Indigenous Australians

October 2020

His Honour Magistrate Brian van Zuylen
Her Honour Magistrate Susan Duncombe
Her Honour Magistrate Harriet Graham,
Deputy State Coroner
His Honour Magistrate George Breton
His Honour Magistrate Peter Thompson

Magistrates who attended the Ngará Yura Webinar: Making the Past Visible: The Colonial Frontier Massacre Map project and the Legacies of the Frontier Massacres

November 2020

Her Honour Magistrate Mary Ryan
His Honour Magistrate Richard Funston
His Honour Magistrate David O’Neil

Magistrates who attended the Cross Jurisdictional Webinar: The Neurobiology of ‘Prejudice’ and ‘Bias’ in Legal Decision Making

June 2020

His Honour Magistrate Daniel Reiss
His Honour Magistrate Paul Hayes
His Honour Magistrate Rodney Brender
Her Honour Magistrate Debra Maher

Magistrates who attended the Cross Jurisdictional Webinar: An Introduction to the Bugmy Bar Book Project

July 2020

Her Honour Magistrate Clare Farman
Her Honour Magistrate Vivien Swain
Her Honour Magistrate Mary Ryan
Her Honour Magistrate Erin Kennedy
Her Honour Magistrate Tracy Sheedy
His Honour Magistrate Daniel Covington
His Honour Magistrate Richard Funston
His Honour Magistrate David O’Neil
Her Honour Magistrate Sally McLaughlin

**Magistrates who attended the Cross
Jurisdictional Webinar: 2020 Interrupted-
Judicial Wellbeing in Trying Times**

November 2020

Her Honour Magistrate Jennifer Giles
His Honour Magistrate Ronald Maiden
Her Honour Magistrate Vivien Swain
His Honour Magistrate Michael O'Brien
His Honour Magistrate Richard Funston
His Honour Magistrate David O'Neil

**Magistrates who attended the Cross
Jurisdictional Webinar: Sexual Harassment
Prevention and Response in the Workplace –
a New Approach**

December 2020

Her Honour Magistrate Jennifer Giles
Her Honour Magistrate Jayeann Carney
Her Honour Magistrate Clare Farnan
His Honour Magistrate Richard Funston

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

September 2020

His Honour Magistrate Stephen Olischlager
Her Honour Magistrate Lisa Viney
Her Honour Magistrate Holly Kemp
His Honour Magistrate Michael Love
Her Honour Magistrate Sally McLaughlin
Her Honour Magistrate Janine Lacy
His Honour Magistrate Kevin Hockey
Her Honour Magistrate Alison Hawkins
Her Honour Magistrate Jillian Kiely

Legal education in the community and participation in external bodies

In 2020, 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 programmes with the Law Society of NSW, University of New South Wales 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 Graeme Henson AM, Chief Magistrate

Membership of organisations:

Member, Judicial Commission of NSW

Member, Uniform Rules Committee

Member, Early Appropriate Guilty Plea Steering Committee

Member, Improving Timeliness of Coronial Procedures Taskforce

Speaking engagements and other activities:

Feb Public Hearing - Joint Select Committee - Inquiry into Australia's Family Law System

July Australian Academy of Law Session

Aug Bar Reader Address

Nov Council of Chief Magistrate's Meeting

Her Honour Deputy Chief Magistrate Jane Mottley AM

Membership of organisations:

Member, Corrective Services NSW Women's Advisory Council

Member, Corrective Services NSW Women's Advisory Council Miranda Project Advisory Group

Member, Ngara Yura Committee

Chair, Marine Appeals Tribunal

Member, Sentencing and Parole Reform Implementation & Monitoring Group

Member, Domestic Violence Death Review Team

Acting Judge, NSW Drug Court District Court

Speaking engagements and other activities:

Aug Filming for "See What You Made Me Do" – Documentary SBS Television

His Honour Deputy Chief Magistrate Michael Allen

Membership of organisations:

Law Society of NSW Criminal Law Committee

Standing Advisory Committee on Judicial Education

Sentencing and Parole Reforms Implementation and Monitoring Group

Speaking engagements and other activities:

Sep	Bar Readers
Nov	Sheriff's Officer Graduation Ceremony

His Honour Magistrate Glenn Bartley

Speaking engagements and other activities:

March	Presentation, NSW Young Lawyers Environment and Planning Continuing Legal Education Seminar 'Sentencing Environmental Offenders in the Local Court – Procedure and Evidence'
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His Honour Magistrate Brett Shields

Membership of organisations:

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

His Honour Magistrate Phillip Stewart

Speaking engagements and other activities:

Oct	Presentation, Charles Stuart University: 'Final Year Law Students; Getting a Job in the Law'
Nov	Chief Adjudicator at JH Milne Police Prosecutors Public Speaking Competition

His Honour Magistrate Brian Van Zuylen

Membership of organisations:

Member, Ngara Yura Committee of the NSW Judicial Commission

Speaking engagements and other activities:

Feb	Presentation, NSW Bar Association 'Addressing Indigenous Over Representation in Canada: Legislation Litigation and Mobilisation'
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His Honour Magistrate Ian Guy

Acting Judge Drug Court District Court

Her Honour Magistrate Joanne Keogh

Acting Judge Drug Court District Court

His Honour Magistrate Garry Still

Acting Judge Drug Court District Court

Appendices

- The Court's time standards
- The Court's committees
- 2019 Court by Court statistics

The Court's time standards

The Court aims to finalise its case load 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

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

Children's Court Care Time Standards

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

Coroner's Time Standards

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

The Court's committees

In 2020, committee members were:

Local Court Rule Committee

His Honour Judge Graeme Henson AM,
Chief Magistrate

Her Honour Deputy Chief Magistrate
Jane Mottley AM

His Honour Deputy Chief Magistrate Michael Allen

Ms Anne Marie Lumsden, Legal Aid Commission

Ms Lisa-Claire Hutchinson, Bar Association

Mr Michael McTegg, Local Court of NSW

Mr James Wiseman, Local Court of NSW

Ms Paula McNamara, Office of the Director of
Public Prosecutions

Ms Phillipa Hetherton, Department of
Communities and Justice

Superintendent Kirsty Heyward, NSW Police

Mr Jonathan Prowse, Law Society of NSW

Local Court Education Committee

Chair: His Honour Deputy Chief Magistrate
Michael Allen

Secretary: Una Doyle, Education Director,
Judicial Commission of NSW

Her Honour Deputy Chief Magistrate Jane
Mottley AM

His Honour Magistrate Michael Antrum

His Honour Magistrate Ian Guy

His Honour Magistrate David Heilpern
(until 23 May 2020)

His Honour Magistrate Ross Hudson

Her Honour Magistrate Carolyn Huntsman

Her Honour Magistrate Erin Kennedy

His Honour Magistrate Leslie Mabbutt

Her Honour Magistrate Susan McIntyre

Her Honour Magistrate Karen Robinson

His Honour Magistrate Phillip Stewart

His Honour Magistrate Robert Stone

Her Honour Magistrate Vivien Swain

Ms Brooke Delbridge, Policy Officer

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

Secretary: Ms Jacinta Haywood, Executive Officer

Members: Her Honour Deputy Chief Magistrate
Jane Mottley AM

His Honour Deputy Chief Magistrate Michael Allen

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

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 Grogan

His Honour Magistrate Jeff Linden

2020 Court by Court statistics

	New General Criminal Matters	Finalised General Criminal Matters
Albion Park	340	327
Albury	4,376	4,721
Armidale	2,337	2,287
Ballina	1,547	1,498
Bankstown	8,771	8,439
Batemans Bay	1,525	1,508
Bathurst	2,980	3,107
Bega	756	757
Bellingen	0	4
Belmont	3,192	3,186
Blacktown	8,449	8,370
Blayney	110	117
Boggabilla	126	131
Bombala	53	52
Bourke	1,168	1,090
Brewarrina	393	375
Broken Hill	2,188	2,123
Burwood	14,122	13,611
Byron Bay	1,384	1,367
Camden	775	948
Campbelltown	9,394	9,164
Casino	1,149	1,204
Central	9,232	9,099
Cessnock	2,200	2,110
Cobar	250	231
Coffs Harbour	4,719	4,516
Condobolin	222	221
Cooma	721	691
Coonabarabran	384	411

	New General Criminal Matters	Finalised General Criminal Matters
Coonamble	818	854
Cootamundra	425	437
Corowa	250	292
Cowra	842	825
Crookwell	53	53
Deniliquin	757	758
Dubbo	7,822	7,879
Dunedoo	41	36
Dungog	57	70
Eden	241	214
Fairfield	8,471	8,234
Finley	305	305
Forbes	479	470
Forster	2,198	2,670
Gilgandra	290	289
Glen Innes	375	397
Gloucester	86	89
Gosford	6,411	6,331
Goulburn	2,425	2,443
Grafton	2,121	2,229
Grenfell	0	0
Griffith	2,653	2,701
Gulgong	68	68
Gundagai	242	234
Gunnedah	905	868
Hay	281	293
Hillston	0	0
Holbrook	116	114
Hornsby	4,444	4,208

	New General Criminal Matters	Finalised General Criminal Matters
Inverell	1,704	1,744
June	67	77
Katoomba	1,240	1,173
Kempsey	2,692	2,672
Kiama	807	821
Kurri Kurri	776	812
Kyogle	209	214
Lake Cargelligo	124	130
Leeton	850	865
Lightning Ridge	281	291
Lismore	4,397	4,310
Lithgow	1,432	1,524
Liverpool	15,204	14,817
Macksville	890	880
Maclean	538	517
Maitland	4,591	4,665
Manly	4,560	4,422
Milton	549	538
Moama	160	162
Moree	2,045	2,041
Moruya	342	338
Moss Vale	1,433	1,337
Mt Druitt	7,859	7,742
Mudgee	1,114	1,174
Mullumbimby	380	404
Mungindi	57	57
Murwillumbah	585	546
Muswellbrook	1,806	1,834
Narooma	327	305

	New General Criminal Matters	Finalised General Criminal Matters
Narrabri	654	666
Narrandera	409	413
Narromine	382	430
Newcastle	12,396	12,579
Newtown	4,758	4,771
Nowra	3,501	3,619
Nyngan	216	224
Oberon	68	68
Orange	2,796	2,838
Parkes	1,570	1,531
Parramatta	22,438	22,572
Peak Hill	44	44
Penrith	10,367	10,152
Picton	2,178	2,071
Port Kembla	2,915	2,926
Port Macquarie	5,080	5,061
Queanbeyan	2,164	2,206
Quirindi	391	401
Raymond Terrace	3,616	3,657
Rylstone	59	62
Scone	412	400
Singleton	1,279	1,297
Sutherland	12,600	11,901
Sydney Downing Centre	26,534	25,908
Tamworth	5,059	5,161
Taree	2,778	2,185
Temora	202	220
Tenterfield	256	241

	New General Criminal Matters	Finalised General Criminal Matters
Toronto	3,614	3,510
Tumbarumba	67	70
Tumut	604	589
Tweed Heads	3,602	3,680
Wagga Wagga	6,116	6,212
Walcha	68	59
Walgett	1,105	1,113
Warren	232	240
Wauchope	210	198
Waverley	7,421	7,422
Wee Waa	90	89
Wellington	876	1,009

	New General Criminal Matters	Finalised General Criminal Matters
Wentworth	840	807
West Wyalong	241	242
Wilcannia	290	308
Windsor	2,325	2,241
Wollongong	9,906	9,647
Wyong	7,387	7,611
Yass	398	378
Young	1,184	1,140
TOTAL	354,756*	351,601*

* This figure does not include 19 matters commenced and 23 matters adjourned/transferred Court registry where there is currently no Local Court Magistrate presence.

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ISSN 1444-1020 (Print)

ISSN 1834-6839 (Online)