



**Magistrates Court
Annual Report
2016 - 2017**

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MAGISTRATES CHAMBERS
GPO Box 354
Hobart Tasmania 7000

The Honourable Elise Archer MP
Minister for Justice
Level 10, 15 Murray Street
HOBART, TAS 7000

Dear Minister

MAGISTRATES COURT ANNUAL REPORT 2016-2017

I enclose the Annual Report for 2016-2017 for the Magistrates Court as required by the *Magistrates Court Act 1987*, section 17C, which provides:

- (1) *On or before 30 November in each year, the Chief Magistrate must prepare and provide to the Minister an annual report in respect of the year that ended on the preceding 30 June.*
- (2) *The annual report –*
 - (a) *must include details as to the administration of justice in each lower court during that year; and*
 - (b) *may include any other matter that the Chief Magistrate considers appropriate.*
- (3) *The Minister must cause a copy of the annual report to be laid on the table of each House of Parliament within 10 sitting days after receiving it.*

I note that the annual report incorporates my report on the Coronial Division which I am required to submit to the Attorney-General under section 69 *Coroners Act 1995*. I have provided the report in its entirety to the Attorney-General to satisfy the requirements of that Act.

Yours sincerely

Catherine Geason
Chief Magistrate

3 November 2017



MAGISTRATES CHAMBERS
GPO Box 354
Hobart Tasmania 7000

The Honourable Will Hodgman MP
Attorney-General
Level 10, 15 Murray Street
HOBART, TAS 7000

Dear Attorney-General

MAGISTRATES COURT ANNUAL REPORT 2016-2017

I enclose the Annual Report for 2016-2017 for the Magistrates Court, which incorporates the annual report for the Coronial Division as required by the *Coroners Act 1995* section 69. Section 69 provides:

(1) The Chief Magistrate must, on or before 30 November in each year, prepare and submit to the Attorney-General a report in relation to the operation of this Act during the financial year ending on the preceding 30 June.

(2) The report –

(a) must include details of deaths of persons held in custody and findings and recommendations made by coroners; and

(b) may include any other matter that the Chief Magistrate considers appropriate.

(3) The Attorney-General must cause a copy of the report to be laid on the table of each House of Parliament within 10 sitting days after receiving the report.

I note that my annual report required under section 17C of the *Magistrates Court Act 1987* must be submitted to the Minister for Justice. I have provided the report in its entirety to the Minister for Justice to satisfy the requirements of that Act.

Yours sincerely

Catherine Geason
Chief Magistrate

3 November 2017



Aim and Overview of the Court

Aim of the Court

The aim of the Magistrates Court is for a fair, just and safe Tasmania. It serves the community by providing access to an accountable, independent and impartial system of justice administered according to law.

Purpose

The purpose of the Magistrates Court of Tasmania is to provide an open, transparent and accessible system of justice, to apply the Rule of Law, and to protect and respect individuals' rights.

Values

- We value judicial independence and we act independently from Government in the exercise of our judicial functions.
- Our staff behave with integrity and respect, are accountable, cooperative, act without bias and in accordance with the State Service Code of Conduct.

More detailed information relating to the Court's strategic plan and its day-to-day operations (services, locations, decisions, court lists) is available at:

http://www.magistratescourt.tas.gov.au/about_us/publications

Overview of the Court

The Magistrates Court of Tasmania is a statutory body created as a court of record by the *Magistrates Court Act 1987* section 3A that comprises the Chief Magistrate, the Deputy Chief Magistrate, and the Magistrates.

Magistrates have jurisdiction to hear and determine a broad range of legal matters.

Magistrates sitting in Courts of Petty Sessions hear and determine simple offences, crimes triable summarily under State and Commonwealth legislation, breaches of duty, applications under various State and Commonwealth statutes, and exercise a wide range of appellate and review functions. Magistrates also hear simple and indictable offences in the Youth Justice Division as well as exercising child protection responsibilities.

Magistrates in the Civil Division hear and determine civil matters to a value of \$50,000 or an unlimited amount with the consent of the parties. Matters up to a value of \$5,000 are dealt with as Minor Civil Claims and undergo simplified procedures prior to, and at hearing.

Statutory provision is also made for the Court to sit in the following Divisions:

- Civil Division
- Coronial Division
- Youth Justice Division

- Children’s Division
- Administrative Appeals Division
- Mining Division

Acknowledgments

The Court acknowledges the constructive working relationship that the Court enjoyed with the Attorney-General of Tasmania, the Honourable Vanessa Goodwin MLC, during the reporting period. Sadly, the Attorney’s ill health during the year meant that she stood down from active involvement in her portfolio. She was replaced by Acting Attorney-General, the Honourable Matthew Groom.

I express my appreciation to former Chief Magistrate Michael Brett, Deputy Chief Magistrate Michael Daly, all magistrates, including Temporary Magistrate Peter Dixon, the former Administrator of Courts Wayne Johnson, current Administrator Penelope Ikedife, Deputy Administrator Roger Illingworth, and all court staff for their dedication and professionalism throughout the reporting period.

In addition, I express my gratitude to the Court volunteers, particularly the Bench Justices, for the support services they provide to litigants, witnesses and others involved in proceedings before the Court. The Tasmanian community is indebted to them for their service which is valuable and selfless.

Finally, I acknowledge the outstanding commitment by the magistrates who provide timely access to justice with courtesy, professionalism and great care.

Court Locations

During the reporting year, magistrates constituted courts of petty sessions under the *Justices Act 1959*, and sat in the various divisions of the Magistrates Court at the following locations around the State:

- daily court sittings at Hobart, Launceston, Devonport, and Burnie;
- circuit court sittings at Queenstown, Smithton, Currie, Whitemark, Scottsdale, St Helens, and Huonville.

Personalia

On 27 June 2016, the Attorney-General, the Hon Dr Vanessa Goodwin, announced the appointment of Chief Magistrate Brett as a justice of the Supreme Court of Tasmania to fill the vacancy left by the resignation of Justice David Porter. Under the *Magistrates Court Act 1987* s 6(3)(b), Deputy Chief Magistrate Michael Daly acted in the office of Chief Magistrate between 11 July 2016 and the date of my appointment as Chief Magistrate on 24 October 2016.

This year saw the appointment of a new magistrate. On 19 June 2017, Magistrate Kenneth Stanton was sworn in as a magistrate, and commenced sitting in the Launceston court.

I take this opportunity to congratulate and formally welcome Magistrate Stanton to the Court.

At 30 June 2017, the end of the current reporting period, the Magistrates Court was constituted by the following magistrates:

Hobart:

Chief Magistrate C J Geason (formerly Rheinberger)
Deputy Chief Magistrate M F Daly
Magistrate S F Mollard
Magistrate O M McTaggart
Magistrate C P Webster
Magistrate G A Hay
Magistrate R J Marron
Magistrate S J Cooper

Launceston:

Magistrate S J Brown
Magistrate S E Cure
Magistrate K J Stanton

Devonport:

Magistrate A R McKee
Magistrate D R Fairley

Burnie:

Magistrate T K Jago

Temporary Magistrate:

Magistrate R E Chandler

Court Staff

At the end of the reporting period, 30 June 2017, the Magistrates Court had an actual staffing number of 53.98 full time and part-time staff distributed across the four permanent court registries situated in Hobart, Launceston, Devonport and Burnie.

Bench Justices

The Court once again expresses its gratitude for the voluntary contributions of the Bench Justices who deliver justice to the community by presiding over preliminary proceedings on indictable offences, and in after-hours courts dealing with urgent applications for bail and family violence matters. The Bench Justices' continuing contribution to the criminal justice system in this State is commendable and invaluable.

To ensure that Bench Justices are well informed in the exercise of their powers the Chief Magistrate or her delegate conducts regular meetings with Bench Justices. Bench Justices are also provided with extensive training before being added to the roster of justices who may preside over their own court.

In the 2016-17 year a training course for new Bench Justices was held in Devonport.

The Court's National Involvement

The Court continues its involvement in national and international forums for the discussion of justice and court administration in a variety of jurisdictions exercised by the Court.

During the reporting year the Court was represented at the following meetings and conferences:

- Council of Chief Magistrates Meeting, Adelaide and Brisbane, 10 August 2016 and 16-17 March 2017
- Asia Pacific Coroners Society Annual Conference, Perth, 8-11 November 2016
- Australasian Institute of Judicial Administration Conference on Non-Adversarial Justice, Sydney, 12 December 2016
- National Judicial College of Australia Governing Council Meeting, Melbourne, 17 March 2017

Professional Development

The Magistrates' professional development program continued with biannual conferences held in Hobart on 27-28 October 2016 and in Campbell Town on 7 April 2017.

A range of presentations were delivered by guest presenters and magistrates. Topics included sentencing, medical fitness and driving, acquired brain injuries, the impact of trauma, health and wellbeing and recent coronial findings. I express my gratitude to the organisers of the conferences and to the presenters who have significantly contributed to the ongoing development of the expertise of the Tasmanian Magistracy.

The Chief Magistrate is also responsible under the *Magistrates Court Act 1987* for the professional development of Court staff. Staff have undertaken a variety of training opportunities including:

- New staff induction
- Family Violence training (online)
- Work Health and Safety Refresher course (online)
- Four staff have commenced a Certificate IV in Leadership and Management
- 40 staff members attended "Thriving in Change" training on 27 and 28 October 2016 in Hobart and Launceston respectively, ahead of anticipated changes arising from the KPMG Review of the Magistrates Court
- Council of Chief Magistrates and Court Administrators Meeting, Brisbane 16-17 March 2017 (Administrator)
- Statewide Managers' Meeting, Campbell Town 7 April 2017
- First aid training for first aid officers
- Fire training for fire wardens
- New supervisor training
- Civil legislation training for registry staff
- Springboard Womens Development Program – two staff
- State Service Management Office Manager Essential Program – one staff member
- Mediation training for one staff member to carry out court mediations
- Various short training sessions provided through the Law Society and the Training Consortium

Magistrates Court Review

On 16 June 2016 the Attorney-General Dr Vanessa Goodwin announced that she had engaged consulting firm KPMG to report to her by early August on how to improve finalisations, clearance rates, attendances and backlog indicators in the criminal, civil and coronial divisions of the Court. The Review examined the Court's administrative systems and resources, including in-court administrative arrangements. It was released on 23 May 2017 and a steering committee was established to consider and progress the review's recommendations. A new Magistrates Court Administrator, Penelope Ikedife, was appointed in December 2016, supported by a fixed term General Manager, Pamela Honan, to implement the required changes.

Some of the recommendations address:

- Legislative changes to improve management of civil and criminal proceedings;
- Streamlining administrative and electronic processes; and
- Redefining the current organisational structure;
- Standardising processes across all registries.

Improvements in the organisational structure have been implemented within current funding limitations and work is continuing into the standardisation of processes statewide. Some of the recommendations of the review require additional funding, for example information technology improvements, which will be funded as part of the Justice Connect project from the Government's Digital Transformation Priority Expenditure Program.

The Government announced that it would not pursue the review's recommendation to consolidate the Burnie and Devonport courthouses.

Legislative Changes

There have been a number of new bills and amendments to legislation during the reporting period which have had an effect on the operation of the Magistrates Court. The Court is often consulted on draft legislation, where the legislation may have an impact on the Court. Legislation which has been the subject of consultation in the reporting period includes:

- *Magistrates Court (Criminal and General Division) Bill 2017* (see below for further information)
- *Coroners Act 1995* – amendments
- *Court Security Bill 2016*
- *Expungement of Historical Offences Bill 2017*
- *Family Violence Reforms Bill 2016*
- *Justices of the Peace Bill 2017*
- *Removal of Fortifications Bill 2017*
- *Restraint Orders Bill 2017*
- *Sentencing Amendment Act 2016*
- *Domestic Violence Orders (National Recognition) Bill 2016*

Criminal and General Division Legislation

During the reporting period work continued on drafting a new suite of legislation governing the procedures applicable to the Court's criminal and general jurisdiction. The proposed Magistrates Court (Criminal and General Division) legislative package will result in:

- a new Magistrates Court (Criminal and General Division) Act
- a new Magistrates Court (Criminal and General Division) Rules
- a new Magistrates Court (Criminal and General Division) Fees Regulations
- a new Restraint Orders Act
- consequential amendments to the *Justices Act 1959*, the *Magistrates Court Act 1987*, the *Supreme Court (Civil Procedure) Act 1932* and other court-related legislation

The Court's ability to manage the resolution of cases in a timely manner is dependent on the legislative framework governing the Court's processes. The current framework is provided by the *Justices Act 1959*. The proposed new legislation is expected to help to expedite the criminal litigation process while protecting fundamental rights to access to justice and a fair trial.

The proposed Bill includes provisions for early prosecution disclosure, earlier entry of pleas, fewer adjournments, facilitating the summoning of police officers as witnesses, shorter preliminary proceedings on serious indictable charges, and straightforward methods of evidence presentation.

The legislative package will propose a number of initiatives, including:

- new case management procedures, standards, and sentence indication powers designed to promote the just and efficient determination of matters
- a new prosecution and defence disclosure framework for disclosure of prosecution evidence and some defences
- a new way of commencing criminal proceedings via a "court attendance notice" instead of a "charge sheet" or Complaint

- new contempt of court powers and increased powers for the Court to control its own process
- increased property value thresholds for matters that may be dealt with summarily in the Magistrates Court
- a clear and contemporary scale of legal costs

This long-running project continues, and consultation with stakeholders has now occurred. Improvements in information technology will be required for both Tasmania Police and the Court to gain the full benefits from the legislative changes and to allow the process to work as envisaged.

National Domestic Violence Orders Recognition Scheme

In December 2015 the Council of Australian Governments (COAG) agreed to introduce a National Domestic Violence Order Scheme (NDVOS) to allow a Domestic Violence Order (DVO) issued in one jurisdiction to be automatically recognised and enforced across Australia. All jurisdictions gave a commitment to introduce model laws to give effect to the NDVOS in the first half of 2016.

To support the early implementation of the model laws, the Law, Crime and Community Safety Council and COAG agreed to the development of an interim technical solution while a four-year project to develop and deliver a national technical capability for DVOs, which will facilitate information sharing and enforcement of DVOs between courts and police across Australia, is undertaken.

The National scheme and model legislation has been drafted in accordance with the following four policy principles:

- A family/domestic violence order made or registered anywhere in Australia is nationally recognised and enforceable;
- An order made in one jurisdiction can be amended by another jurisdiction but only by a court;
- Where an order made in one jurisdiction is in force, if necessary a new order can be made in another jurisdiction; and
- The latest court order in time prevails.

The Scheme aims to provide a mutual recognition framework to enable the seamless recognition and subsequent ability to enforce DVOs across Australia.

Legislation consistent with the national model legislation was tabled in the Tasmanian Parliament. The *Domestic Violence Orders (National Recognition) Act 2016* was passed by Parliament on 9 September 2016.

Court staff have been working to ensure that the Court and its administrative processes and systems are ready to accommodate the requirements of the legislation, which will come into effect on 25 November 2017.

Matters Received from the Supreme Court

Since October 2015, the judges of the Supreme Court have made greater use of their power to remit criminal matters to the Magistrates Court pursuant to s 308 of the *Criminal Code*. This power is increasingly used in cases of indictable matters which are less serious and where it would not be inappropriate for a magistrate to deal with them. This transfer of jurisdiction between the courts has significant benefit to the administration of criminal justice because of the increased efficiency with which the magistrates are able to determine these matters.

During the reporting period amendments to the *Sentencing Act 1997* resulted in the Supreme Court being able to make drug treatment orders. The supervision of Supreme Court drug treatment orders is carried out by the Magistrates Court. Since the amendment in February 2017 to the end of the reporting period the Supreme Court made no drug treatment orders, but they have been considered in the sentencing process in various cases, and a number are expected to be made by the Supreme Court in the coming year. The Magistrates Court's supervision of drug treatment orders is very intensive. It commences with weekly review appearances, which usually reduce in frequency over time until the order, which may last for 2 years, is completed.

Caseload

The caseload of the Magistrates Court varies from year to year. Over the last three reporting periods there have been ongoing increases in lodgements, particularly in the Criminal division, which has experienced an increase of 16% in the past three years.

Detailed statistics about the types and numbers of matters lodged appear later in this Annual Report.

The Court's incoming caseload during the 2016-17 reporting year was as follows:

Case Lodgements:

Criminal – Adult	22,527
Criminal – Youth Justice	1,533
Family violence order applications	1,064
Restraint order applications	1,250
Child protection applications	735
Civil (minor civil, civil, residential tenancy)	3,838
Miscellaneous applications	2,025
Administrative appeals	46
Coronial cases	579
Total	35,597

The Fines, Costs, Fees and Levies imposed were as follows:

Fines	\$4,210,993
Criminal court fees	\$828,822
Victims of Crime Compensation levies	\$288,130
Civil Court Fees	\$592,225
Appeal Costs Fund levies	\$32,481
Total	\$5,952,651

Problem-solving Courts

During the reporting year the Court continued its activities in the areas of problem-solving justice. This approach to justice requires courts to acknowledge that rather than simply processing cases, the court system should be concerned with taking approaches in an attempt to address the problems that lead to a person's appearance in court, and work to change offender behaviour and improve public safety where appropriate.

Currently the Court takes this approach in the following areas:

- Court Mandated Drug Diversion (CMD) program;
- Diversion List (DL);
- Family Violence Lists;
- Youth Justice Specialist List.

The Court continues to work to improve collaboration between participants in these problem-solving justice approaches, learning from and building on what has been achieved in previous years.

The Court relies on the support and expertise of other organisations to ensure the success of the problem-solving courts. In particular, assistance is provided by Community Corrections, Forensic Mental Health Services, the Defendant Health Liason Service, Youth Justice, Legal Aid Commission of Tasmania, specialist Police prosecutors, and non-government support services.

Court Mandated Drug Diversion Program

The Court Mandated Drug Diversion Program (CMD) was introduced in 2007 to divert people, whose offending behaviour is linked to illicit drug use, into drug treatment interventions. The CMD program has capacity for approximately 80 defendants statewide. Referral to the program under a Drug Treatment Order can involve a range of treatment options depending on what is most suitable for an offender's needs, but may include some or all of the following:

- Individual counselling;
- Group counselling;
- Random illicit drug testing;
- Residential rehabilitation;
- Case management;
- Detoxification (via the State Alcohol and Drug Service).

The program is very intensive; participants may be on it for up to 2 years. CMD has been successful in diverting a large group of offenders away from prison into community-based treatment and has had some positive impacts on delaying relapse or a return to crime.

This year the Court and other organisations who are involved in the program celebrated the 10th anniversary of the program with an event held at the Court and co-hosted by Community Corrections.

Diversion List

Another key offender diversion program operated in the Court is the Diversion List (DL). This May marked the 10th anniversary of the list, for which a function was held at the Court, attended by Her Excellency Professor the Honourable Kate Warner, AC, Governor of Tasmania. The DL began in Hobart and has now become a permanent feature of Court operations in all registry locations. At present, the DL sits twice a month in Hobart and once a month in Launceston, Burnie and Devonport, and is presided over by specialist magistrates (who also preside over general lists). The Hobart Diversion List also includes persons with acquired brain injuries or cognitive disabilities who commit summary offences.

The DL is a “problem solving court” program that diverts eligible defendants to mental health disability and other welfare services to address the underlying issues of their criminal behaviour. Using provisions within the *Bail Act 1994* and the *Sentencing Act 1997*, the DL seeks to provide an alternative to traditional criminal sanctions where mental illness is causative of the offending behaviour.

Family Violence Lists

Upon the commencement of the *Family Violence Act 2004*, the Court has been listing separate court sessions for family violence matters to improve its responses and co-ordination with support agencies including specialist police prosecutors, safe families co-ordination unit, legal aid, and court support and liaison services.

Contest Mention System

The contest mention mechanism is a process which enables a defendant, if they are going to plead guilty to an offence heard in the Magistrates Court, to do so at the earliest possible stage of the pre-trial proceedings. For matters that are not resolved by a guilty plea at contest mention the process is designed to reduce the number of issues in dispute, which should reduce the hearing time.

An evaluation of the contest mention system was completed in November 2012. The evaluation report presented information relating to the effectiveness of the system as a pre-trial hearing for summary offences or indictable offences triable summarily, which aims to facilitate early guilty pleas and narrow the issues in dispute.

Youth Justice Court

The Youth Justice Court continues to operate as a specialised court state-wide. A dedicated magistrate in each registry hears all youth justice cases in which the court promotes a therapeutic strength-based approach.

Deferred sentencing options under the *Youth Justice Act 1997* continue to provide an opportunity to defer a sentence for some young people for the purpose of assessing the young person’s capacity and prospects for rehabilitation or participation in an intervention plan, and for the purpose of allowing the young person to demonstrate what rehabilitation has occurred or to allow them to participate in an intervention plan.

The Youth Court continues to be supported by and acknowledges the invaluable assistance of Tasmania Police who provide dedicated prosecutors and early intervention officers, and the Director of Legal Aid who provides dedicated legal practitioners.

The Court also acknowledges the Education Department who now provide Education Liaison Officers state wide who aim to re-engage young people appearing before the court with education. This is a vital part of youth court as many of the young people appearing have dis-engaged from education.

The Court also acknowledges the commitment of government and non-government bodies who have assisted in building a more integrated team approach which is working towards better outcomes for young offenders.

Court User Groups

The Court has established Court User Groups in each of the region – South, North and North-West. The concept of Court User Groups has support from magistrates as a means of strengthening the Court's consultative processes with a range of court users, including the legal profession and various court support agencies.

The Court User Groups assist with feedback on the operation of the courts and provide useful input which can be included in the Court's strategic planning processes. Regional and relatively informal consultation processes with key stakeholders are also likely to improve the Court's service delivery, and the status and reputation of the Court within the broader community. The establishment of the user groups builds on the Court's goals of community engagement and continuous improvement. A wide range of organisations considered major stakeholders of the Court are invited including the:

- Law Society of Tasmania
- Independent Bar
- Tasmania Police
- Community Corrections
- Legal Aid Commission
- Victims Support Service
- Children and Youth (DHHS), incorporating Child Protection Services and Youth Justice Services
- Statewide Mental Health Services (DHHS)
- Community Legal Centres
- Tasmanian Law Reform Institute

Court User Group meetings were held across the State again in this reporting period and continue to assist in better service provision to court stakeholders.

Information Technology

The Court's video-conference facilities increase the community's access to justice for witnesses and defendants in custody to attend court by video link from any location in Tasmania, interstate or overseas. Video-conferencing substantially reduces the cost of adducing evidence from witnesses residing interstate and overseas. The facilities use large screens installed for evidence presentation. Everyone present in court is able to see and hear these witnesses. Provision has also been made for vulnerable witnesses to give their evidence remotely from a protected witness room in the court building or elsewhere, and the entire video conference system has been integrated into the Court's digital audio recording system.

Better quality and more reliable video conferencing facilities are required to allow the efficient operation of the Court, improve access to justice and reduce where possible the movement of prisoners and remandees around the State. Improved video conferencing capability at Risdon Prison is a fundamental component of effective video conferencing use in the Court.

The Magistrates Court website was redeveloped to create a more modern and user-friendly site. The content was rewritten to allow users navigate more easily to the most used pages, and to provide links to court forms and other information and services relevant to the users' enquiry.

Legal Education Initiatives

During the reporting year, magistrates and court officers were engaged in a range of legal education programs that are aimed at improving the understanding of the justice system for a number of groups, such as young lawyers, prosecutors, probation officers, Justices of the Peace, legal studies students, school and community groups.

Legal Practice Course

Since 1997, the Hobart Magistrates have been delivering lectures, and supervising practical courtroom exercises, for university law graduates who are enrolled in the six month Legal Practice Course. This is conducted between February and August each year.

The sessions are supervised by the Court's Criminal Law Practice and Advocacy unit. Magistrates convene mock courts for two hours every week after court adjourns in the afternoon to introduce law graduates to the court room environment in preparation for when they commence legal practice. The trainees prepare and deliver applications, make submissions, deliver pleas in mitigation, and conduct minor contested hearings. The magistrates provide feedback to the trainees on their delivery, content, and advocacy skills. The exercises form part of the assessment for the unit.

Based on feedback from course participants the Criminal Law Practice and Advocacy unit is considered to be one of the most practical units studied by the trainees as the Magistrates Court is the jurisdiction in which most junior lawyers are likely to practice in the early years of their professional life. The opportunity for students to appear before real magistrates in a court setting is an aspect of the course that is the envy of many interstate jurisdictions.

CourtWatch

As part of the Legal Practice Course each year, the Magistrates Court hosts each trainee for a day as part of our CourtWatch program. On a succession of days over a two week period, small groups of trainees are shown the practices and procedures of the Court in both its administrative and judicial functions so they will be better equipped to comply with the challenges of legal practice. They have the opportunity to sit in court with a magistrate and to gain an understanding of the administrative processes of the Court.

Web-Publication of Magistrates' Decisions

Most decisions in the Magistrates Court are delivered orally due to the large volume of matters which are dealt with and the summary nature of the jurisdiction. An increasing number of magistrates' written decisions and coroners' findings are available on the internet for access by legal practitioners and other interested persons.

Decisions are available at: http://www.magistratescourt.tas.gov.au/for_lawyers/decisions

Disability Access to Services

The Department of Justice has developed its Disability Justice Plan for Tasmania 2017-2020. The Magistrates Court is working to implement actions in the Plan with a focus on improving physical access to court buildings, staff training, and better access to information and services.

The Court's website has been redeveloped and includes the capability of expanding text to various sizes for ease of reading.

The Launceston Magistrates Court has had all public toilets upgraded including an upgrade of the accessible toilets.

Audible level voice activation was included in the public lift.

Court Support Services

I acknowledge and thank the range of court support services which are provided, often on a voluntary basis, to assist clients who are having difficulty in understanding the Court process or accessing legal advice or representation.

This year in particular I acknowledge the work of the Law Society of Tasmania, Centre for Legal Studies, and Legal Aid Commission of Tasmania regarding the continuation of the duty lawyer service. The service provides assistance to applicants, defendants and respondents who are appearing in the Magistrates Court. The service has significantly contributed to the efficiency and effectiveness of the Court in providing access to justice to those who would otherwise have been unrepresented.

Witness Assistance Service

The Witness Assistance Service is a unit within the Office of the Director of Public Prosecutions. In the reporting period the Witness Assistance Service received a 12 month grant through the Solicitors Guarantee Fund to provide a part-time (50%) WAS officer in each of the Hobart and Launceston Magistrates Courts. The service, which began operating in early 2017, is available to provide assistance for all types of matters but with a particular focus on sexual abuse matters and matters that fall outside the legislative definition of family violence. The Service also assists witnesses in the preparation of victim impact statements.

The Service has dealt with 30 matters during the reporting period, and has assisted 77 witnesses. The positions in the Magistrates Court are meeting a gap in services and have resulted in some good outcomes for both witnesses and the Court process, since better support for witnesses often means that they are more willing to give evidence and may be able to give better-quality evidence to inform the Court.

Salvation Army - Court and Prison Chaplaincy

A Salvation Army Chaplain attends court on a regular basis to offer help and support through the Court process to offenders, their families, victims, and witnesses. This service also can be important as a referral service to other programs such as:

- personal development programs
- alcohol and drug programs
- housing and homeless services
- aged care assistance
- women's domestic violence services
- financial counselling

Save the Children

Save the Children (STC) continues to support and assist state-wide some of the young people who are subject to bail and young people who have transitioned from Ashley Youth Detention Centre. A STC youth worker will interview the young person and assist them to identify some pro-social goals and develop a plan as to how to achieve the identified goals. The STC youth workers will also assist with supporting the young person to seek legal advice, attend appointments and attend court. A report is prepared to update the Court on the progress being made by the young person. STC will also support the young person to engage in some pro-social recreational activities which provides other options to offending behaviour. The partnership between STC and the youth court is an invaluable resource in working as a collaborative team to achieve better outcomes for some of our very disadvantaged young people who are offending and appearing in court.

Baptcare and Mission Australia

Other services that actively engage with the Youth Justice Court are Baptcare and Mission Australia offering assistance and support to young people with a range of needs, such as homelessness, alcohol and drug problems, education and training, family breakdown, and mental illness.

Community Legal Services

In each region of the State the Court is assisted by the various Community Legal Services. The Hobart Community Legal Service has offices in Hobart and Bridgewater. Along with the provision of free legal advice, the HCLS provides legal representation for the after-hours and weekend courts and the on-call roster for holiday periods. In Launceston the Launceston Community Legal Centre provides free legal advice and referral to Legal Aid and private practitioners. In Burnie and Devonport the North West Community Legal Centre Inc. provides a similar service. All these organisations assist the Court greatly in preparing parties on how the Court process operates and what is expected to happen in the court room.

Coronial Division

The jurisdiction and operation of the Coronal Division is set out in the *Coroners Act 1995* and the *Coroners Rules 2006*. This report is submitted pursuant to section 69 of the *Coroners Act 1995* (the Act).

The jurisdiction of the coroner is to investigate reportable deaths, fires and explosions. Reportable deaths are primarily those that are sudden, unnatural, unexpected or suspicious. Coroners are required to make recommendations where appropriate and comment on matters related to public health or safety or the administration of justice, and for the purpose of prevention of future deaths.

Coroner Olivia McTaggart continued her role as the Chief Magistrate's delegate and full-time coroner. Coroners Simon Cooper, Rod Chandler and Duncan Fairley also undertook significant coronial duties as the Court consolidated its organisational restructure started in January 2014.

I thank the many organisations involved in assisting the work of the Coronal Division. I am appreciative of the work of the Chief Clerk and Manager of the Division, Penelope Ikedife and Victor Stojcevski respectively. I acknowledge the crucial role of the State Forensic Pathologist, Dr Chris Lawrence, and his team of forensic pathologists. I would also like to underscore the vital support provided by all levels of Tasmania Police, including the many officers of Tasmania Police who assist the coroners in their investigations. In particular, I acknowledge the assistance provided to coroners by coroner's associates, and the cooperative manner in which up to seven associates have at various times integrated themselves into the operations of the Division.

During the reporting period, the Northern Coroner's Office was established in the Magistrates Court premises in Launceston. As well as accommodating coroners' associates, this new office incorporates a forensic research nurse and file viewing facilities for families. The new office has served to improve case management and communication within the Division.

For the first time since the 2007 - 2008 reporting period, the Court achieved a case finalisation rate in excess of 100 per cent. This means that the court finalised more cases than were lodged during the reporting period. This is the highest finalisation rate recorded for the previous nine years. The coroners, coroners' staff and coroners' associates continue to develop and refine strategies to increase efficiencies, notwithstanding the difficult resourcing climate.

Coronial Practice Handbook

On 27 October 2016, Chief Magistrate Geason and Coroner McTaggart launched the *Tasmanian Coronal Practice Handbook*, a resource for legal practitioners and the general public on the operation of coronial law and services in the state. The Handbook is available both in book form and via the Magistrates Court website at:

http://www.magistratescourt.tas.gov.au/about_us/coroners/coronial_practice_handbook

The Handbook was only made possible through a generous grant received from the Law Foundation of Tasmania.

Tasmanian Suicide Register

During the reporting period, the Coronial Division partnered with the Department of Health and Human Services (DHHS) to establish a Tasmanian Suicide Register. The establishment of a Register in the next reporting period will enable the collection and analysis of suicide data in order to better target suicide prevention strategies, thereby contributing to the *Tasmanian Suicide Prevention Strategy 2016-2020*. This project has been jointly managed by the Division and the Mental Health, Alcohol and Drug Directorate of DHHS.

Commitment to Collaboration

As the projects above suggest, the Court continues to build collaborative partnerships with external organisations that have expertise in a range of areas pertinent to public health and safety, such as the Director of Public Prosecutions, the Tasmanian Health Service, Worksafe Tasmania, the Department of State Growth, the State Emergency Service, Tasmania Police and DHHS. Some of these collaborations have allowed the Court to advance the evidence-base in areas of suicide, drug-related harms and road safety. In turn, the results of this collaboration are provided to Coroners to inform death prevention recommendations which may be directed to public or statutory authorities and other entities.

A large project which has been ongoing during the 2016 – 2017 year is the drafting of the *Tasmanian Multiple Fatality Response Plan Issue 1, 2017* (an Associate Plan). The document is a state level emergency management plan prepared in consultation with organisations such as Tasmania Police, the State Emergency Service, Department of Premier and Cabinet, Ambulance Tasmania, Department of Health and Human Services and the State Forensic Pathologist. The Plan describes the arrangements for co-ordinating state-wide coronial services to manage a multiple fatality event in Tasmania and is based on existing legal processes and practices. It is expected that it will be ready for approval by the State Emergency Management Committee during the next reporting period.

Also, in June 2017 the Coroners conducted a workshop for lawyers at the Law Society of Tasmania. This workshop aimed at providing legal practitioners of all levels of legal career experience with an overview plus a more in-depth look at the workings of the Coronial Division, including the conduct of inquests, the role of forensic pathology and medical matters in the coronial sphere.

Long Term Missing Persons

During the reporting period a Long Term Missing person committee chaired by Coroner Cooper and having members including the State Forensic Pathologist and representatives of Tasmania Police Missing Persons Section and Forensic Science Service Tasmania continued to deal with cases stretching back to the mid-1950s. In the past year the committee has been able to positively match a number of previously unidentified body parts with recorded long term missing persons.

In addition to dealing with such matters, procedures have been developed and implemented to deal with future missing person cases. The Division acknowledges and thanks in particular Dr Christopher Lawrence, Dr Anne-Marie Williams and Mr Paul Holloway for their contributions to this initiative.

Deaths in Custody

As required by section 69(2)(a) of the Act, I advise that during the reporting period there was one death in custody reported to the Coroner.

During the reporting period, an inquest into three people who died in custody (as defined in section 3 of the Act) was concluded. The deaths occurred in the previous reporting period. The inquest examined the circumstances of the individual deaths and, pursuant to the coroner's obligation, heard evidence relating to the care, supervision and treatment of the deceased whilst in prison. The inquest findings and recommendations are available on the Court's website (see below).

Deaths in Care

During the reporting period there were three deaths reported of persons held "in care" as defined in section 3 of the Act.

Additionally, during the reporting period three inquests were completed in relation to three further deaths in care from previous reporting periods. The findings have been published on the Magistrates Court website.

Other inquests and findings

All findings and recommendations considered by Coroners to be of public interest are published on the Magistrates Court website at:

http://www.magistratescourt.tas.gov.au/about_us/coroners/coronial_findings

During the reporting period, some inquests and findings of significance are as follows:

Troy Colin Monson, Robin Michael, and Scott Clifford Mitchell: Deaths in custody - Risdon Prison, Prison Health Care, prison escort van, suicide, mental health – recommendations on: prison systems, prisoner transport and correctional health care.

Bjay Johnstone: Infant death - child protection, homicide and assault, family violence – recommendations on: Child Protection Services systems and practice, Tasmania Police procedures, amendments to the *Children, Young Persons and Their Families Act 1997*.

Anne Maree Woulleman-Jarvis: Hospital death - head injury, CT scan, subacute subdural haematoma, closed head injury, adequacy of the treatment and care provided by Royal Hobart Hospital.

Kang Jin: Bushwalker, Overland Track - Hypothermia, exposure, search and rescue – recommendations on: Parks & Wildlife Service protocols for tourist bushwalkers.

Barbara Westcott: Death in aged care facility - inadequate care, first aid training, bed pole - recommendations on: ceasing the use of specific class of bed poles in aged care facilities, record maintenance systems of the aged care facility.

Jessica Ann Kupsch: Homicide & assault - domestic violence, family violence order, drug treatment order - comments on: breaches of family violence orders and the *Family Violence Act 2004*.

Kobie Ryder Blackaby: Water-related child death - Drowning, inflatable pool, fencing and supervision - recommendations on: regulation of portable and inflatable pools.

Deaths from a public place: Tasman Bridge, intentional self-harm, Tasmanian Suicide Prevention Strategy, barriers, signage - recommendations on: preventing suicide from the Tasman Bridge.



Court Statistics and Performance Indicators

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Court Statistics

Criminal and General Division

Table 1 sets out the volume of criminal cases involving adults lodged during the reporting year. The data has been extracted from the Criminal Registry Information Management Enquiry System (CRIMES), and reports by offence category as defined by the Australian Bureau of Statistics' *Australian and New Zealand Standard Offence Coding system (ANZSOC)*.

Table 1 - Criminal (Adult) Matters Lodged 2013 – 2017

Principal Offence ¹	2013-14	2014-15	2015-16	2016-17
Homicide and related offences	14	12	12	18
Acts Intended To Cause Injury	1,898	1,929	2,107	2,103
Sexual Assault And Related Offences	137	111	134	128
Dangerous Or Negligent Acts Endangering Persons	558	563	514	642
Abduction, Harassment And Other Offences Against The Person	2	8	5	10
Robbery, Extortion And Related Offences	54	56	44	46
Unlawful Entry With Intent/Burglary, Break And Enter	428	453	451	409
Theft And Related Offences	1,390	1,490	1,489	1,635
Fraud, Deception And Related Offences	307	369	373	419
Illicit Drug Offences	886	1,036	1,005	1,182
Prohibited And Regulated Weapons And Explosives Offences	235	252	320	277
Property Damage And Environmental Pollution	405	380	429	410
Public Order Offences	905	740	747	795
Traffic And Vehicle Regulatory Offences	6,917	8,057	8,253	8,041
Offences Against Justice Procedures, Government Security And Government Operations	1,350	1,416	1,655	1,794
Miscellaneous Offences	153	144	126	152
Breaches of bail, suspended sentences, community service orders, probation ²	3,279	3,709	4,248	4,466
Total	18,918	20,725	21,912	22,527

1. The data uses the counting rules for the Report on Government Services on criminal lodgements which, in addition to counting single criminal lodgements, also counts as a single unit multiple complaints filed against a single defendant on the same day. The rationale for such a counting rule is that multiple charges filed on the same day will usually relate to an episode of offending behaviour that is likely to be heard and determined by the Court as a single unit of work.
2. The counting rules for the Report on Government Services on criminal lodgements exclude related applications and complaints lodged for breaches of court orders.

Youth Justice Division

Table 2 shows the number of criminal matters dealt with in the Court's Youth Justice Division during the current and previous reporting years. The Youth Justice Division has jurisdiction to hear and determine offences alleged to have been committed by a person aged under 18 years at the date of the offence.

Table 2 - Criminal (Youth Justice) ¹ Matters lodged 2013 – 2017

Principal Offence ²	2013-14	2014-15	2015-16	2016-17
Homicide and related offences	2	0	1	0
Acts Intended To Cause Injury	226	199	193	190
Sexual Assault And Related Offences	15	7	14	15
Dangerous Or Negligent Acts Endangering Persons	46	45	47	68
Abduction, Harassment And Other Offences Against The Person	1	0	0	2
Robbery, Extortion And Related Offences	13	24	16	26
Unlawful Entry With Intent/Burglary, Break And Enter	174	165	122	190
Theft And Related Offences	326	280	275	321
Fraud, Deception And Related Offences	21	17	11	17
Illicit Drug Offences	28	31	43	51
Prohibited And Regulated Weapons And Explosives Offences	8	18	13	11
Property Damage And Environmental Pollution	74	98	74	73
Public Order Offences	89	85	73	80
Traffic And Vehicle Regulatory Offences	212	202	175	159
Offences Against Justice Procedures, Government Security And Government Operations	65	46	45	68
Miscellaneous Offences	7	16	7	12
Breaches of bail, suspended sentences, community service orders, probation ³	476	231	222	250
Total	1,783	1,464	1,331	1,533

¹ As for Table 1, the data uses the counting rules for the Report on Government Services on criminal lodgements which, in addition to counting single criminal lodgements, also counts as a single unit multiple complaints filed against a single Defendant on the same day. The rationale for such a counting rule is that multiple charges filed on the same day will usually relate to an episode of offending behaviour that is likely to be heard and determined by the Court as a single unit of work.

² Principal Offence data is coded according to the Australian & New Zealand Standard Offence Coding system (ANZSOC).

³ The counting rules for the Report on Government Services on criminal lodgements exclude related applications and complaints lodged for breaches of court orders.

Family Violence Orders

Table 3 shows the number of matters involving family violence orders lodged with the Court during the reporting year. The Table does not include family violence offences, which are included in Table 1 above, and does not include applications for Police Family Violence orders.

Table 3 - Family Violence Order Applications lodged 2013 – 2017

Application Type	2013-14	2014-15	2015-16	2016-17
to extend Police Family Violence Order	16	10	21	17
to revoke Police Family Violence Order	58	46	49	41
to vary Police Family Violence Order	85	115	110	111
for grant of Family Violence Order	565	532	669	583
to extend Family Violence Order	29	35	33	42
to revoke Family Violence Order	31	22	42	37
to vary Family Violence Order	83	128	175	200
to register interstate Family Violence Order	17	21	30	27
Total	884	909	1,129	1,058

Restraint Orders

Table 4 shows the number of restraint order applications lodged with the Court.

Table 4 - Restraint Order Applications lodged 2013-2017

Application Type	2013-14	2014-15	2015-16	2016-17
Application for grant of Restraint Order	1,057	1,148	1,063	1,169
Application to extend Restraint Order	20	21	14	16
Application to revoke Restraint Order	25	24	26	32
Application to vary Restraint Order	31	30	32	31
Total	1,133	1,223	1,135	1,250

Child Protection

Table 5 - Child Protection – Applications Lodged 2013 – 2017

Application Type	2013-14	2014-15	2015-16	2016-17
Application for Warrant to Take Child to Place of Safety	27	43	45	47
Application for Assessment Order	109	97	127	120
Application for further Assessment Order s22(5)	39	49	46	45
Application for further Assessment Order s22(5)(b)	10	5	7	5
Application for Care & Protection Order (12 months) s42	157	159	183	170
Care and Protection Order granting custody of child to the Secretary s42(4)(b)	36	33	27	44
Application for Care and Protection (Guardianship Order) s42(4)(c)	11	19	19	11
Application for Care & Protection order (until attains 18 years) s42(4)(d)	72	81	102	62
Application for extension of Care & Protection Order s44(1)	79	56	107	155
Application for revocation of a care & protection order	19	19	13	5
Application for variation of a care & protection order	94	72	63	35
Other applications under Children, Young Persons and Their Families Act 1997	37	26	24	36
Total	690	659	763	735

Civil Division

Table 6 is a comparison of the major types of civil claims lodged with the Court.

Table 6 - Civil cases lodged 2013 – 2017

Nature of Case	2013-14	2014-15	2015-16	2016-17
Minor civil cases (to \$5,000)	3,540	3,061	2,755	2,461
Civil cases (to \$50,000)	1,084	911	847	841
Residential tenancy	461	457	476	530
Other	0	5	5	6
Total	5,085	4,434	4,083	3,838

Source: Civil Registry Management System

Applications

During the reporting year, the Court heard a range of applications. Some of the more frequently made applications are listed in Table 7 below.

Table 7 - Criminal and General Division: Applications: Miscellaneous filed 2013–2017

Application Type	Legislation	2013-14	2014-15	2015-16	2016-17
Filed Written Application for Bail	Bail Act 1994, s.23	129	104	125	122
Filed Written Application to vary Bail	Bail Act 1994, s.23	316	280	358	362
Restricted Driver Licence Application	Vehicle & Traffic Act 1999, s.18	481	604	599	590
Application to have conviction set aside or total penalty varied	Monetary Penalties Enforcement Act 2005, s.40	126	111	148	138
Preliminary proceedings order by Supreme Court	Justices Act 1959, s.61(2)	104	101	98	97
Application to set aside conviction and penalty	Justices Rules 2003, r.38	25	38	20	19
Drug Treatment Order review – vary conditions	Sentencing Act 1997, s.27J	63	55	87	60
Other applications under <i>Sentencing Act</i>	Sentencing Act 1997	230	121	141	131
Other applications under <i>Youth Justice Act</i>	Youth Justice Act 1997	54	46	42	26
Other miscellaneous applications		486	467	486	480
Total		2,014	1,927	2,104	2,025

Administrative Appeals Division

Table 8 is a comparison of applications filed over four reporting periods (2013-14 to 2016-17).

Table 8 - Applications received 2013-14 – 2016-17

Type of Application	2013-14	2014-15	2015-16	2016-17
Review (Appeal) of a reviewable decision - S17	43	33	29	45
Declaration of entitlement to reasons for decision – S15(1)	1	0	0	0
Extension of time to apply for review of decision - S20	0	1	0	0
Other	1	0	1	1
Total	45	34	30	46

Source: Civil Registry Management System

Table 9 - Acts giving rise to Administrative appeals 2013 - 2017

Legislation	2013-14	2014-15	2015-16	2016-17
Dog Control Act 2000	14	8	7	9
Firearms Act 1996	11	5	10	6
Local Government Act 1993	3	5	2	8
Vehicle and Traffic Act 1999	5	1	1	2
Building Act 2000	2	1	0	2
Explosives Act 2012	0	4	0	2
Vehicle and Traffic Review of Decisions Regulations 2010	1	0	1	1
Food Act 1998	0	2	1	0
Security and Investigations Agents Act 2002	2	0	3	2
Crown Lands (Shack Sites) Act 1997	2	0	0	0
Property Agents and Land Transactions Act 2005	1	0	0	1
Dangerous Substance (Safe Handling) Act 2005	0	0	1	0
Taxation Administration Act 1997	0	1	0	2
Workplace Health and Safety Act 1995	0	0	1	1
Local Government (Highways) Act 1982	0	0	1	0
Registration to Work with Vulnerable People Act 2013	0	1	0	3
Veterinary Surgeons Act 1987	0	1	0	0
Teachers Registration Act 2000	0	0	0	1
Other	4	5	2	6
Total	45	34	30	46

Source: Civil Registry Management System

Mining Tribunal

Table 10 shows the number of matters lodged with the Tribunal from 2012 to 2016.

Table 10 - Mining Tribunal matters lodged 2013 – 2017

Description of Lodgement	2013-14	2014-15	2015-16	2016-17
Referred to Tribunal for hearing	3	1	0	1

Coronial Division

Table 11 - Coronial – Summary of coronial activity 2013 – 2017

Description	2013-14	2014-15	2015-16	2016-17
Deaths reported to the Coroner	581	542	568	579
Reported deaths in custody or care	6	8	8	4
Fires/Explosions reported to the Coroner	0	0	0	0
Number of cases closed	536	489	494	582
Number of inquests held	5	10	11	22

Table 12 - Coronial – Inquests & Investigations Completed 2013 – 2017

Description	2013-14	2014-15	2015-16	2016-17
Aircraft	1	1	0	0
Death in Custody/Care	7	4	3	6 ¹
Domestic Accident	3	3	4	0
Drowning	8	13	13	9
Drug Overdose	18	29	23	25
Fall	40	31	32	33
Homicide	4	2	8	7
Hospital	15	17	25	34
House Fire	1	0	2	1
Marine Fatality	1	2	0	0
Industrial Accident	3	2	1	0
Natural	317	242	251	343
Other	19	16	11	12
SIDS/SUDI	2	4	2	2
Suicide	68	71	67	73
Undetermined Causes	6	17	11	10
Vehicle Crash	23	34	41	29
Total	536	488	494	582

¹ Two of these deaths have also been categorised as suicides.

Table 13 - Coronial – Motor Vehicle Fatalities – Inquests and Investigations completed: 2013 - 2017

Description	2013-14	2014-15	2015-16	2016-17
Driver	11	10	22	20
Bystander / Pedestrian	6	1	6	2
Passenger	2	8	10	3
Bicycle	1	3	0	0
Motorcycle	3	12	3	4
Motorised Wheel chair	0	0	0	0
Total	23	34	41	29

Table 14 - Coronial – Self-Inflicted Deaths closed – by method: 2013 – 2017

Description	2013-14	2014-15	2015-16	2016-17
Hanging	25	32	32	26
Carbon Monoxide	6	7	5	7
Drug Overdose	12	11	6	13
Burns	1	0	2	2
Gunshot	8	8	8	11
Drowning	4	2	2	7
Jumping	2	4	4	2
Other	6	7	8	5
Total	64	71	67	73

Performance Indicators

A national framework of performance indicators adopted by the Court support the aims of the Court. Key measures used to assess the performance of the Magistrates Court are:

- **Backlog Indicator** - a measure of effectiveness in relation to timeliness and delay
- **Clearance Rate** - an efficiency measure of the inputs per output unit
- **Attendance Indicator** - an effectiveness measure of timeliness and delay.

These measures should be treated as indicative rather than definitive, as the Court does not have total control over the process for adjudicating criminal matters, resolving civil disputes and investigating coronial matters, and consequently other parties may introduce and contribute to delays.

Backlog Indicator

This indicator is a measure of case processing timeliness. This measure has been developed on a national basis as a means of determining the performance of a court.

In the criminal jurisdiction, those defendants who have bench warrants associated with them have been excluded from the count, and in the civil jurisdiction those lodgements that have not been acted upon in the last 12 months have been excluded. The aim has been to focus on those matters that are part of an 'active pending' population.

Similarly, the indicator recognises that case processing must take some time and that such time does not necessarily equal delay. Timeliness can be affected by delays caused by factors other than those related to the workload of the Court (for example, a witness, a party, or counsel not being available or ready to proceed).

The backlog indicator measures the Court's pending caseload against timeliness standards and the Court's performance is set out in Table 15.

Table 15 - Backlog indicator, the number and proportion of pending caseload lodgements in excess of timeliness standards 2014-2017

Jurisdictions	2015-16	%	2016-17	%
	Number		Number	
Criminal (Adult)				
Pending caseload (no.)	7,426		7,952	
Cases < 6 mths.	5,165	69.6	5204	65.4
Cases > 6 mths < 12 mths.	1,294	17.4	1748	22.0
Cases > 12 mths.	967	13.0	1000	12.6
Youth Justice				
Pending caseload (no.)	354		442	
Cases < 6 mths.	268	75.7	370	83.7
Cases > 6 mths < 12 mths.	39	11.0	48	10.9
Cases > 12 mths.	47	13.3	24	5.4
Child Protection				
Pending caseload (no.)	58		59	
Cases < 6 mths.	50	86.2	47	79.7
Cases > 6 mths < 12 mths.	5	8.6	6	10.2
Cases > 12 mths.	3	5.2	6	10.2
Coroners				
Pending caseload (no.)	555		569	
Cases < 12 mths.	378	68.1	345	60.6
Cases > 12 mths < 24 mths.	132	23.8	132	23.2
Cases > 24 mths.	45	8.1	92	16.2
Civil				
Pending caseload (no.)	3,557		3,477	
Cases < 6 mths.	2,134	60.0	2,052	59.0
Cases > 6 mths < 12 mths.	1,104	28.5	994	28.6
Cases > 12 mths.	409	11.5	431	12.4

Clearance Rate

The clearance rate is an indicator of efficiency in processing the inflow of cases through the Court and has been agreed nationally as a measure of whether a court is keeping up with its workload. The Court's performance against this measure is set out in Table 18.

The clearance rate is the number of finalisations in the reporting period divided by the number of lodgements in the same period (multiplied by 100 to convert to a percentage). The following should assist in understanding the clearance rate:

- A figure of 100 per cent indicates that, during the reporting period, the Court finalised as many cases as were lodged
- A figure greater than 100 per cent means that the pending caseload of the Court is decreasing
- A figure less than 100 per cent means that the pending caseload of the Court is increasing

It should be noted that the clearance rate can be affected by external factors, such as the readiness of parties, changes in legislation, and the Court's case management practices.

Table 16 - Clearance rate % (finalisations/lodgements)

Jurisdictions	2013-14	2014-15	2015-16	2016-17
Magistrates (Adult)				
Criminal	94.3	91.9	95.7	92.2
Civil	108.9	106.8	104.0	104.5
All matters (civil & criminal)	98.9	96.0	97.8	95.3
Children's				
Criminal	101.2	98.9	103.7	86.5
Civil	97.5	121.2	100.9	107.6
All matters (civil & criminal)	100.6	103.2	103.0	90.5
Coroners	92.3	90.2	87.0	100.5

Attendance index

The Attendance index is based upon the number of court attendances required to resolve a matter has been identified nationally as an appropriate effectiveness measure. At present, this measure is only available in the coronial and criminal jurisdictions and Table 19 shows the Court's performance against this measure.

The number of attendances is the number of times that parties or their representatives were required to be present in court to be heard by a judicial officer or mediator/arbitrator (including appointments which were adjourned or rescheduled).

This year's Report presents the total number of finalisations during the year and the number of attendances associated with these matters (no matter when the attendance occurred). This approach simply represents an average number of attendances per finalisation.

In the context of the attendance indicator, it is important to note that Alternative Dispute Resolution (ADR) can resolve matters out of court and reduce court attendances.

Table 17 - Attendance indicator 2011-2016

Average listings - per case

	2013-14	2014-15	2015-16	2016-17
Criminal:				
- Magistrates (Adult)	4.0	4.0	4.3	4.2
- Children's (Youth Justice)	5.7	5.8	5.2	4.9
Coroners	1.0	1.0	1.4	3.1

Court Finances

The Magistrates Court contributes to the Department of Justice output entitled 'Administration of Justice'. The Court's expenditure is set out in Table 18 below.

The totals include expenditure from the Consolidated Revenue Fund and Reserve By Law.

Table 18 - Expenditure by outlay - Magistrates Court Services

	2012-13 Actual \$'000	2013-14 Actual \$,000	2014-15 Actual \$,000	2015-16 Actual \$,000	2016-17 Actual \$,000
Salaries of magistrates and staff	8,427	8,585	8,589	8,664	8,721
Other Employee Related Expenses	224	182	225	274	278
Information Technology	230	250	280	290	309
Materials Supplies & Equipment	142	102	105	121	103
Travel and Transport	288	291	268	273	303
Property Expenses	1,583	1,567	1,565	1,639	1,600
Other Expenditure	1,094	762	374	510	731
Consultants	11	4	8	21	1
Total	11,999	11,743	11,414	11,792	12,046

