

MAGISTRATES COURT

Tasmania

ANNUAL REPORT

2006- 2007





MAGISTRATES COURT
TASMANIA

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MAGISTRATES CHAMBERS

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30 November 2007

The Honourable Steven Kons MHA

Attorney-General

Level 10

10 Murray Street

HOBART 7000

Dear Attorney-General,

MAGISTRATES COURT ANNUAL REPORTS 2006-2007

I take pleasure in enclosing a volume that contains my Annual Reports with regard to the Magistrates Court as required by the:

- *Magistrates Court Act 1987*, section 17C; and
- *Coroners Act 1995* section 69

Yours sincerely

A handwritten signature in black ink, appearing to be 'AG Shott', with a long horizontal stroke extending to the right.

AG Shott

CHIEF MAGISTRATE

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COURT Statements

Mission

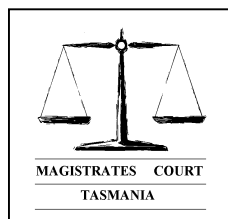
Mission Statement

The mission of the Magistrates Court of Tasmania is to serve the community by providing access to an accountable, independent and impartial system of justice administered according to law.

Vision

Vision Statement

The Magistrates Court of Tasmania has as its vision the achievement of professionalism and excellence in the timely, effective and efficient access to, and administration of, a cohesive system of justice for the benefit of the community; and to maintain the rule of law.



Values

Judicial independence

- to ensure that the Court, as part of the third arm of government, remains independent in the exercise of its judicial functions from the Executive and Legislature, and is understood by the community to be so.
- to be aware of the context in which administrative support for the Court is provided by the Executive Government to the intent, however, that in delivering its services to the community the Magistrates Court has control over, and is accountable for, its administration to the maximum extent consistent with its role and responsibilities within the justice system.

Accountability

- to be accountable for the performance of our judicial and administrative functions
- to use our resources efficiently and effectively in accordance with sound practice and principle

Community trust and confidence

- to be independent and to act independently
- to act impartially and without bias
- to demonstrate integrity
- to seek feedback from the Court's users

Professionalism

- to pursue excellence in the services we provide
- to take pride in our work
- to demonstrate responsiveness to our clients and stakeholders
- to maintain respect - from and for the community, and for each other
- to ensure properly trained staff
- to deliver a high quality of service
- to maintain a friendly and happy work environment
- to value team work
- to recognise and use effectively the knowledge of all officers of the Court

PREFACE

Introduction

This volume contains two reports:

- The Annual Report as required by the *Magistrates Court Act* 1987 section 17C in respect of each "lower Court", and
- The Annual Report as required by the *Coroners Act* 1995 section 69 in respect of the Magistrates Court (Coronial Division).

This volume details the achievements and the work of the Court generally. However, I wish to emphasize some particular matters of significance.

The Court's Policy And Management Structures

Within the Court, the determination of policy is vested in the Court Management Group (CMG) which meets monthly. CMG meetings are chaired by the Chief Magistrate and comprise the Deputy Chief Magistrate, the Administrator, the Deputy Administrator and Managers.

The management of the Court is vested in the Managers who meet weekly. The Administrator chairs such meetings.

I thank all members of CMG for the highly professional manner in which they discharged their responsibilities throughout the year.

The Court's Commitments

The Court continued to discharge its obligations in a highly professional way.

For that I acknowledge and thank all officers, both judicial and non-judicial, of the Court for their dedication.

However, one matter of concern that developed throughout the year was a consequence of the Court's commitment to enhancing its processes and improving access to justice.

A compilation of active projects indicated that the Court was seeking to progress approximately 33 separate projects, a number that was in addition to its Business Plan and clearly beyond its reasonable expectations of finalising all of them in a thorough and timely way. Accordingly, it was resolved to plan a structured process that would enable the core business of the Court to continue while continuing to enhance its processes over a 3 year time-frame.

Timeliness In Hearing And Determining The Court's Work-Load

Last year's Annual Report set out my concerns as to the causes of some lack of timeliness in hearing and determining certain matters allocated to the Court.

Significant progress has been made in addressing some of those causes which are, in the main, external to the Court and, often, systemic in nature. Accordingly, such causes are frequently difficult to address effectively. However, I am confident that the fruits of that progress will be largely realised during the 2007-2008 year.

I should add that elapsed times in determining matters entrusted to the Court are sometimes inaccurately referred to as 'Court delays'. The time taken to determine matters is the result of the combined effect of the actions of parties, various organisations and processes (some of which are required by statute). Hence, it is more accurate to speak of elapsed times or delays within the criminal justice system and not to attribute any perceived failings exclusively to the Court.

Since submitting last year's Annual Report, the Auditor-General, Mr Mike Blake, indicated an interest in examining the extent of and causes of delays within the criminal and youth justice jurisdictions of the Court. That examination commenced during the 2007-2008 year. The Court welcomes that examination which is proceeding in a highly constructive and cooperative manner.

Court diversion programs

At the end of the reporting period, the Court was preparing for the imminent implementation of two separate diversion programs:

(a) Court Mandated Drug Diversion (CMD) by which it is proposed that certain offenders whose criminal conduct is connected to the abuse of illicit substances could be assessed and, if appropriate, diverted away from some of the more traditional penal sanctions towards programs directed specifically to addressing the drug abuse and, therefore, the offending occasioned thereby.

At the time of preparing this Report, the Court had some 4 months experience with CMD. Some details are set out at page 13 of this Report.

(b) The Mental Health Diversion List program is being piloted in the Court's Hobart Registry for a period of 12 months. The program is directed towards offenders who have mental health issues that are related to offending and that ought to be addressed through the criminal justice system. Further details are set out at page 14 of this Report.

Magistrates

On 26 February, 2007, Magistrate Daynor Trigg commenced appointment as a temporary magistrate based at Hobart until December, 2007. The appointment was made to cover leave entitlements of permanent magistrates.

I welcome Magistrate Trigg to the Court again – he served previously as an ‘exchange magistrate’ in 2005 when he joined us from the Northern Territory and Magistrate P F Dixon of our Court was commissioned as a magistrate based at Darwin for a period of 6 months.

The Court And Its National And International Involvement

In previous Annual Reports I have detailed the Court’s national and international involvement, all of which advantages the Tasmanian community.

During the year, the Court continued its involvement with courts throughout Australia and our region.

The Council of Chief Magistrates met in Canberra in November 2006, and again in Hobart in April 2007, when the Magistrates Court of Tasmania was host to the heads of jurisdiction of all Australian Magistrates Courts and that of Papua New Guinea.

Similarly, the Court was represented at a meeting held in Melbourne in early 2007 of heads of Australian coronial jurisdictions and those of New Zealand and Papua New Guinea.

In November, 2006, the Australasian Coroners Society Inc held its annual conference in Port Moresby, PNG, where it was hosted by its then President, Magistrate John Numapo, Chief Magistrate of Papua New Guinea.

At the Society’s Annual General Meeting, the members of the Society voted to change the Society’s name to the Asia-Pacific Coroners Society Inc in order to better reflect its regional focus.

I was elected President of the Society for the 2006-2007 year.

In March, 2007, the South Pacific Council of Youth and Children’s Courts (SPCYCC) met in Wellington and Napier, New Zealand, partially in conjunction with the Triennial Meeting of the Judges of the District Court of New Zealand.

The meeting of the SPCYCC was hosted by the Principal Youth Court Judge of New Zealand, Judge Andrew Becroft.

The meeting was attended by representatives of the relevant courts of all Australian States and Territories, Fiji, Kiribati, New Zealand, Papua New Guinea, Samoa, Solomon Islands, Tonga and Vanuatu.

In addition, the meeting was attended by Mr Kevin Maguire of the Justice Section of the Legal and Constitutional Affairs Division of the Commonwealth Secretariat, London, United Kingdom.

The Magistrates Court of Tasmania had hosted the SPCYCC's 2006 meeting, as detailed in the Court's 2005-2006 Annual Report.

Judge Clarence Nelson of Samoa was elected Chair of the SPCYCC for the 2007-2008 year.

I wish to acknowledge the financial and administrative assistance provided by UNICEF Pacific that enabled some jurisdictions to be represented at the meeting.

In addition to enhancing law reform processes throughout our region, the Court's active involvement assists in furthering and cementing the rule of law.

Acknowledgments

I acknowledge and greatly welcome the constructive working relationship that exists between myself and the Attorney-General of Tasmania, the Honourable Steve Kons, MHA, and his staff.

Further, I wish to acknowledge my appreciation to Mr Peter Hault, who held the position of Secretary of the Department of Justice during part of the reporting year, and to his successor, Ms Lisa Hutton, for their assistance and cooperation that has been unflinching.

I extend that same acknowledgment and appreciation to all officers of the central office of Department of Justice.

In addition, I express my appreciation to the Justices of the Peace who are authorised pursuant to the Justices Act 1959 section 23AB to perform Bench Duty and to the Court volunteers for their services. The Tasmanian community is indebted to them for their service which is valuable and selfless. During the year a number of Justices retired from Bench Duty. I wish to thank those Justices for their services and I trust that they found their periods of service personally rewarding.

Finally, I wish to acknowledge and express my appreciation to my colleagues, the judicial and non-judicial officers of the Magistrates Court of Tasmania, for their continuing cooperation, dedication and professionalism.

AG Shott
CHIEF MAGISTRATE

OVERVIEW Of The Court

The Magistrates 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 throughout the State to hear and determine a very broad range of legal matters.

Magistrates 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:

- Administrative Appeals Division;
- Coronial Division;
- Mining Division (known as "The Mining Tribunal");
- Civil Division;
- Youth Justice Division; and
- Children's Division

Magistrates sit as Coroners to conduct inquests into sudden deaths, fires and explosions.

Magistrates also sit as chairpersons of various statutory tribunals, including the Anti-Discrimination Tribunal, the Motor Accidents Compensation Tribunal, and the Mining Tribunal.

Table 1 – Overview of Court Statistics

Details	2004-05	2005-06	2006-07
Magistrates (permanent FTE's)	12	12	12
Magistrates (temporary FTE's)	0.5	0.25	0.3
Total Administrative staff	65.8	65.25	69.65
Total Criminal lodgements	64 431	63 481	62 290
Number of Youth Justice matters lodged	1 633	1 654	1 696
Number of Care and Protection order applications	203	357	314
Total Civil lodgements	11 654	10 746	10 158
Number of Administrative Appeal lodgements	26	23	31
Total Coronial Deaths reported	630	636	575
Number of complaints referred to the Anti-Discrimination Tribunal	41	43	54
Number of Motor Accident Compensation Tribunal lodgements	68	53	75
Mediation/Conciliation conferences – settlement rate	61%	72.9%	78.2%

Source – Magistrates Court information systems.

Justices of the Peace

Justices who have been appointed by the Chief Magistrate pursuant to section 23AB of the *Justices Act* 1959 are authorised to perform 'Bench Duty' and sit in Courts in each of the major centres.

Bench duty involves sitting in after-hours Courts to deal with applications for bail, restraint and family violence orders. In addition, bench duty entails Justices of the Peace presiding over minor traffic regulation offence courts, parking offence courts, and the taking of depositions in respect of indictable matters that are heard and determined in the Supreme Court.

Yet again the contribution to the operation of the Magistrates Court by those dedicated Bench Justices and Court staff deserves high praise. Without their ongoing efforts the Court could not operate as efficiently as it does.

Further acknowledgement must go to the associations of Justices of the Peace in Tasmania which continue the professional development of their members. The work of these groups contributes substantially to maintenance of the high professional standards of all Justices of the Peace.

Administration

"The Chief Magistrate is responsible for ensuring the orderly and expeditious discharge of the business of the lower Courts...": *Magistrates Court Act 1987* section 15(6).

The Administrator of the Magistrates Court is the Court's chief executive officer and a primary function of his role is that of providing administrative support to the Chief Magistrate and Magistrates. The Administrator is also accountable by statute to the Secretary, Department of Justice for the control and direction of the staff, budget, and asset management of the lower Courts.

The Court's organisation structure, as at 30 June 2007, is set out in Appendix E.

Maintenance Of Effective Day-To-Day Court Operations

Despite all the new initiatives that the Court is implementing (case management, CRIMES, new website material, new Civil IT system), a continuing high volume of civil lodgements (10 158) and criminal lodgements (62 290), an increase in Family Violence cases, and an increased Care & Protection caseload both in volume and complexity, the Court has been able to maintain the daily core business of the Court (e.g. lodgements, listings, finalisations).

The Court continues to achieve its primary objective of ensuring that summary justice is delivered to the Tasmanian community in an efficient, timely, and accessible manner.

Acknowledgments

The Court would like to thank those organisations that attend the Court on a regular basis and assist clients of the Court, and indeed the Court itself, with reports.

Personnel from the Department of Health and Human Services (Forensic Mental Health Services) are permanently stationed at the Magistrates Court in some regions to assist the Court in initial evaluation and reports on the mental health of some defendants charged with offences. The Department of Justice (Court Support and Liaison Service) provides daily assistance to persons attending Court as victims of family violence.

Volunteer services such as the Hobart Community Legal Service, Salvation Army Support Service, and City Mission's Friends@ Court are organisations that provide valuable assistance to persons attending Courts in each region.

IT Systems and Technology

Further enhancements to the Criminal Registry Information and Enquiry System (CRIMES) in the reporting period have been focussed on:

- improving the performance and response times for entering and retrieving data from the CRIMES database from each of the Court's four registries around the State; and
- preparation for delivery of Court outcomes data by secure Web services to authorised Government Agencies, using the interface between CRIMES and the forthcoming Monetary Penalties Enforcement System's *FIND* database as a prototype.

There has also been an emphasis this year on improving the validation of data and where possible, building automated validation into some aspects of the system in order to reduce the administrative burden on operational staff.

DIVISIONS Of The Court

Criminal & General Division

The criminal jurisdiction exercised pursuant to the *Justices Act* 1959 comprises a major aspect (approx 75%) of the work of the Court. The principal Courts under this legislation are Courts of Petty Sessions that are usually constituted by a magistrate sitting alone.

Jurisdiction

A Court of Petty Sessions may hear and determine all summary or simple offences as well as certain offences that would otherwise be indictable. Usually, indictable offences must be heard and determined in the Supreme Court. However, in certain cases, based upon the amount involved or the election of the defendant, certain indictable offences must and, in some cases, may be heard and determined in a Court of Petty Sessions.

Magistrates hear and determine a broad range of offences against the laws of the State and the Commonwealth.

Criminal Case Management

- Magistrates continue to manage their caseloads under the "Personal Diary System" (also known as the Individual Docket System in other jurisdictions). Under the Personal Diary System, each Magistrate usually retains carriage of each case that he or she first receives in their rostered intake (or 'lock-up') court sessions. This system encourages an effective individual case management approach to ensure a prompt resolution of cases (either by trial, plea of guilty, or withdrawal) consistent with also ensuring each Defendant's right to a fair trial.
- In addition the system of contest mention courts operates in the Hobart Registry of the Magistrates Court, based upon the system that operates within the Magistrates Court of Victoria. This system enables clear identification of issues in the prosecution and defence cases, with the aim of reducing hearing times or facilitating a change of plea or withdrawal of the charge.
- The Criminal Registry Information Management and Enquiry System (CRIMES) has now been in operation since March 2002 and continues to be improved for greater Court and stakeholder efficiency in managing the registration and listing of charges and applications, as well as producing and distributing all sentencing documents and orders;
- Enhancements in this reporting period saw the development of CRIMES into CRIMES version 2.2. The court has enhanced CRIMES to meet the requirements of the new data system under development in the Fines Enforcement Section of the Department of Justice, which has been developed as part of the Monetary Penalty Enforcement Project (MPEP). The new system to be known as FIND is expected to come on line in December 2007. Changes include :

- the introduction of XML Schemas as the preferred method of document creation and transfer of data between relevant stakeholders, such as Fines Enforcement and Police; and
- Work will soon resume on the Supreme Court implementation of CRIMES. Development work was put on hold to ensure that priority was given to the larger project FIND. When implemented in the Supreme Court, CRIMES will facilitate more efficient file transfer of indictable matters following committal for trial or sentence, and will also enable the electronic and speedy transfer to the Magistrates Court of the results of any appeals against Magistrates' decisions refusing bail.

Video-Courts

The Magistrates Court continues to take full advantage of video-conferencing technology and on a weekly basis holds video-court remand hearings between all four Court centres and Risdon Prison, Remand Centres, and the Ashley Youth Detention Centre. The safety, efficiency and transport cost savings are considerable for the Court, Corrective Services and Tasmania Police and, ultimately, also ensure public safety.

Criminal Registry Information Management & Enquiry System (CRIMES) IT System

Further development and implementation of Stage 1 of the CRIMES IT case management system for the Court's criminal jurisdiction occurred during the reporting period, including refined reporting for data extraction and management reporting, assisting implementation in the Supreme Court, and improving access to case information by authorised Government Agency stakeholders.

Continued development of CRIMES throughout the reporting year has seen the system significantly enhanced for the introduction of the Fines Enforcement data system FIND.

Following a detailed analysis of CRIMES performance early in 2007 it was necessary to engage an external IT contractor to undertake major enhancements to CRIMES in order to improve database performance across the State. This included a new version of the Lotus Notes application software, significant archiving of electronic records from the database, and reconfiguration of many of the data presentation views that currently existed in CRIMES to remove superseded views; and combine some views for greater efficiency.

In addition, significant Court time was provided for the detailed testing required for the introduction of FIND. The Court has been a major player in each of the three User Acceptance Testing rounds.

Criminal & General Division legislation

During the reporting year, work on the new legislative package for the Court's criminal jurisdiction was re-directed pending implementation of new procedures for committal of indictable offences to the Supreme Court, as proposed by the Chief Justice. Further work was undertaken to refine the policies and procedures to be embodied in the Court's criminal jurisdiction legislation which will include:

- the Magistrates Court (Criminal & General Division) Act to relocate all procedural provisions from the Justices Act 1959;
- the Magistrates Court (Criminal & General Division) Rules to replace the Justices Rules 2003.

This reporting year has seen the enactment of the legislation to regulate the taking of depositions in "committal proceedings" in indictable offence cases, which will involve timeframes for Prosecution disclosure of evidence, and close supervision by Supreme Court judges of the extent and duration of committal proceedings. Both elements are important case management techniques that will be evaluated for possible application to summary offences as well. The legislation is due to commence in 2007-2008.

The broader Criminal and General Division legislation package will also be the subject of wider consultation during the next reporting year. The legislation will be further enhanced by the contribution of Magistrates and senior Court staff before wider circulation to all stakeholders.

A comprehensive process of consultation with stakeholders will then be undertaken involving workshops to explain the changes, training of Court operational staff, amending Court business rules, and enhancing systems to prepare for commencement.

Court Mandated Drug Diversion Program

This reporting period has seen considerable work undertaken by the Court in preparation for the introduction of Court Mandated Diversion (CMD). The operation of CMD within the Magistrates Court is underpinned by the principles of therapeutic jurisprudence.

Commencing in July 2007 as a pilot program for 2007-2008 and funded by the Commonwealth as the Tasmanian response to the national Illicit Drug Diversion Initiative, the pilot allows for an estimated 200 offenders to participate in the CMD program. The program will provide access to detoxification, residential rehabilitation, counselling, urinalysis and various other modes of treatment for offenders who have demonstrable illicit drug problems that relate to their offending behaviour.

Court Diversion Officers (CDOs) will be appointed in the South, North and North West to undertake initial screening of any offender considered by the relevant Magistrate to be a potential candidate. CDOs will also liaise with non-Government service providers such as Anglicare who will provide detailed assessment reports and individual management plans. CDOs will also liaise with treatment providers such as the Salvation Army Bridge Program.

The Court has undertaken extensive discussion with Police Prosecution, the Law Society and Legal Aid around the introduction of CMD.

CMD will have three categories:

- Category 1 diversion (Bail Diversion) – is provided as a condition of bail following a plea of guilty and prior to sentence. Category 1 diversion has a maximum of duration of 12 weeks. Offenders' compliance and success with bail diversion treatment is taken into account at the point of sentencing. For some, the charges may be finalised at that point. For others, it may mean a sentence involving a direction to undertake further treatment under Category 2 or 3 diversion.
- Category 2 diversion (Community Based Sentence Diversion) – is provided as a condition of a community based sentence such as probation or a suspended sentence. Treatment may be for the period of the court order, possibly up to 12 months.
- Category 3 diversion (Drug Treatment Order) – is provided as a sentencing option for offenders who would otherwise be subject to imprisonment. The term of imprisonment is held in abeyance, subject to satisfactory progress in the treatment program. This order includes regular court review and sanctions for minor levels of non-compliance which can also be suspended as an incentive for improved engagement. This level of diversion is available to offenders with complex needs who might benefit from extensive longer-term treatment, up to 18 months.

Mental Health Diversion List

During the reporting year, the Court established a separate Mental Health Diversion List (MHDL) as a mechanism to assist in the management of criminal matters arising by virtue of an offender's mental health.

The list has commenced operation in May 2007 and early results have been encouraging. The List is being conducted as a pilot project in the Hobart Magistrates Court for a period of 12 months.

The Mental Health Diversion List is intended to deliver a more therapeutic response to offending behaviour by defendants with mental health issues. These defendants offend usually in a nuisance type way i.e. disorderly conduct and the like and they have always been dealt with in the general lists where there is little time to consider the reasons for their offending. They are usually repeat offenders. They present some problems in sentencing as they often have no money with which to pay a fine, and their offences are not serious enough for gaol or community service orders.

Eligibility for participation in the MHDL is limited to adult defendants with impaired intellectual or mental functioning as a result of a "mental illness" (as defined in the *Mental Health Act 1996*). Referrals to the MHD List can come from the defendants themselves, family members, other magistrates, and lawyers acting for defendants.

Special procedures apply in the MHDL Court involving :

- an acknowledgement of guilt or admission of responsibility for the offence by the offender;
- referral for initial assessment by forensic mental health psychiatric nurses at the Court;
- development of a more detailed Treatment Plan for the offender involving therapy in the community; and
- regular supervision of the offender by the Court whilst undertaking further assessment and treatment in the mental health sector.

Court supervision of offenders will occur approximately once per month involving the Magistrate, the prosecutor, defence lawyers, the offender, forensic mental health officers and other Agency representatives as required.

The MHDL will adopt a multi-disciplinary strategy that can include a range of activities relating to an offender's behaviour, health (medication), housing, and employment in a bid to break the cycle of offending behaviour.

Police prosecution, defence counsel and the mental health liaison officers consult between hearing dates as to the progress of the defendants and all try and achieve an outcome, which takes into account the interests of all involved with particular emphasis on the defendant's medical condition at the time of the offences. Better treatment outcomes for defendants are obviously an aim. Police prosecution report that most complainants are accepting of the defendant's need for treatment.

Civil Division

The Civil Division of the Magistrates Court of Tasmania is established by the *Magistrates Court (Civil Division) Act 1992* and all civil actions filed in the lower Court must be commenced in this jurisdiction.

Claims not exceeding \$50 000 may be heard in the Civil Division. However, the Court has an unlimited jurisdiction as to amount of a claim if all parties consent. The Court exercises jurisdiction at law and in equity.

The Court also has jurisdiction under other legislation, such as the *Residential Tenancy Act 1997* and the *Relationships Act 2003*.

Practice And Procedure

The case management philosophy that underlies the practice and procedure of the Court is set out in the *Magistrates Court (Civil Division) Rules 1998*, rule 4 which provides,

“Proceedings in the Court are to be conducted:

- with the least possible delay; and
- in a manner that ensures, as far as is practicable, that the parties are on an equal footing; and
- in a manner that saves costs; and
- in a manner that is proportionate to:
 - the amount of any claim; and
 - the importance or complexity of the action; and
 - the financial positions of the parties.”

The Court assumes the responsibility for managing the litigation through the Court processes in a manner that accords with these precepts and is supported using a state-wide database known as the ‘Civil Information Management System’ (CIMS).

Conciliation Services

An important component of the civil case management process is conciliation. The rate of claims settled at conciliation during the reporting year was 78.2% in comparison with 72.9% in the last financial year. This result is a 7% improvement on the previous period. The Court expresses its appreciation of the highly skilled and experienced consultant conciliators and conciliators on the Court’s staff.

During the reporting period, the Court offered to internal conciliators a tailored professional development training course. This has boosted staff skills and increased productivity.

A total number of 595 claims were referred to conciliation of which 436 were minor civil claims and 159 were civil claims. Minor civil claims and civil claims settled at 80.9% and 63.5% respectively. Overall the court settled 76.3% of matters referred to conciliation.

Minor Civil Claims

The Magistrates Court (Civil Division) Act also establishes the jurisdiction of the Magistrates Court in relation to minor civil claims.

A minor civil claim is defined in the Act as:

- a claim or counterclaim for damages, or for the payment of money, if the amount claimed does not exceed \$5 000 or any other amount as may be prescribed for the purpose of this definition; or
- proceedings for damages under the *Residential Tenancy Act* 1997, if the amount claimed does not exceed \$5 000; or
- proceedings under any provision of the *Residential Tenancy Act* that confers a right to apply to, or appeal to, the Court; or
- proceedings under any provision of the *Irrigation Clauses Act* 1973 that confers a right to apply to, or appeal to, the Court;
- proceedings under any provision of the *Access to Neighbouring Land Act* 1992 that confers a right to apply to, or appeal to, the Court.

Practice and procedure

Procedures utilised in minor civil claims are as informal and as expeditious as a proper consideration of the issues permits, and are prescribed in Part 5 of the Magistrates Court (Civil Division) Act.

Usually, parties present their own cases unless all parties consent to a legal practitioner representing a party. The primary function of the Magistrate is to attempt to bring the parties to an acceptable settlement. However, if that appears to be impossible, the Magistrate hears and determines the claim.

A Magistrate may not award costs against a party unless the expenses or compensation relate to a proceeding that is frivolous or vexatious.

Residential Tenancies

In the exercise of jurisdiction conferred under the *Residential Tenancy Act*, the Magistrates Court hears and determines:

- Applications for vacant possession;
- Applications for declarations that residential rented premises have been abandoned;
- Claims for compensation or repairs to damaged property; and
- Appeals against determinations of the Residential Tenancy Commissioner in relation to the return of security deposits.

The Court may order the following remedies:

- vacant possession;
- damages for destroyed or damaged property; and
- uphold or dismiss appeals from the Residential Tenancy Commissioner.

Practice And Procedure

The Court provides streamlined proceedings for various forms of relief under the *Residential Tenancy Act* as it recognises the urgent nature of some actions. This approach has been in place since the commencement of the Act.

Relationships Act

The *Relationships Act* 2003 confers jurisdiction upon the Magistrates Court depending upon the value of the property in dispute. Applications under this Act are managed in the Court's Civil Division.

The Court hears and determines:

- applications for orders for the adjustment of interests with respect to the property of either or both of the persons in the relationships up to a value of \$50,000 (or unlimited if all parties consent);
- applications for the granting of or variation of maintenance of children of a relationship;
- applications for the granting of or variation of maintenance of one of the partners of a relationship; and
- applications for variation of terms of cohabitation and separation agreements.

The Rules that apply to the practice and procedure of the Court in this jurisdiction are set out in the Chief Magistrate's Practice Direction 1 of 2004.

Fifteen applications were received under this Act in the financial year 2006-2007 of which 60% were determined by consent and have been filed to comply with s57 of the *Duties Act* 2001 which exempts duty on a transfer, or agreement for the sale or transfer of relationship property. Details of the Applications received and their outcomes can be found in Appendix B.

Administrative Appeals Division

The *Magistrates Court (Administrative Appeals Division) Act* 2001 standardises appeal procedures in a substantial number of separate Acts and Regulations that in some way confer a right of review or appeal to a Magistrate with regard to administrative decisions (or the refusal to make a decision). There is now a consistent procedure by which an "interested party" can obtain a review by a Magistrate of an administrative decision with which they are aggrieved.

Some examples of administrative actions that may be appealed to a Magistrate are:

- refusals to grant a firearm licence pursuant to Part 10 of the *Firearms Act 1996*;
- refusal to renew teachers' registration, pursuant to s.29 of the *Teachers Registration Act 2000*;
- a Notice of Contribution to the construction costs of a new street pursuant to the *Local Government Act 1993*;
- decisions relating to the issue or refusal to issue a Dog Kennel licences pursuant to Section 59 of the *Dog Control Act 2000*; and
- assessment of land value pursuant to Section 27 of the *Crown Lands (Shack Sites) Act 1997*.

Anyone seeking to lodge an appeal against an administrative action or decision should check whether a right of appeal exists by reviewing the relevant legislation using the Tasmanian Legislation web site that can be found at www.thelaw.tas.gov.au .

Applications can be made to the Division for the following remedies:

- Review (Appeal) of a reviewable decision - Section 17;
- Declaration of entitlement to reasons for decision - Section 15(1);
- Declaration that the person has not received reasons within reasonable time – Section 15(2);
- Declaration that the person has not received reasons within time specified - Section 16(1);
- Order to provide adequate statement of reasons received - Section 16(2);
- Extension of time to apply for review of decision - Section 20;
- Application to stay effect of decision - Section 23(3).

Details of the Applications received during the reporting year and their outcomes can be found in Appendix B

Tribunals

Anti-Discrimination Tribunal

The Anti-Discrimination Tribunal was created by the *Anti-Discrimination 1998* and this report covers the seventh full financial year of the Tribunal's operation.

Membership Of The Tribunal Panel

The Chairperson and the panel members carry out their responsibilities part-time.

The membership of the Tribunal is as follows:

Hobart

Ms Helen Wood (Chairperson)

Professor Margaret Otlowski

Mr Michael Brett

Ms Antonia Kohl

Merrin Mackay

Ms Anita Smith

Mr Glenn Hay

Ms Vicki Rutter

Ms Catherine Rheinberger

Launceston/ North-West

Mr Steven Bishop

Mrs Melanie Bartlett

Staff / Resources

There is one full-time Administrative Officer working with the Tribunal and during the reporting period additional administrative support has been provided on a needs basis. The Magistrates' Secretary provides secretarial support for the Anti-Discrimination Tribunal. In addition, the Manager of the Civil Division has also continued to provide support. Staff working for the Tribunal in 2005/2006 were:

Evelyn Robertson

Registrar – part time

Colleen McCullagh

Administration Officer – full time – 3 months

Emily Briggs

Administrative Support – full time

Colleen McCullagh moved from her position in the Tribunal to take up a new position in the Coronial Division of the Magistrates Court. Colleen McCullagh has provided invaluable administrative support to the Tribunal since 2002. The Chairperson would like to take this opportunity to acknowledge and thank Ms McCullough for her assistance and support.

Location Of The Anti-Discrimination Tribunal

The Office of the Tribunal is located at the Magistrates Court, Hobart, and the address and contact details are as follows:

Anti-Discrimination Tribunal
23 - 27 Liverpool Street
HOBART TAS 7000
Telephone: (03) 6233 8372
Facsimile: (03) 6233 5355
Email: adt@justice.tas.gov.au

Tribunal sittings are also arranged in other centres as required such as Burnie, Launceston and Devonport.

Jurisdiction Of The Anti-Discrimination Tribunal

The Tribunal can hear complaints of discrimination on any of the following grounds:

- race;
- age;
- sexual orientation;
- lawful sexual activity;
- gender;
- marital status;
- pregnancy;
- breastfeeding;
- parental status;
- association with a person who has, or is believed to have, any of these attributes.
- family responsibilities;
- disability;
- industrial activity;
- political belief or affiliation;
- political activity;
- religious belief or affiliation;
- religious activity;
- irrelevant criminal record;
- irrelevant medical record; and
- Relationship status

Further, the Tribunal hears complaints of sexual harassment and also prohibited conduct (which includes offensive or humiliating conduct: see s17) based on gender, marital status, pregnancy, breast feeding, parental status and family responsibilities. Other grounds of complaint are victimisation relating to complaints or proceedings under the Act and inciting hatred on the ground of race, disability, sexual orientation, lawful sexual activity, religious belief or affiliation or religious activity.

The areas of activity which are covered by the Act concern:

- employment;
- education and training;
- administration of any law of the State and any State program on the basis of some of the grounds specified above;
- provision of facilities, goods and services;
- membership and activities of clubs;
- accommodation;
- awards, enterprise agreements and industrial agreements on some of the grounds set out above.

(Complaints involving inciting hatred are not limited to these areas of activity).

Statutory Functions

The main statutory functions of the Anti-Discrimination Tribunal are:

- a) Conducting Inquiries in relation to complaints referred to the Tribunal.
- b) Review of complaints rejected or dismissed by the Commissioner.

Workload Of The Tribunal

At the commencement of the reporting year there were 74 current files which had been previously referred to the Tribunal and which were unfinalised. During the reporting year, the Tribunal received 59 new matters making a total caseload of 133 matters for the reporting year.

The Tribunal's method of calculating workload should be noted. Each complaint or application received by the Tribunal is recorded as one matter regardless of the number of respondents involved in that particular matter. By comparison at the Office of the Anti-Discrimination Commissioner, a complaint brought against multiple respondents gives rise to multiple files.

Case profile

During the reporting year 59 new matters were received by the Tribunal; 37 were complaints referred for to the Tribunal for Inquiry and 22 matters were applications to the Tribunal by complainants for review of the Commissioner's decision to reject or dismiss their complaints. Table 20 provides a breakdown of these reviews.

Notable decisions

In the period under review the Tribunal delivered 32 decisions not including decisions delivered at interlocutory stages of proceedings. There were 10 Inquiry matters that proceeded to hearing and did not settle. It can be seen from these decisions that Inquiry matters that do not settle and proceed to Inquiry often involve complex factual and/or legal issues. The balance of decisions delivered in the current financial year related to applications to review.

In *Lawler v The Mercury (Davies Bros Ltd)* a complaint of direct discrimination was brought by the complainant against his employer and alleged discrimination on the basis of industrial activity and in particular that a refusal to upgrade the complainant in his employment as Sub-Editor was linked to his union activity. The Tribunal gave consideration to the meaning of 'industrial activity' under the Act and so analysed the legal approach to be taken in determining whether the complainant had been subjected to less favourable treatment. The Tribunal assessed the evidence and concluded that an inference that the complainant was treated less favourably than an actual or hypothetical comparator was not supported by that evidence and the complaint was dismissed.

In *Suplice –v- Skalkos and Skalkos* the Tribunal held an Inquiry and found the complaint of sexual harassment and discrimination substantiated. The Tribunal accepted that the conduct had a significant effect on the complainant who was employed as a casual assistant while undertaking her final year of study at High School. The Tribunal found that the complainant was subjected to a course of sexual harassment by her manager involving demeaning remarks, sexually explicit comments and comments that were deliberately offensive and awarded her compensation in the sum of \$16,264.20 involving an award of \$14,000 for distress, humiliation and indignity suffered by her.

Appeals

There was one appeal lodged in relation to decisions of the Tribunal in the period under review. In the matter of Von Stalheim –v- Davey Accounting Plus an appeal was lodged in relation to a decision of the Tribunal confirming the Commissioner’s determination to dismiss a complaint. The appeal was not pursued by the appellant and dismissed by the Supreme Court.

Case Management

In the reporting year, the Tribunal held a total caseload of 133 matters. During this time 77 matters were finalised (58%). 51 complaints (66%) referred for Inquiry, were finalised. 10 of these matters (20%) resulted in Inquiries being held and the delivery of a decision by the Tribunal. 20 other Inquiry matters (39%) were resolved as a direct/indirect result of conciliation provided by the Tribunal, 12 others (24%) settled either by agreement between the parties and 9 were withdrawn/dismissed (18%). A breakdown of all matters received and finalised in the reporting year are set out in Table 20. It can also be seen from this Table that a total of 63% of complaints referred to the Tribunal for Inquiry resolved by agreement.

Training And Professional Development

Five members of the Tribunal attended the annual Tribunals Conference organised by the Australian Institute of Judicial Administration held in June 2007 in Melbourne. The programme dealt with a range of issues relevant to the work of Tribunals.

An ‘in-house’ programme of regular meetings and seminars for Tribunal members has been continued by the Chairperson. These seminars and meetings have provided a valuable opportunity to address a range of topics such as decision writing, developments in the law, use of interpreters and jurisdictional issues.

Mining Tribunal

The Court’s Mining Division is created by the *Mineral Resources Development Act 1995* and is known as the Mining Tribunal. It exercises a state-wide jurisdiction in disputes relating to mining leases and rights. Deputy Chief Magistrate M.R. Hill has been assigned to this Division since the commencement of the Act. In the financial year seven matters have been referred to hearing which did not succeed at mediation. See Appendix B for further detail.

Full details of these matters can be obtained by contacting the Registrar of the Tribunal who is located in the Department of Infrastructure, Energy and Resources.

Motor Accidents Compensation Tribunal

Background

The appellate jurisdiction exercised by the Motor Accidents Compensation Tribunal was created by section 28 of the *Motor Accidents (Liabilities and Compensation) Act 1973*.

The Tribunal has jurisdiction to determine appeals (called 'References') by persons aggrieved by decisions of the Motor Accidents Insurance Board on such matters as the right of a person to be paid a scheduled benefit or the amount of such scheduled benefit to be paid.

Scheduled benefits are payments of statutory compensation for loss of earnings, medical expenses, and other expenses incurred as a result of personal injury sustained in a motor vehicle accident.

Currently, the Chair of the Tribunal is Deputy Chief Magistrate MR Hill while Chief Magistrate AG Shott, Magistrate P H Wilson, and Temporary Magistrates S Carey and R Chandler are members.

Caseload volume of the Tribunal can be found in Appendix B

Coronial Division

The jurisdiction and operation of the Coronial Division is set out in the *Coroners Act 1995*, the *Coroners Regulations 1996*, and the *Coroners Rules 2006*.

Coroners have the power to inquire into reportable deaths, fires, and explosions.

The purpose of the coronial jurisdiction is to learn from the circumstances surrounding deaths, fires and explosions with a view to reducing the likelihood of these arising again in the future. In addition, coroners undertake the primary investigation into those deaths where the circumstances appear to be suspicious.

Acknowledgments

The efficient and effective operation of the Division during the reporting year was a result of the strong team effort and professionalism of coroners and their staff. I express my appreciation to those officers.

Further, I acknowledge the Coronial Division's close working relationship with:

- the State Forensic Pathologist Dr Chris Lawrence, forensic pathologists, Drs Don Ritchey and Rob. G. H. Kelsall, approved pathologists, Drs. Don Clark, Terry Brain, Jane Vultic, Ken Gerston, and their dedicated staff;
- Forensic odontologist, Paul Taylor and his dedicated staff;
- Forensic Science Service Tasmania toxicologists Andrew Griffiths, Bert Stumpers, Frank Halley and their dedicated staff; and
- the operators of the Mortuary Ambulance Services.

In addition, the assistance and co-operation of the Office of the Commissioner of Tasmania Police is appreciated.

Administrative Arrangements

The Coroners

Each Magistrate is a Coroner by virtue of his or her office: *Magistrates Court Act* .section 13.

During the period covered by this Report, the Magistrates were:

Hobart:	Launceston:
Deputy Chief Magistrate MR Hill	Chief Magistrate AG Shott
Magistrate PF Dixon	Magistrate Z Szramka
Magistrate SF Mollard	Magistrate PH Wilson
Magistrate RC Willee	
Magistrate HM Wood	Burnie:
Magistrate O McTaggart	Magistrate DJ Jones
Magistrate C Webster	
Temporary Magistrate D E Trigg	Devonport:
Temporary Magistrate S E Carey	Magistrate TJ Hill
Temporary Magistrate R E Chandler	

Victorian State Coroner, Mr. Graeme Johnstone was appointed Coroner for the State of Tasmania in 2003/2004 and is currently conducting cross-jurisdictional inquests in Tasmania and Victoria into a number of deaths arising from the use of 4 wheel quad bikes (also known as All Terrain Vehicles or ATVs).

Operational Support

Reliable and prompt information exchange is integral to the successful operation of the Division. This is achieved by the use of computer support, including e-mail database and internet access across the State.

I take this opportunity to thank all those, including the following clerks and associates, who assisted in operation of the Coroners Office in Hobart and Launceston for either full or part year:

Coroners Clerks And Associates

Hobart:	Launceston:
Chief Clerk (Coronial Division):	Coroners Associates:
- Mr J A Connolly	- Sergeant T Reaney
Coroners Clerks:	- Sergeant L Moore
- Mrs J Scott	- Constable J Morgan
- Mrs Colleen McCullagh	- Constable D Petterwood
- Mrs Gina Kivi	- Constable P Smith
- Mrs Christine McDonald	
Coroners Associates:	
- Sergeant P Gregory	
- Senior Constable G Roberts	
- Constable TJ Paterson	
- Constable BL Smith	
- Constable CM Catto	
- Constable J Ansell	

Premises

Coroners' staff are located in 3 offices state-wide:

Hobart

Ground floor	City Police Station
Magistrates Court complex	37-43 Liverpool Street
21 Liverpool Street	Hobart 7000
Hobart 7000	

Launceston

Police Station
Cimitero Street
Launceston 7250

Operational Arrangements

While the Chief Magistrate has responsibility for the effective and efficient operation of the Coronial Division, certain functions and powers have been delegated to individual Magistrates and Coroners. During the period covered by this Report delegated functions and powers were exercised by:

- Deputy Chief Magistrate MR Hill (Hobart) – general oversight of the coronial jurisdiction in the southern region of Tasmania
- Magistrate PH Wilson (Launceston) – general oversight of the coronial jurisdiction in the northern region of Tasmania and exercised coronial management functions statewide in respect of aircraft accidents that occasioned fatalities;
- Magistrate DJ Jones (Burnie) - exercised coronial management functions statewide in respect of mining fatalities and fatalities which arise out of the use of a 'motor vehicle' in a 'motor vehicle race' or 'reliability trial'
- Coroner SR Carey (Hobart) - exercised coronial management functions statewide in respect of fatalities which arise out of certain marine operations
- Coroner RE Chandler (Hobart) – exercised coronial functions specialising in deaths arising from medical adverse events.

Deaths Of Persons Held In Custody

As required by s.69(2)(a) of the Act, I report that during the reporting period there were two deaths reported where the deceased died "in custody" (as defined). Coroner Rod Chandler completed one case by inquest whereby it was found that the deceased died as a result of natural causes. The other death is currently being investigated.

Deaths Of Persons Held In Care

During the period there was one reported death of an adult person held "in care". The matter is currently being reviewed by Coroner Rod Chandler.

Findings And Recommendations

Important coronial findings and recommendations delivered by Coroners during the reporting year are published on the Magistrates Court website at:

www.magistratescourt.tas.gov.au/decisions .

Coronial Inquests Of Significant Public Interest

All Terrain Vehicles

Due to the high incidence of All Terrain Vehicle (ATV) fatalities in Victoria and Tasmania in 2003-2004, the Victorian State Coroner Graeme Johnstone was appointed as a Tasmanian coroner to conduct joint cross-border inquests into two fatalities which occurred in Tasmania in conjunction with five ATV fatalities that occurred in Victoria.

Coronial proceedings resumed in Victoria in mid 2006 following an unsuccessful appeal to the Victorian Supreme Court by a group of ATV manufacturers. At the end of the reporting period, the inquests have not yet been completed.

Mines Inquests

The Chief Magistrate, Mr A Shott, pursuant to section 50 of the Coroners Act directed that Coroner Jones conduct a combined inquest into the deaths of a number of underground miners who died as a result of mine collapses in the west coast region of Tasmania:

- Jarrod Jones, aged 23, date of death 6/6/2001
- Matthew Lister, aged 24, date of death 6/6/2001
- Sidney Pearce, aged 43, date of death 5/5/2003
- Michael Knights, aged 33, date of death, 21/4/2003

Inquest proceedings commenced on the 26 April, 2004 with a total of 40 witnesses being summonsed. The proceedings ran for a week and were subsequently adjourned.

With the coronial inquest adjourned part-heard, a number of parties were subsequently charged with offences under the *Workplace Health & Safety Act 1995* associated with the deaths of Sidney Pearce, Jarrod Jones and Matthew Lister. Proceedings against the company that owned the mine (Renison Bell Ltd), and an officer of the mining operations company (Mr Clive Thompson) were finalised in September 2006 and January 2007 respectively. The former was fined \$120,000; and the charges against the latter were discontinued by the Prosecution.

The other criminal proceedings involved a contracting company that conducted mining operations in the mine (Barmenco Pty Ltd), and a manager (Mr Kenneth Alan Paterson) employed by the mine owner. Following submissions from counsel for the defence, those charges were dismissed on 29 May 2007 on the basis that there was no case to answer.

It is anticipated that the Inquest proceedings will resume in November 2007.

On the 25 April 2006, underground miner Larry Knight, aged 44 died after a rock fall at the Beaconsfield mine in northern Tasmania. Coroner Peter Wilson subsequently opened an inquest on the 27 April 2006. The inquest resumed on 17 May 2006 and was subsequently adjourned pending the outcome of investigations by Mr Greg Melick SC who was appointed by the Tasmanian Government to gather relevant information for the Coroner.

Tasmanian Road Safety Council

The Tasmanian Road Safety Council (TRSC) was established in September 1999 as the principal road safety policy and consultative body in Tasmania with a particular focus on legislative and policy reform, input into national and State programs, and a focus on high-risk road users and behaviours.

The membership of the TRSC includes:

- Mr Graeme Sturges MHA- (Chairperson)
- Monash University Accident Research Centre - Professor Brian Fildes
- Community representative - Mrs Geraldine Allan
- Royal Automobile Club of Tasmania - Mr Doug Ling
- Local Government Association of Tasmania - Mr Allan Garcia
- Magistrates Court (Coronial Division) - Mr Roger Illingworth
- Tasmania Police - Assistant Commissioner Darren Hine
- Tasmanian Motorcycle Council – Mr Shaun Lennard
- Department of Infrastructure Energy and Resources (“DIER”) - Ms Suzie Jacobson and Ms Angela Conway.

The Terms of Reference of the TRSC are:

- to provide leadership in developing the Government's road safety agenda;
- to provide a lateral and innovative approach to road safety issues;
- to provide high level advice to the Minister on road safety legislation and policy;
- to promote community and stakeholder involvement and ownership of road safety;
- to provide input into the development of the Tasmanian and the National Road Safety Strategies; and
- to promote the importance of strategies to improve road user behaviour.

As the peak road safety body in Tasmania, the TRSC provides an opportunity for the community and key stakeholders to have input into road safety in Tasmania. The TRSC balances key stakeholder input from organisations such as the RACT, the Coroners Office, and Tasmania Police with other expert input from the Monash University Accident Research Centre. The TRSC has been particularly successful in terms of co-ordination of issues, synergy of activities, policy direction and road safety outcomes.

Data is regularly supplied by the Coronial Division to DIER and TRSC about coronial findings and recommendations. Similarly, information is obtained from DIER about factors that may be relevant in individual cases involving deaths arising from motor vehicle crashes, such as highway engineering information.

Over the years, the TRSC has focused on a number of key policy issues such as novice driver licensing reforms, automatic loss of licence for excessive speed, 50 km/h urban speed limits, as well as overseeing the development of the Tasmanian Road Safety Strategy.

After extensive public and industry consultation during the 2006 and 2007 years the TRSC released the Tasmanian Road Safety Strategy 2007 – 2016, and the Action Plan for the years 2007/08 – 2009/10. The four key directions for the strategic plan are:

- Safer travel speeds
- Best practice infrastructure
- Increased safety for young road users, and
- Enhanced vehicle safety.

The vision of the Tasmanian Government and the Tasmanian Road Safety Council is the elimination of fatalities and serious injuries caused by road crashes in Tasmania.

A critical issue for the TRSC is to ensure public input into road safety issues. Via the Community Road Safety Partnerships (CRSP) program established by the Department of Infrastructure, Energy, and Resources, the TRSC receives community input into road safety issues. The CRSP program has been working across the State with a number of local government councils in establishing community road safety groups.

The TRSC has an interest in:

- emerging road safety issues;
- public education and policy (including legislation);
- road safety research;
- engineering and design improvements; and
- enforcement activities.

Tasmanian Transport Industry Safety Group

The Tasmanian Transport Industry Safety Group (TTISG) was formed in July 2000. The purpose of the group is to bring together key parties with an interest in commercial vehicle safety to work in cooperation to reduce death and injury resulting from the use of commercial vehicles of all types and sizes including buses. The Group achieves this by the following means:

- Acting on the outcome of Coroners' reports or other incident reports;
- Raising awareness of safety issues to employers and employees; and
- Monitoring accident and incident patterns.

The Group meets monthly with an agenda covering reports and discussion on recent incidents, progress on a range of projects, reviews of commercial transport accident trends and safety issues. The Group also recommends joint initiatives to improve safety.

It coordinates an annual safety seminar and produces Transport Industry Safety Advice leaflets on topical subjects. Most importantly it provides a forum for operators, drivers and government to investigate and progress safety issues arising out of the use of commercial vehicles. Secretariat support is provided by the Vehicle Operations Branch of the Department of Infrastructure, Energy and Resources (DIER).

Representative bodies on the group include the following:

- Land Transport Safety Division - David Spence, John Bessell and Paul Olendrowsky (DIER)
- Workplace Standards Tasmania - Tony Parnell - (DIER)
- Tasmania Police - Bill Gallahar
- Magistrates Court (Coronial Division) – Jim Connolly

- Transport Workers Union - Michael Nealer and Bill Noonan
- Tasmanian Transport Association - Warwick Counsell
- Tasmanian Bus Association - Geoff Lewis
- Tasmanian Logging Association - David Hazell
- Tasmanian Transport Council – Bob Mulcahy
- Tasmanian Truck Owners and Operators Association - John Dearing

Disaster Planning

The Coronial Services Committee has been established as part of the consultative process to provide stakeholders with the opportunity to have input into the development of relevant policies within the Coronial Services Disaster Plan. The Committee is chaired by the Chief Magistrate, and has representatives from the following Agencies:

- Magistrates Court (Coronial Division);
- State Emergency Service;
- State Forensic Pathologist;
- Department of Police & Emergency Management;
- Department of Premier & Cabinet;
- Department of Health & Human Services; and
- Tasmania Fire Service;

The Coronial Services Plan is currently under revision and a fresh Committee will be re-convened to up date the plan.

Tasmanian Suicide Prevention Steering Committee (TSPSC)

The TSPSC aims to reduce the incidence and overall impact of suicide on the community and the prevalence of self-harming behaviours amongst the Tasmanian population within the national LIFEi framework principles.

Under this mission the TSPSC seeks to fulfil five broad goals:

- Reduce deaths by suicide across all age groups in the Tasmanian population, and reduce suicidal thinking, suicidal behaviour, and the injury and self-harm that result.
- Enhance resilience and resourcefulness, respect, interconnectedness and mental health in young people, families and communities, and reduce the prevalence of risk factors for suicide.
- Increase support available to individuals, families and communities affected by suicide or suicidal behaviours.

- To provide a whole of community approach to suicide prevention and to extend and enhance public understanding of suicide and its causes
- To increase research on suicide, suicide prevention and self-harming behaviour and make key information on suicide prevention accessible for all stakeholders.

Data is regularly supplied by the Coronial Division to the Department of Health & Human Services about coronial findings and recommendations relevant to suicide.

The TSPSC strives to maintain a quality of membership that brings together a variety of experts from service delivery, policy and academic spheres. The current membership is:

- Director of Mental Health Services - Associate Professor Des Graham (Chair);
- Department of Health and Human Services (Mental Health Services) – Coral Muskett and Quality & Safety State-wide Consultant & Suicide Prevention Strategy Officer;
- Department of Health and Human Services (Acute Care Settings) - Julia Miller;
- Department of Premier and Cabinet – Louise Wilson;
- Department of Police and Public Safety –Steve Biggs;
- Department of Education – Helen Barrett;
- Magistrates Court, Coronial Division – Jenny Scott;
- Department of Health and Ageing – Tracey Curry;
- National Advisory Council on Suicide Prevention representative - Dr. Rob Walters;
- Suicide Prevention Australia representative – Martin Harris;
- University / research / clinical representative – Dr Tess Crawley;
- Community Representatives (for two year sittings);
- Parakaleo Ministeries Inc, Manager Statewide Services – Louise Leslie; and
- Lifeline North West, Manager, Jenny Donnelly.

Asia Pacific Coroners Society Inc

The membership of the Asia Pacific Coroners' Society (APCS) consists of coroners from all Australian States and Territories, New Zealand, Papua New Guinea and the Pacific Islands. The Chief Magistrate as well as other magistrates are members of the Society.

Forensic pathologists from all Australian jurisdictions, coronial managers as well as grief counsellors have the ability to become associate members of the Society and to participate fully in each Annual Conference of the Society.

The objects of the Society are to foster learning and understanding of the coronial jurisdiction between those engaged in a profession, occupation or field of study relevant to coronership.

Two Tasmanian Coroners actively engaged in coronial practice attended the APCS Annual Conference in Papua New Guinea November 2006.

At the annual general meeting to the APCS, Mr Arnold Shott, Chief Magistrate of Tasmania was elected President for 2006-2007 and it was resolved that the Annual Conference for 2007 be held in Hobart.

A series of interesting Papers were delivered at the APCS Conference in Port Moresby on a variety of topics including:

- Coronial Analysis of Systemic Issues;
- Scope of the Coronial Jurisdiction at Inquest;
- The Piper Chieftan Inquests;
- Disaster Victim Identification-an update for Coroners;
- A Decade of Change 1966-2006; and
- Pathologists, the Court and Children.

The Magistrates Court (Coronial Division) has designed, developed and maintains a functional website for the Society hosting it on the Court's server. The website can be accessed at: www.asiapacificcoroners.org. In addition to providing information about the Society, it is intended that the site be the central repository for past and future conference papers. This will ensure that these papers are accessible to all jurisdictions that participate in the conferences.

Mortuary Ambulance Service

The Magistrates Court (Coronial Division) on behalf of the Tasmanian Government has the responsibility for the removal and transport of the bodies of deceased persons when the death is a "reportable death" if no certificate as to the cause of death has been issued by a Medical Practitioner.

At the direction of the Crown, the mortuary ambulance service also includes:

- the transfer of a body or bodies from one public mortuary to another public mortuary for autopsy; and
- the return of a body or bodies from a public mortuary (after autopsy) to a public mortuary nearest to the place of burial/cremation of the deceased.

The mortuary ambulance service is on call 24 hours a day, 7 days a week. The two current mortuary ambulance contractors provide an essential service at all hours of the day and night. The contractors assist in supporting the family and friends who may be on site for the purposes of identifying the deceased. The contractors supply coronial information pamphlets to next-of-kin (including information about autopsies), and may facilitate access to grief counsellors.

National Coroners Information System (NCIS)

The National Coronial Information System (NCIS) was established in 1998 to provide data to assist Coroners and their staff in the investigation of coronial cases. The NCIS was endorsed by the Standing Committee of Attorneys General (SCAG) in 1997 and a number of other Ministerial Councils (Consumer Affairs, Police, and Industrial Relations) in 1998. Monash University National Centre for Coronial Information (MUNCCI) was appointed by the Australian Coroners Society (ACS) in 1997 to develop and operate NCIS. In 2004, management of NCIS was transferred to the Victorian Institute of Forensic Medicine (VIFM).

The NCIS system, which became operational in July 2000, is a database which provides coronial and other third party users with death information supplied by coroners in each jurisdiction. In addition, a case management system has been developed for all jurisdictions, other than New South Wales and Victoria, to facilitate the capture of coronial information for uploading into the NCIS. The case management system is also used as a day-to-day management tool by the coronial jurisdictions.

A concerted effort has continued to be made within the Magistrates Court (Coronial Division) to ensure that all coronial data is up-loaded to the NCIS in an accurate and timely manner to enhance the utility and marketability of the NCIS to all Australian coronial jurisdictions, as well as third party external research agencies and organisations. All Tasmanian coroners and coronial staff continue to receive briefings and training on the use of the NCIS.

During the reporting year the Tasmanian Coroners Office participated in NCIS Coder training workshops to ensure consistency of data entered into NCIS for public health and death prevention research purposes. The forums provide an opportunity for Coroners' Associates and Clerks to discuss the coding of various data items from both typical and atypical cases. VIFM staff have provided feedback to all jurisdictions about the accuracy and completeness of data sets in NCIS as part of its Quality Assurance program.

The Coroners Office staff is improving the accessibility of data in NCIS by loading electronic copies of the Police Report of Death, autopsy and toxicology reports, and the Coroners findings in as many cases as possible.

There is an increasing awareness of the value of NCIS data. Reports were extracted from NCIS during the reporting year for various jurisdictions on topics such as All Terrain Vehicles (Quad Bikes), blind cord strangulation, logging deaths, epilepsy-related MVA deaths, ultralight aircraft & hangliding fatalities, MVA "distractions" (i.e. mobile phone usage, drinking/eating, etc), doctor shopping, overloaded vehicles, and rock fishing (particularly involving those from non-English speaking backgrounds).

Researchers

Pursuant to Section 28 of the Coroners Regulations 1996, the Chief Magistrate may make available to any person for the purposes of medical, sociological or scientific research the Court file and any other record relating to the investigation or inquest. Researchers must agree to adhere to strict guidelines relating to non-publication of identifying details and other matters.

The following organisations, groups, and individuals conducted research in the following areas during the period covered in this Report:

- Department of Health and Human Services – Drug related deaths;
- Chief Fire Officer, Tasmanian Fire Service – 1967 Bushfire Disaster;
- Paediatric Mortality and Morbidity Board – sudden infant death, including deceased youth up to the age of 16years.
- Professor Hayden Walters – Asthma related deaths
- Dr Tess Crawley – Research Project on Coronial decision making in Equivocal Deaths
- National Marine Safety – Water related deaths

APPENDIX A - Statistical Information

Criminal Division

Table 2 sets out the volume of criminal cases lodged during the reporting year. This data has been extracted from the statewide electronic database known as the Criminal Registry Information Management Enquiry System (CRIMES), and reports by offence category as defined by the Australian Bureau of Statistics' *Australian Standard Offence Code* (ASOC).

Table 2 – Total Criminal matters lodged 2003-2007

Principal Offence	2003-04	2004-05	2005-06	2006-07
Homicide and related offences	20	25	13	23
Acts intended to cause injury	2 431	3 146	3 004	2 780
Sexual assault and related offences	172	188	135	188
Dangerous or negligent acts endangering persons	523	625	648	727
Abduction and related offences	2	1	7	1
Robbery, extortion and related offences	79	101	70	73
Unlawful entry with intent/burglary, break and enter	1 132	811	633	595
Theft and related offences	2 225	1 871	1 551	1 458
Deception and related offences	577	653	670	600
Illicit drug offences	918	963	999	1 093
Weapons and explosives offences	420	408	177	160
Property damage and environmental pollution	683	727	659	653
Public order offences	1 961	1828	1 850	2 285
Road traffic and motor vehicle regulatory offences	47 485	45 058	49 023	48 009
Offences against justice procedures-				
breach of bail	3 863	3 578	3 579	3 759
breach of domestic violence order		54	603	778
breach of restraint order	407	539	253	144
breach of non –custodial sentence	245	296	318	349
resist Police Officer	1 672	1 519	1 427	1 246

fine default proceedings	3 057	749	1 452	1 526
Miscellaneous offences	1 248	1 295	1 514	1 342
Total	69 120¹	64 431¹	68 585¹	67 789

Source: Criminal Registry Information Management & Enquiry System (CRIMES).

1. These figures relate to all lodgements of complaints for offences, and related applications. By comparison the counting rules for the Council of Australian Governments (COAG) Reports on criminal lodgements refer to the number of defendants appearing in Court rather than the number of complaints and applications.

Youth Justice Division

The following Table 3 shows the number of criminal matters dealt with in the Court's Youth Justice Division during the current and previous reporting years.

Table 3 – Youth Justice Criminal matters lodged 2003-2007

Principal Offence	2003-04	2004-05	2005-06	2006-07
Homicide and related offences		1		
Acts intended to cause injury	230	297	275	329
Sexual assault and related offences	16	29	14	21
Dangerous or negligent acts endangering persons	13	35	31	39
Abduction and related offences				
Robbery, extortion and related offences	25	25	32	32
Unlawful entry with intent/burglary, break and enter	276	248	266	192
Theft and related offences	375	362	326	346
Deception and related offences	10	31	25	25
Illicit drug offences	29	45	39	40
Weapons and explosives offences	7	2	4	5
Property damage and environmental pollution	115	124	153	161
Public order offences	152	169	153	153
Road traffic and motor vehicle regulatory offences	210	184	211	234
Offences against justice procedures-				
breach of bail	436	410	449	474
breach of domestic violence order			8	4
breach of restraint order	19	25	30	20
breach of non – custodial sentence		1	3	4

resist Police Officer	49	35	35	43
fine default proceedings	17	39	31	1
Miscellaneous offences	7	13	5	8

Total	1 986	2 075	2 090	2 131
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1. These figures relate to all lodgements of complaints for offences, and related applications. By comparison the counting rules for the Council of Australian Governments (COAG) Reports on criminal lodgements refer to the number of defendants appearing in Court rather than the number of complaints and applications.

Source: Criminal Registration Information Management & Enquiry System (CRIMES)

Civil Division

Table 4 is a comparison of the volume of civil cases and minor civil claims cases lodged between 2003 and 2007. This data has been extracted on a statewide basis from the Civil Information Management System.

Table 4 - Civil cases lodged 2003-2007

Nature of Case	2003-04	2004-05	2005-06	2006-07
Personal injury	14	13	8	9
Debt recovery	7 299	7454	7 564	7 089
Australian registered judgement	222	155	165	167
Restraint Order Applications	2 547	3332	2 570	2 454
Residential tenancy	496	403	378	351
Other	882	297	61	88
Total	11 460	11 654	10 746	10 158

Source: Civil Information Management System

Table 5 sets out the volume of debt recovery matters in which a Judgment Creditor proceeded to enforcement of the Judgment

Table 5 - Enforcement process for civil debt recovery cases 2003-2007

Enforcement Process	2003-04	2004-05	2005-06	2006-07
Warrant to Sell Property	1 995	1542	1 674	1 820
Garnishees	1 911	1431	1 090	1 185
Judgment Summons (incl. Oral Examination of Judgement Debtor)	61	59	174	69
Warrant of Possession	45	42	39	33

Total	4 012	3074	2977	3 107
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Source: Civil Information Management System

Mediation and Conciliation

Table 6 and Table 9 set out the data on assisted dispute resolution processes conducted by the Court during the reporting year. Mediation and conciliation conferences are held primarily in civil disputes, but have increasingly been used in other jurisdictions such as anti-discrimination, child protection, and appropriate restraint order applications.

Table 6 – Mediation & conciliation conferences – Civil 2005-2007

Item	2005-06		2006-07	
	Number	%	Number	%
Mediation / Conciliation Conferences held	425	100	595	100
Settled at Conference	310	72.9	465	78.2
Settled after Conference or Listed for Trial	113	26.5	130	21.8

Relationships Act 2003

This reporting year the number and outcomes for applications received under the *Relationships Act 2003* is set out in Table 7.

Table 7 - Applications received & outcomes 2003-2007

Item	2003-04	2004-05	2005-06	2006-07
Consent Orders	16	48	19	9
Adjourned	3	1	1	2
Settled at conciliation	1	1	3	2
Settled by court order	-	3	4	1
Withdrawn				1
Total Applications	20	53	27	15

Source: Civil information records

Children's Division

Set out in Table 8 is the volume of care and protection orders sought in the current and previous reporting years

Table 8 – Applications for orders lodged 2003-2007

Description	2003-04	2004-05	2005-06	2006-07
Care and Protection Orders	153	203	357	314

Source: Criminal Registration Information Management & Enquiry System (CRIMES)

Table 9 – Mediation & conciliation conferences – Child Protection 2004-2007

Item	2004-05		2005-06		2006-07	
	Number	%	Number	%	Number	%
Mediation / Conciliation Conferences Listed	43	100	49	100	68	100
Settled at Mediation / Conciliation Conferences	43	100	37	76	55	81
Settled after Conference or Listed for Trial	na		2	4	5	7
Adjourned to next reporting period	na		10	20	8	12

Source: Criminal Registry Information Management & Enquiry System (CRIMES).

Coronial

Table 10 - Deaths Reported Between 2003 - 2006

Description	2003-04	2004-05	2005-06	2006-07
Deaths reported to the Coroner	625	630	636	575
Fires/Explosions reported to the Coroner	0	0	0	0
Number of inquests held	11	13	14	6
Number of cases closed	718	611	669	550
Deaths in custody or care	0	3	2	3

Source: Tasmanian Coronial Case Management System

Table 11 - Inquests & Investigations Completed 2003 - 2007

Description	2003-04	2004-05	2005-06	2006-07
Aircraft	4	1	1	
Death in Custody/Custody	1	3	2	3
Domestic Accident	11	4	5	8
Drowning	19	9	13	11
Drug Overdose	23	15	27	18
Fall	14	10	11	10
Homicide	18	3	9	3
Hospital	6	7	4	12
House Fire	6	7	7	1
Industrial Accident	7	5	6	2
Natural	408	394	417	347
Other	13	10	8	9
SIDS	3	3	2	2
Suicide	101	76	73	63
Undetermined Causes	12	13	11	13
Vehicle Crash	68	56	73	43
	714	616	669	546

Source: Tasmanian Coronial Case Management System

Table 12 - Motor Vehicle Fatalities 2004 - 2006

Description	2004-05	2005-06	2006-07
Driver	27	37	20
Bystander / Pedestrian	5	5	1
Passenger	12	19	17
Bicycle	1	2	1
Motorcycle	7	10	4
Total	52	73	43

Source: Tasmanian Coronial Case Management System

Table 13 - Inquests & Investigations Self Inflicted 2003 - 2006

Description	2003-04	2004-05	2005-06	2006-07
Hanging	31	22	34	22
Carbon Monoxide	23	25	16	11
Drug Overdose	6	5	6	20
Burns	-	1	2	0
Gunshot	10	12	7	10
Drowning	6	2	1	0
Jump	4	2	3	0
Other	3	7	4	1
Total	83	76	73	64

Source: *Tasmanian Coronial Case Management System*

Administrative Appeals Division

Table 14 is a comparison of applications filed over three reporting periods (2003/04 to 2005/06) while Table 15 show the outcomes of the applications considered, while the legislation under which the appeals arose can be seen in Table 16.

Table 14 - Applications received 2003-2007

Type of Application	2003-04	2004-05	2005-06	2006-07
Review (Appeal) of a reviewable decision - Section 17	17	22	23	29
Entitled to reasons for decision - Section 15(1)	1	3		-
Extension of time to apply for review of decision - Section 20	7	1		2
Total	25	26	23	31

Source: *Civil Information Management System*

Table 15 – Outcomes of applications 2003-2007

Description of Outcome	2003-04	2004-05	2005-06	2006-07
Decisions	7	9	1	8

Withdrawn	2	3	2	2
Pending or listed for Court's consideration	6	6	7	11
Dismissed	4	7	8	6
Reserved for decision	3	1	1	2
Adjourned sine die	6	-	4	2
Total	28	26	23	31

Source: Civil Information Management System

Table 16 – Acts giving rise to appeals 2003-2007

Legislation	2003-04	2004-05	2005-06	2006-07
Auctioneers' and Real Estate Agents Act 1991	3	5	-	1
Firearms Act 1996	1	2	6	4
First Home Owners Act 2000	2	1	2	1
Fishing (License Ownership and Interest) Registration Act 2001	3	1	-	-
Local Government Act 1993	2	1	2	8
Passenger Transport (Review of Decisions) Regulations 2000	1	1	-	-
Public Health Act 1997	1	4	-	1
Rail Safety Act 1997	1	2	-	7
Taxation Administration Act 1997	3	5	7	1
Vehicle and Traffic Act 1999	1	2	2	6
Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2000	2	1	-	-
Food Act 1998			1	-
Dog Control Act 2000			1	-
Teachers Registration Act 2000			1	-
Unclassified	8	1	1	2
Total	28	26	23	31

Source: Civil Information Management System

Anti-Discrimination Tribunal

Table 17 to Table 22 below show the areas of activity and grounds of complaint, regional distribution and timeliness of the matters before the Tribunal.

Table 17 –Lodgements of complaints for Inquiry – 2004-2007¹

Description	2004-05	2005-06	2006-07
Grounds of Complaint			
Discrimination:			
Age	6	7	9
Breast feeding	-	1	1
Disability	3	5	5
Gender	9	7	8
Family responsibilities	1	3	2
Industrial activity	4	-	1
Inciting hatred	-	1	1
Irrelevant criminal record	3	1	2
Irrelevant medical record	-	-	1
Marital status	1	4	3
Offensive conduct	-	-	3
Pregnancy	1	1	1
Political Activity	-	-	2
Political Belief	-	-	1
Parental status	-	1	2
Race	5	4	6
Relationships status	1	2	2
Religious belief	-	-	1
Sexual orientation	2	5	4
Sexual harassment	2	-	2
Victimisation	3	1	2
Total	41	43	59

Areas of Activity

Employment	31	25	26
Goods/services	5	5	12
Education and Training	1	3	6

Accommodation	4	10	9
Membership & Activities of Clubs	-	-	3
Administration of any State Law	-	-	3

Total	41	43	59
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1. In many of the above complaints, allegations were made relating to a number of grounds under the Act. It should be noted that the table only identifies the primary allegation contained in the complaints.

Source: Anti-Discrimination Tribunal Information Systems

Table 18 - Applications for Review of the Anti-Discrimination Commissioner's decision received at the Tribunal - 2005-2007

Description	2005-06	2006-07
Reviews of Rejections	18	15
Reviews of Dismissals	7	7
Review of Withdrawal	1	-
Total	25	22

Table 19 – Regional base of claimants for Inquiries & Reviews received - 2004 - 2007

Region	2004-05		2005-06		2006-07	
	No	%	No	%	No	%
North	17	24	6	9	14	18
South	39	54	50	74	51	66
North West	16	22	7	10	8	11
Other	-		5	7	4	5
Total	72	100	68	100	77	100

Source: Anti-Discrimination Tribunal Information Systems

Table 20 – Flow of Matters 2004 - 2007

Description	2004-05	2005-06	2006-07
Matters unfinalised at Start of Period	90 ¹	94 ²	74 ³
Received in period:			

Referred for Inquiry by Anti-Discrimination Commissioner	41	43	37
Applications for Review of Anti-Discrimination Commissioner's decision	29	25	22
Other Matters Received	2	-	-
Finalised in period:			
Inquiries finalised by conciliation	24	17	20
Inquiries finalised by settlement between the parties	6	14	12
Inquiries Heard	2	10	10
Inquiries finalised –complaints dismissed/ withdrawn	14	10	9
Reviews Dismissed/withdrawn	1	5	2
Reviews finalised	17	34	24
Matters finalised by the end of the period	64	90	77
Matters unfinalised at End of Period	98	72	56

1. The matters unfinalised at the start of the period (2004/2005) were amended to reflect cases that were closed in 2003/04 and then re-opened in 2004/05.
2. The matters unfinalised at the start of the period (2005/2006) were amended to reflect cases that were closed in 2004-05 and then reopened in 2005-06
3. The matters unfinalised at the start of the period (2006/2007) were amended to reflect cases that were closed in 2005-06 and then reopened in 2006-07

Source: Anti-Discrimination Tribunal Information Systems

Table 21 - Anti-Discrimination Tribunal matters finalised 2004 –2007

Method Of Finalisation	2004-05	2005-06	2006-07
Conciliated	24	17	21
Decision Handed Down	19	44	33
Dismissed/withdrawn	15	15	11
Settled between Parties	6	14	12
Total	64	90	77

Source: Anti-Discrimination Tribunal Information Systems

Timeliness

The timeliness of finalisation of matters by the Tribunal during the reporting year is a measure of efficiency. The following Table 22 sets out the age of matters that were finalised during the reporting year regardless of when they were received.

Table 22– Clearance rate (finalisations / lodgements) 2004 –2007

Criterion	2004-05		2005-06		2006-07	
	No.	%	No.	%	No.	%
Finalised within 6 months	17	26	30	33	25	33
Finalised within 12 months	19	30	31	35	20	26
Finalised within 18 months	12	19	10	11	14	18
Finalised > 18 months	16	25	19	21	18	23
Total	64	100	90	100	77	100

Source: Anti-Discrimination Tribunal Information Systems

Motor Accidents Compensation Tribunal

Table 23 shows the number of references lodged with the tribunal over the last three reporting years, and the status and outcomes for these.

Table 23 – References lodged 2003-2007

Description	2003-04	2004-05	2005-06	2006-07
Pending	-	-	5	14
Matters settled after pre-trial directions	47	2	2	2
Adjourned <i>sine die</i> after pre-trial directions	38	19	16	16
Listed for trial ¹	6	1	-	1
Consent Orders	-	18	-	7
Withdrawn	-	7	9	4
Decisions	-	1	-	1
Listed for pre-reference conferences	-	3	2	2
Adjourned prior to pre-reference conference	-	4	2	2
Settled	-	3	1	8
Dismissed	-	10	16	18
Total Lodgements	91	68	53	75

1. Includes some pre-trial directions conferences.

Source: Criminal Registration Information Management & Enquiry System (CRIMES).

Mining Tribunal

The following Table 24 shows the volume of matters lodged with the Tribunal from 2002 to 2006.

Table 24 – Mining Tribunal matters lodged 2002-2007

Description of Outcome	2003-04	2004-05	2005-06	2006-07
Referred to Tribunal for hearing	2	9	8	7

Performance Indicators 2005-2007

In previous years the performance assessment of the Magistrates Court focused on the timeliness of the resolution of matters. This single measure has now been replaced by the more informative:

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

Nevertheless, these measures should be treated as indicative rather than definitive. This is because 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 delays. See the earlier comments on Timeliness at page 4.

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 that 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.

The backlog indicator measures the Court's pending caseload against timeliness standards and the Court's performance is set out in Table 25.

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 not being available).

Table 25 – Backlog indicator, the number and proportion of pending caseload in excess of timeliness standards 2005-2007

Jurisdictions	2005-06		2006-07	
	Number	%	Number	%
Criminal				
Pending caseload (no.)	24 956		24 931	
Cases > 6 mths.	5 816	23	6 509	34.0
Cases > 12 mths.	1 202	5	1 964	7.9
Youth Justice				
Pending caseload (no.)	670		834	
Cases > 6 mths.	144	21	133	29.1
Cases > 12 mths.	66	10	110	13.2
Children's				
Pending caseload (no.)	123		118	
Cases > 6 mths.	11	9	17	34
Cases > 12 mths.	35	28	23	19
Coroners'				
Pending caseload (no.)	233		267	
Cases > 12 mths.	37	16	40	26.6
Cases > 24 mths. ¹	11	5	31	11.6
Civil				
Pending caseload (no.)	5 357		7 908	
Cases > 6 mths.	1 616	30	1 487	35.0
Cases > 12 mths.	252	5	232	4.7

1. The counting rules for 2005-06 have been amended to report only on matters greater than twelve months and twenty-four months old.

Source: *Criminal Registry Information Management & Enquiry System (CRIMES)*, *Civil Information Management System (CIMS)* and the *Coroners Information System*.

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 26.

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.

The clearance rate can be affected by external factors, such as changes in legislation, as well as by changes in a Court's case management practices.

Table 26 - Clearance rate % (finalisations/lodgements)

Jurisdictions	2005-06	2006-07
Magistrates		
Criminal	71.9	83.7
Civil	103.1	105.1
All matters (civil & criminal)	87.5	94.4
Children's		
Criminal	79.7	77.4
Civil	91.6	100.3
All matters (civil & criminal)	85.9	88.9
Coroners'	105.2	94.7

Source: Criminal Registry Information Management & Enquiry System (CRIMES) and Civil Information Management System (CIMS) and Tasmanian Coronial Case Management System

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 criminal jurisdictions and Table 27 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 certain matters out of Court and thereby reduce the number of Court attendances.

Table 27 - Attendance indicator 2004-2007

	Average listings per case	
	2005-06	2006-07
Criminal:		
- Magistrates	2.1	2.0
- Children's	5.1	5.1
Coroners'	1.3	1.8

Source: Criminal Registry Information Management & Enquiry System (CRIMES) and Tasmanian Coronial Case Management System

Contest Mention Courts

Table 28 below sets out the details of contest mention Courts held. Efficiencies gained within the entire criminal justice system are manifest, particularly in relation to the saving of witnesses' attendance (often Police Officers who can attend to other Police duties), and re-allocation of magisterial sitting time to other proceedings. The figures are for Hobart only.

No contest mention Courts were convened in the other registries of Launceston, Devonport and Burnie.

Table 28 - Contest Mention Court Statistics 2001-2007

Financial Year	Deft's Referred to Contest Mention		Deft's sent to trial after Contest Mention		Deft's Plea of Guilty		Prosecution matters withdrawn (No evidence tendered)		Witnesses excused	Sitting time saved
	No.	No.	No.	%	No.	%	No.	%	No.	Hours
2001-2002	1 104	398	36	677	61	29	3	1 632	1 116	
2002-2003	1 343	278	21	963	71	102	8	740	541	
2003-2004	1 330	374	28	869	65	87	7	1 220	706	
2004-2005	953	285	30	564	59	104	11	571	460	
2005-2006	1222	247	20	833	68	142	12	831	457	
2006-2007	1065	222	21	737	69	106	10	1414	897	

Source: Criminal Registry Information Management & Enquiry System (CRIMES)

APPENDIX B - Financial Statement

The Magistrates Court contributes to the Department of Justice output entitled 'Administration of Justice' and the Court's funding is set out in Table 29 below.

Table 29 - Expenditure by outlay - Magistrates Court Services ¹

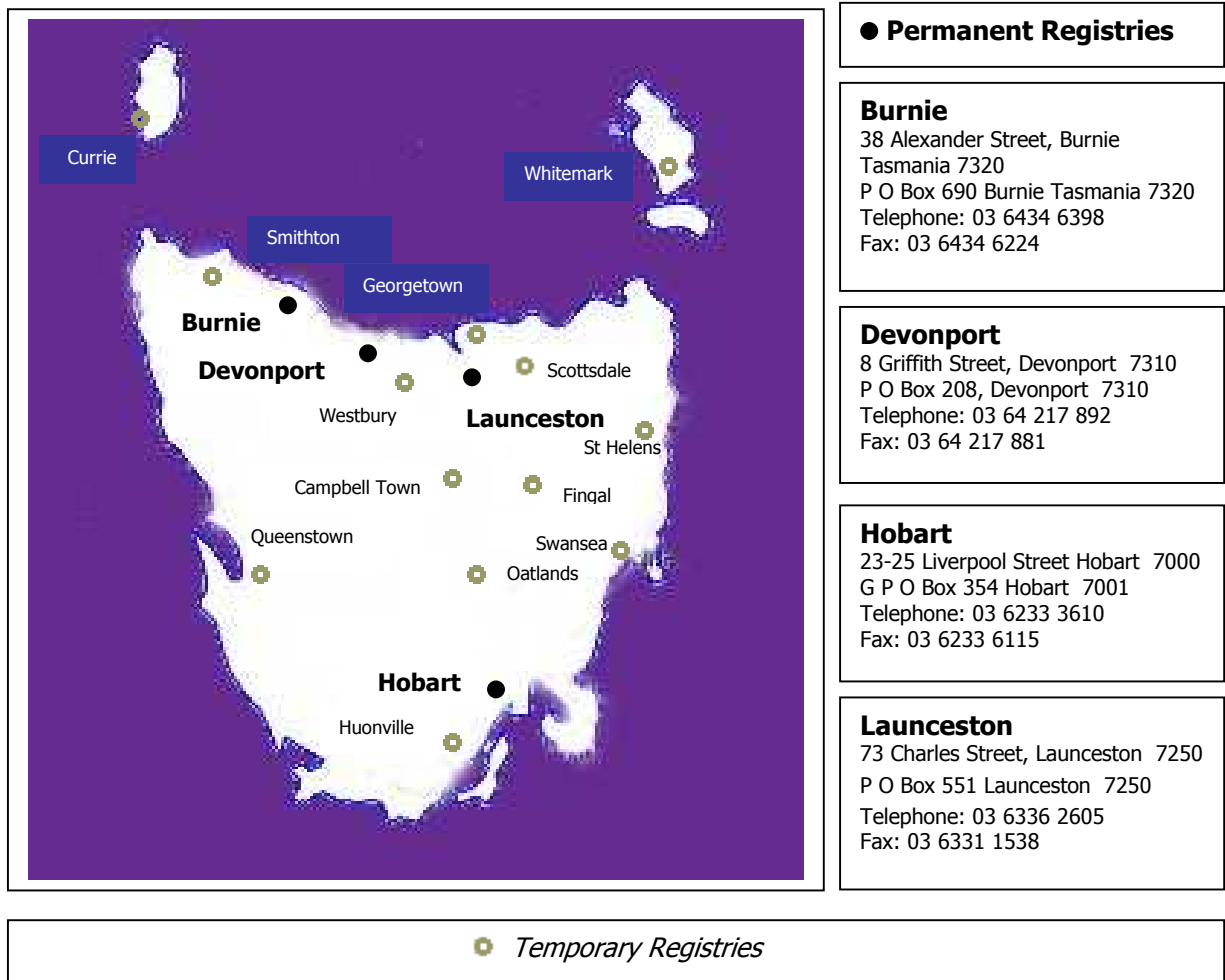
	2003-04 Actual \$'000	2004-05 Actual \$'000	2005-06 Actual \$'000	2006-07 Actual \$'000
511 - Salaries and Wages	5 151	5 634	6 107	5 980
512 - Other Employee Related Expenses	107	148	189	144
522 - Information Technology	178	262	280	279
523 - Personnel Expenses/Materials Supplies & Equip ²	317	247	148	139
524 - Travel and Transport	287	252	287	314
525 - Property Expenses	768	859	1 283	1 075
528 - Other Expenditure	577	573	550	772
529 - Consultants	-	100	42	12
Total	7 385	8 075	8 886	8 715

1. The totals include expenditure from both the Consolidated Revenue Fund and revenue retained by the Court.

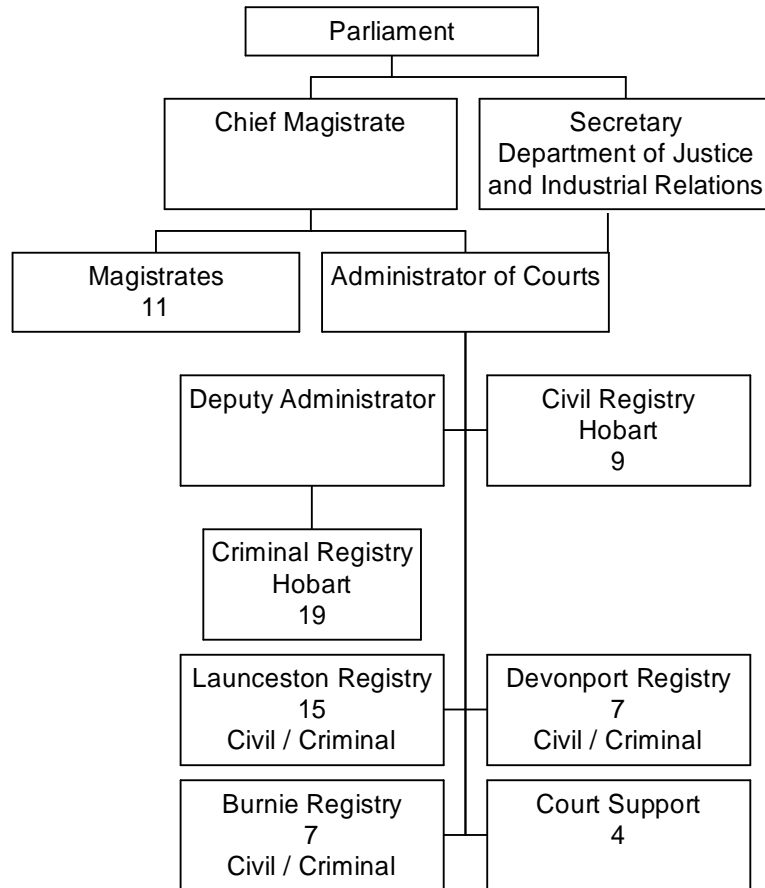
Source: Department of Justice, Financial Management Information System

APPENDIX C - Court Locations

Permanent Registries are maintained in each of the four cities. These Registries also have filing and general administrative responsibilities for Courts that are located in adjacent smaller centres. The registry also has filing and administrative responsibility for Courts held in other smaller localities throughout the state.



APPENDIX D - Organisational Structure



Magistrates

During the period covered by this Report, the Magistrates were:

Launceston:

Chief Magistrate AG Shott
Magistrate Z Szramka
Magistrate PH Wilson

Burnie:

Magistrate DJ Jones

Devonport:

Magistrate TJ Hill

Hobart:

Deputy Chief Magistrate MR Hill
Magistrate PF Dixon
Magistrate SF Mollard
Magistrate RC Willee
Magistrate HM Wood
Magistrate O McTaggart
Magistrate CP Webster

Temporary Magistrate(s):

Magistrate S Carey
Magistrate R Chandler
Magistrate D Trigg

Table 30 - Magistrate Court staffing (expressed as Full Time Equivalents)

Details	2005-2006		2006-2007	
	No.	Totals	No.	Totals
Magistrates (permanent – full time)				
- Male	10		10	
- Female	2	12	2	12
Magistrates (temporary – part year)				
- Female	0.25	0.25	–	–
- Male			0.3	0.3
Administrative Support Staff				
- Male	21.5		17.5	
- Female	44	65.5	52.15	69.65
TOTAL		77.7		81.95

