

Magistrates Court of Tasmania

Annual Report 2021–2022





MAGISTRATES CHAMBERS GPO Box 354
Hobart Tasmania 7000

The Honourable Elise Archer MP
Attorney-General and Minister for Justice
Level 10, 15 Murray Street
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Dear Attorney-General

Magistrates Court and Coronial Division Annual Reports 2021 to 2022

I enclose the Annual Report for 2021 to 2022 for the Magistrates Court, as required by the *Magistrates Court Act 1987*, section 17C.

The report incorporates the Annual Report for the Coronial Division which is required by the *Coroners Act 1995*, section 69.

The reports are provided to you as Minister for Justice and Attorney-General.

Yours sincerely

Chief Magistrate
4 November 2022

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From the Chief Magistrate

Throughout 2021- 2022 our magistrates and staff have continued to commit to and embrace our court values of independence, integrity, respect for all, timelines and transparency. I am very grateful for and thank everyone for their significant and invaluable contributions throughout the year.

The Court has continued to respond to the challenges of Covid-19, in particular during the period after the borders reopened when we had a significant increase in Covid-19 cases in the community which impacted on many court matters. I thank and am very grateful to everyone at the court, the prosecution services, the profession and other key external groups for their willingness to adapt and work together.

The commitment and dedication of our Administrator, Penelope Ikedife, has been exceptional. Ms Ikedife has been instrumental in working through many challenges and I thank her for her professionalism, insights and hard work.

I also thank Sam Mollard, Peter Dixon and Glenn Hay who assisted the court by accepting temporary magistrates' appointments during vacancies created by Mr Hay retiring and Justice Tamara Jago's appointment to the Supreme Court. I also welcome to our bench Magistrates Marica Duvnjak and Katie Edwards who have embraced the transition to their judicial roles.

Finally, I would like to acknowledge and thank my fellow magistrates. Their genuine collegiality, support and commitment is sincerely and greatly appreciated.

Year at a Glance 2021 to 2022

Criminal Statistics

Adult Criminal	Youth Justice Criminal
Lodged	Lodged
14,146	1,286
↓ 5.4 %	↑ 16 %
Finalised	Finalised
13,979	950
↓ 7.2 %	↓ 11 %

Coroners Court Reportable Deaths, Fires & Explosions

Coroners Court Reported Deaths, Fires & Explosions	Coroners Court Reported Deaths, Fires & Explosions
Lodged	Finalised
880	829
↑ 13.1 %	↑ 8.7 %

Civil Statistics

Number of Civil Claims	Number of Civil Claims
Lodged	Finalised
2,153	2,041
↑ 19.1 %	↓ 18.6 %

Family Violence Order (FVO) Applications

FVO Applications	FVO Applications
Lodged	Finalised
1,594	1,628
↑ 13.5 %	↑ 6.1 %

Activity of the Magistrates Court

Total Number of Listings
158,364
↓ 2.2 %

Aim and Purpose of the Court

The aim of the Magistrates Court of Tasmania is to inspire confidence in justice. The Court serves the community by providing access to an accountable, independent and impartial system of justice which is administered according to law.

The purpose of the Magistrates Court of Tasmania is to protect rights and to uphold the law fairly and impartially.

Our Values Are

- Independence
- Integrity
- Respect for all
- Timeliness
- Transparency

Overview of the Court

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

The work of the Court is supported by over 60 staff around the state.

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

Magistrates sitting in the 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.

They also exercise a wide range of appellate and review functions.

Magistrates hear simple and indictable offences in the Youth Justice Division, as well as exercising child safety responsibilities in the Children's Division under the *Children, Young Persons and Their Families Act 1997*.

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. Disputes up to a value of \$5,000 are dealt with as minor civil claims and undergo simplified procedures prior to and at hearing.

The Court sits as the Court of Petty Sessions, a court of summary jurisdiction provided for in the *Justices Act 1959*. Other divisions of the Court are provided for in legislation. These divisions are:

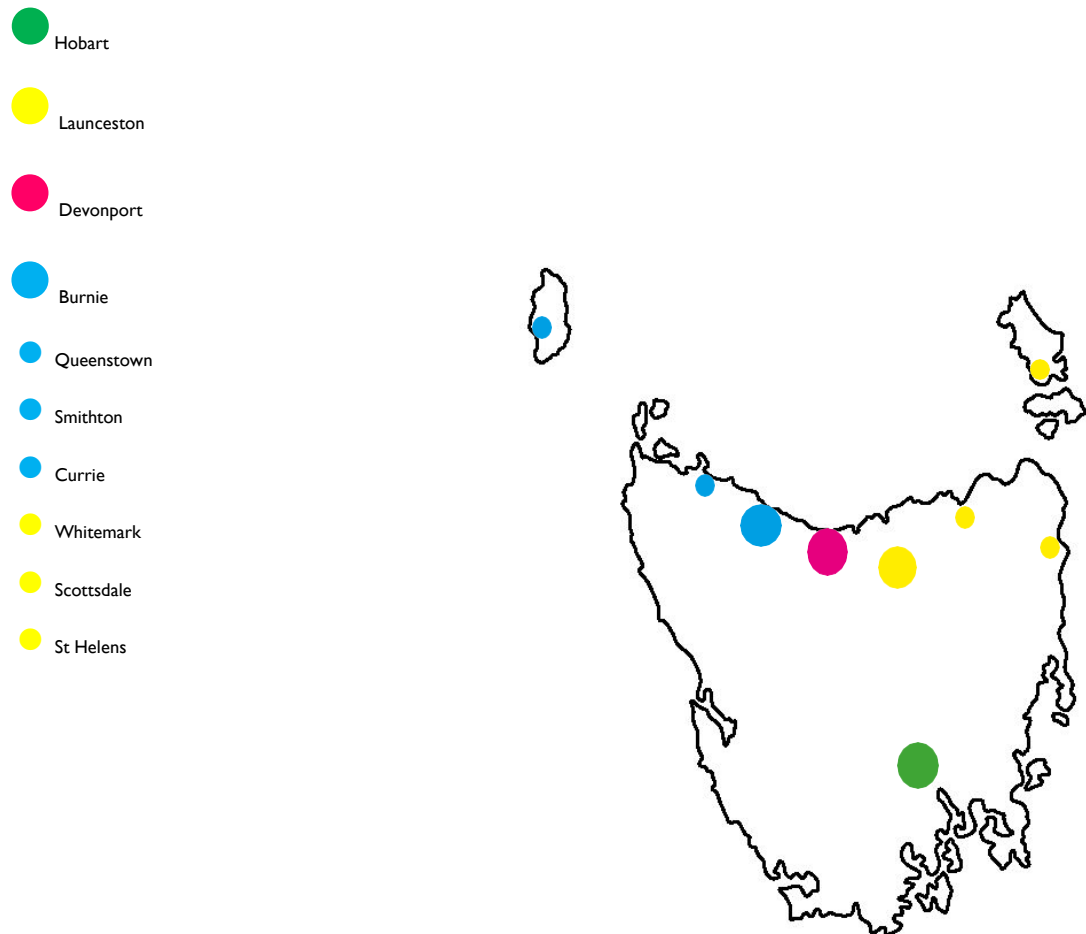
- Civil Division
- Youth Justice Division
- Coronial Division
- Children's Division
- Administrative Appeal Division
- Mining Division

Information about the Court's day-to-day operations, including services, locations, decisions and court lists, is available on the Magistrates Court website at

<https://www.magistratescourt.tas.gov.au>.

Court Locations

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



Magistrates

At 30 June 2022, the end of the current reporting period, the Magistrates Court was constituted by the following magistrates:

Hobart	Launceston
Chief Magistrate C J Geason	Magistrate S J Brown
Deputy Chief Magistrate M F Daly	Magistrate S E Cure
Magistrate O M McTaggart	Magistrate K J Stanton
Magistrate C P Webster	
Magistrate G A Hay (retired 30 July 2021)	
Magistrate R J Marron	
Magistrate S J Cooper	Devonport and Burnie
Magistrate A R McKee	Magistrate T Jago (until 31 October 2021)
Magistrate R B Webster	Magistrate D R Fairley
Magistrate J G Hartnett	Magistrate L S Topfer
Magistrate M Duvnjak (commenced 17 January 2022)	Magistrates K Edwards (commenced on 27 June 2022)

The Court welcomed back retired magistrates Peter Dixon, Glenn Hay and Sam Mollard as Temporary Magistrates to cover vacancies created by Magistrate Hay's retirement and Magistrate Jago's (as she then was) appointment to the Supreme Court from 1 November 2021.

Details of temporary Magistrate appointments follow.

Temporary Magistrate	Appointment
Temporary Magistrate S Mollard	Sitting in Hobart from 23 August 2021 to 14 January 2022.
Temporary Magistrate G A Hay	Sitting in the North West from 8 November 2021 to 4 February 2022 and Hobart from 2 May 2022 to 30 June 2022.
Temporary Magistrate P Dixon	Sitting in the North West from 7 February 2022 to 29 April 2022

Court Staff

At the end of the reporting period, 30 June 2022, the Magistrates Court employed 64 staff (60.75 full time equivalents) distributed across the four permanent court registries situated in Hobart, Launceston, Devonport and Burnie¹.

In addition, the Court employs one trainee in each of the Launceston, Devonport and Burnie registries, and two in Hobart through training service providers. The employment of trainees is not only beneficial to the Court, but also provides young people with opportunities to complete relevant qualifications and to gain valuable experience in a workplace.

During the reporting period, the Court experienced ongoing challenges in recruitment of staff for new and existing positions in all Registries, including delays due to administrative processes and low applicant numbers. To assist in recruitment, the Court established a Fixed-Term and Casual Employment Register from January 2022, which allows applicants to register their interest in Registry positions at any time and can result in more timely appointment to vacant positions. The Court is further reviewing recruitment strategies in conjunction with the Department of Justice.

Bench Justices

Bench justices normally preside over after-hours courts in each registry of the Magistrates Court. Subject to need, after-hours courts are held each weekday evening and each morning and evening on Saturdays and Sundays.

The Court expresses its gratitude for the voluntary contributions of the bench justices and their service to the administration of justice. A large part of bench justices' work ensures that people who are arrested are brought before the Court as soon as practicable, at which time they have an opportunity to make an application for bail.

The bench justices have continued to be flexible in responding to changes brought about by Covid-19. Magistrates sat in place of bench justices in after-hours courts during a three day period of lockdown in southern Tasmania in October 2021.

The bench justices have continued to be an invaluable support to the Court and in their contribution to the criminal justice system in this state.

To give an indication of the level of service provided by the bench justices during the reporting period, bench justices:

- dealt with 934 adult defendants
- dealt with 65 youths
- convened 424 mid-week courts (usually sitting at 7pm)
- convened 577 weekend courts (held each weekend day at 11am and 7 or 8pm)
- dealt with 465 family violence matters.

As well as presiding over after-hours courts, bench justices conduct preliminary proceedings hearings for indictable offences within the usual business hours of the Court, with more than 100 hearings listed statewide in the reporting period. More details on preliminary proceedings are provided later in this report.

¹ Staffing numbers exclude magistrates as they are not Tasmanian State Service employees. As at 30 June 2022, there were 16 full time magistrates.

To ensure that bench justices are well informed in the exercise of all their powers, the Chief Magistrate or her delegate holds regular meetings with bench justices. Bench justices are also provided with extensive training before being added to the roster of justices who may preside over their own court. They are able to contact a magistrate at any time if they require assistance.

Professional Development

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

Meetings and/or Conferences	Magistrate	Location	Date(s)
<i>Council of Chief Magistrates Meeting</i>	Chief Magistrate C J Geason	By video conference	1 October 2021
<i>Council of Chief Magistrates Meeting</i>	Chief Magistrate C J Geason	By video conference	11 March 2022
<i>United Nations Office on Drugs and Crime - Participation in the Informal Preparatory Consultation on Trial Stage Diversion Options for People with Drug Use Disorders in Contact with the Criminal Justice System</i>	Deputy Chief Magistrate M F Daly	By video conference (to Vienna)	25 May 2022
<i>Australian and New Zealand Forensic Science Society Tasmanian Branch - Presentation on 'Perspectives on Expert Opinion Evidence in the Magistrates Court'</i>	Deputy Chief Magistrate M F Daly	Hobart	29 June 2022

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

- New staff inductions
- About Disability
- Adding Value through Diversity
- Being an Effective Team Member
- Building Accountability into your Culture
- Building Resilience
- Business Etiquette: Phone, Email and Text
- Coaching and Developing Employees
- Communicating with Empathy
- Creating Enabling Environments
- Cultural Competence
- Dealing with Bomb Threats and Suspicious items
- Dealing with Challenging Client Behaviour
- Dealing with Client Aggression
- De-escalation Strategies
- Disability and Communication
- Dream Teams: Working Together Without Falling Apart
- Effective Listening
- Ethics and Behaviour
- Family Violence – Violence against Women

- Integrity: Leading with Values and Building Trust
- Leader as Communicator
- Leadership Program for Court Managers - Learning Styles; Team Effectiveness; Understanding Self and Others
- Manager Essentials
- Managing Mental Health and Wellbeing in the Workplace
- Managing Conflict
- Procurement in State Service
- Recruitment and Selection Panel Training
- Strategic Planning
- Tasmania Fire Warden Course
- Thriving in Change
- Trauma Informed Practice
- TSS Aboriginal cultural respect
- Unconscious Bias
- Women in Leadership
- Work Health and Safety Training

Covid-19 Arrangements and Impacts

The Court continued to respond to the changing circumstances and public health advice arising from the Covid-19 pandemic throughout the reporting period.

In early 2020, a decision was made by the Court to reduce the number of matters that could progress through the Court, to reduce the number of people attending Court at any time. This measure has had the effect of further increasing the Court's backlog. The Court's capacity to address the backlog was assisted greatly by the appointment of an additional magistrate in Hobart in June 2020, and will be further assisted by the appointment of an additional magistrate for the North and North-West in July 2022.

The Court maintained its commitment to protecting the health and safety of magistrates, staff and others attending the Court's buildings, and ensured compliance with all directions issued by the Director of Public Health.

Limits remained in place on the number of additional people admitted to court buildings, with priority given to those who were required to appear, those who were attending as support persons, and the media. The need to maintain physical distance between individuals continued to place considerable limitations on the size of court lists because of the comparatively low number of people who can be accommodated in each courtroom and the Court buildings generally.

Audio-visual and telephone links continued to be made available, with the permission of the relevant magistrate, to allow remote appearances for people with Covid-19 symptoms, in isolation or quarantine, or who were unable to attend in person due to interstate border restrictions. Audio and audio visual link fees remained suspended for the reporting period.

The Hobart Court operated on a limited basis during the three-day lockdown period in southern Tasmania during October 2021, with only urgent and custody matters being heard by audio or audio-visual links. Court staff attended the workplace as normal, due to the need for access to paper files for court sessions. Courts in Launceston, Burnie and Devonport operated as normal during this period and assisted Hobart staff as needed. The Court greatly appreciates the efforts of staff and all involved in successfully managing this challenge.

The Court was impacted in the second half of the reporting period with increasing numbers of Covid-19 infections affecting staff and people attending court. Whilst these impacts often resulted in delays on individual matters, where parties were not available to attend due to Covid-19 isolation, the Courts continued to operate with minimal disruption to scheduled sittings.

The Court's safety and business continuity plans were regularly updated to take account of changes in public health advice throughout the reporting period.

Legislative Changes

There have been a number of new bills and amendments to legislation during the reporting period which have had an effect on the operation of the Magistrates Court.

The Court is often consulted on draft legislation and legislative projects, if the legislation may have an impact on the Court.

Legislation which has been the subject of consultation in the reporting period includes:

Criminal Code Amendment Bill 2022

Electoral Disclosure and Funding Bill 2021

Evidence (Children and Special Witnesses) Act 2001

Evidence Regulations 2012

Family Violence Reforms Bill 2022

Federal Court of Australia Amendment (Extending Criminal Jurisdiction and Other Measures) Bill 2021

Justices Act 1959

Justice and Related Legislation (Miscellaneous Amendments) Bill 2021

Justices (Validation) Bill 2021

Magistrates Court (Criminal and General Division) Act 2019

Magistrates Court (AAD) (Fees) Regulations 2022

OPCAT Implementation Bill 2021

Notices under COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020

Sentencing Act 1997

Tasmanian Civil and Administrative Tribunal Act 2020

Validation Bill 2021

Workplace Protesters Amendment Bill 2021

Revisions to Tasmanian legislation to support Australian Space Agency Technological Safeguards Agreement

Criminal and General Division Legislation

The *Magistrates Court (Criminal and General Division) Act 2019* (the Act), the *Magistrates Court (Criminal and General Division) (Consequential Amendments) Act 2019* and the *Restraint Orders Act 2019* were passed by Parliament on 12 December 2019. The proclamation awaits development of the Astria IT system which will support the operation of the legislation.

The primary purpose of the *Magistrates Court (Criminal and General Division) Act 2019* is to establish and provide for the administration of justice in the new Magistrates Court (Criminal and General Division) in a manner which:

- provides for enhanced access to justice
- facilitates the timely dispensing of justice according to law
- ensures that all proceedings are conducted fairly.

The Magistrates Court reform project continued to progress throughout the reporting period, with the project manager reporting to the Magistrates Court Criminal and General Division Steering Committee.

Engagement has continued with Tasmania Police and other important external stakeholders, including the Law Society of Tasmania, the Tasmanian Bar, and Tasmania Legal Aid.

Outcomes and activities in the reporting period include the drafting of new Rules and Regulations, and drafting of new processes and procedures for Court processes.

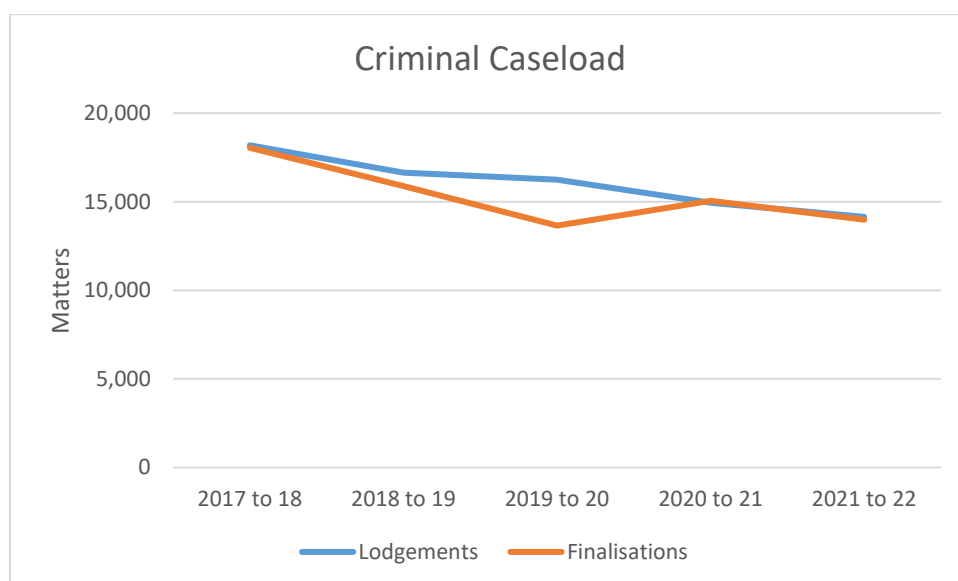
Under the guidance of the magistrates, the reform team has drafted the Criminal and General Division Rules and Regulations. Key stakeholders have provided input on the Rules' content via a working group which consists of legal community representatives from the Law Society of Tasmania, the Tasmanian Bar, Tasmania Legal Aid, Tasmania Police and the Office of the Director of Public Prosecutions.

The project team continues to work closely with the Justice Connect project team to align the development of the Astria IT system with the requirements of the *Magistrates Court (Criminal and General Division) Act 2019*.

Caseload

Lodgements

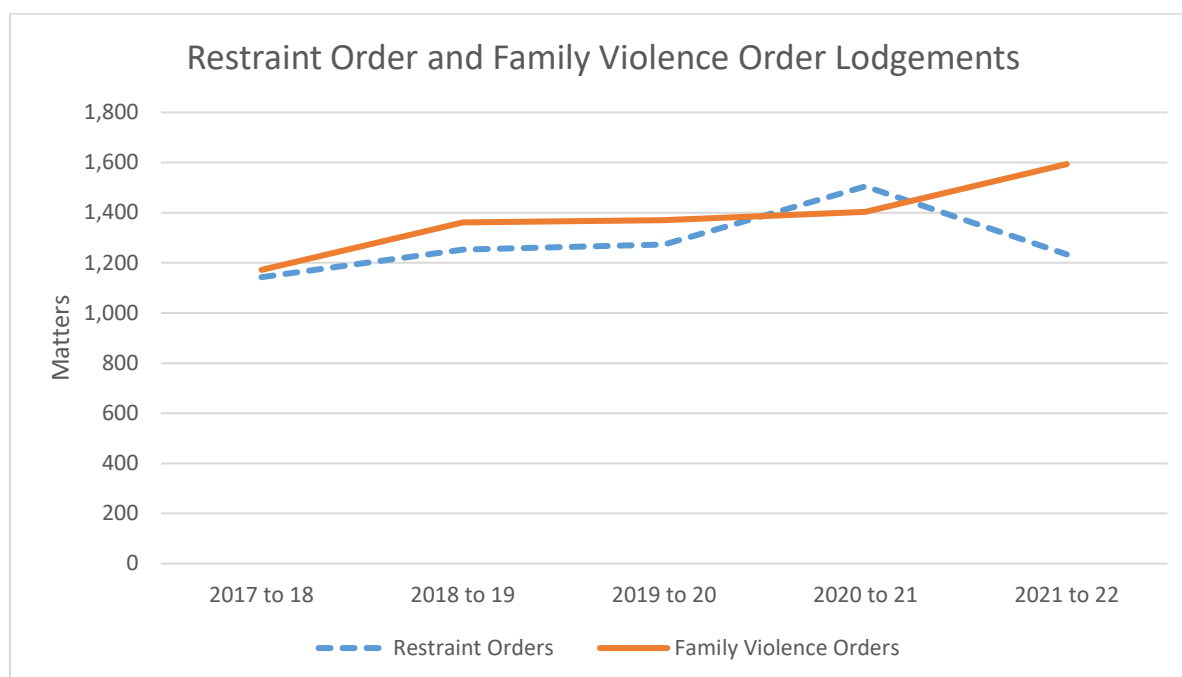
In 2021 to 22, the Court experienced a decrease in adult criminal lodgements of 5.4 per cent. This followed a decrease of 8 per cent in 2020 to 21. There were 14,953 lodgements in the 2020 to 21 year and 14,146 in the 2021 to 22 year. Lodgements have declined each year for the past five financial years. Finalisations also decreased by 7.2 percent in the reporting period.



Lodgements of general civil proceedings increased by 19.1 per cent, in part due to the removal of Covid-19 emergency provisions relating to residential tenancies. Another likely reason for the increase was the cessation of pandemic financial support packages for businesses and individuals.

Lodgements of restraint orders, which are counted as civil lodgements in the Report on Government Services, decreased in the reporting period by 18 percent, following an increase in the 2019 to 20 year of 18.2 per cent.

Family violence order lodgements increased by 13.5 per cent in 2021 to 22, following a smaller increase of 2.5 per cent in the previous reporting period.



Backlog

The adult criminal backlog increased 1.4 per cent in the reporting period, from 7,993 at 30 June 2021 to 8,108 at 30 June 2022. There was an increase in all backlog indicators for adult and youth justice criminal proceedings during the reporting period.

Covid-19 risk mitigation measures continued throughout the reporting period.

Court proceedings in Hobart were disrupted by the short lockdown period October 2021, with matters adjourned to later dates due to closure of the Hobart Magistrates Court on one day. Listings state-wide were affected following the reopening of the State border in December 2021, with an increase in non-attendances and requests for adjournments due to mandatory isolation of people involved in court proceedings.

This increase in adjournments effectively reduced the number of matters that could be finalised in the second half of the reporting period. In addition, some hearings with larger numbers of parties and witnesses involved in proceedings were delayed due to limited availability of courtrooms large enough to accommodate all parties in accordance with physical distancing requirements.

Following the appointment of Burnie-based Magistrate Jago (as she then was) to the Supreme Court on 1 November 2021 and the retirement of Magistrate Hay (Hobart) in July 2021, temporary magistrates were appointed by the Governor to assist with the Court's workload. Whilst every effort was made to minimise the impact of these vacancies, there were periods where no temporary magistrate was appointed. Temporary magistrates are also only able to hear matters which are able to be finalised within the period of their appointment. This limits the matters which they can deal with to shorter matters, and has an effect on the number of matters they can finalise.

With the commencement of the *Justice Miscellaneous (Court Backlog and Related Matters) Act 2020* on 1 July 2021, indictable offences remain before the Magistrates Court for a longer period, before being committed to the Supreme Court for sentence or trial. Prior to the legislative changes indictable matters were committed to the Supreme Court at an earlier

point, and were no longer counted as Magistrates Court matters. Any application for a preliminary proceedings hearing would be determined by the Supreme Court after committal from the Magistrates Court, and if the application was granted, the matter would return to the Magistrates Court for the preliminary proceedings hearing to take place. On completion of the hearing the matter would be returned to the Supreme Court.

The legislative change has affected the way in which indictable matters are counted in backlog statistics, as well as adding the determination of applications for preliminary proceedings hearings to the Magistrates Court's workload. Indictable matters therefore remain for longer in the Magistrates Court, and are counted as part of the Magistrates Court's backlog until the date of committal, which now occurs at a later point in the process.

As noted in previous years, the complexity of matters before the Court has increased with the use of new sentencing options - home detention (with or without electronic monitoring) and community correction orders, which replace the former community service orders and probation orders. Hearings for family violence matters may continue for several days where there are complex issues to consider, as may hearings for complex matters such as trafficking or robberies.

The sentencing process has become more complex after a plea or finding of guilt, and often requires several appearances before a sentence can be imposed. The additional sentencing orders provide the Court with additional and more nuanced options which assist it to address the important principles of sentencing. Many of these matters require detailed reports to be provided to the magistrate to inform sentencing decisions, such as assessments for suitability for electronic monitoring of home detention, or psychologists' reports. The capacity of other services to provide reports, together with the other factors listed above, impacts on the Court's ability to finalise matters.

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

The Court's incoming caseload during the 2021 to 2022 reporting year was as follows:

Case Lodgement Type	Number
Criminal – Adult	14,146
Criminal – Youth Justice	1,286
Family violence order applications	1,594
Restraint order applications	1,234
Child protection applications	699
Civil (minor civil, civil, residential tenancy)	2,153
Miscellaneous applications (adult & youth)	2,662
Breaches of orders (incl. bail, suspended sentence, community service orders)	4,392
Administrative Appeals, Mining Tribunal	13
Coronial	880

Revenue from civil fees increased slightly in 2020 to 21 from the previous year. Since the 2017 to 2018 year civil court fees have dropped by 23 per cent. While there has been a continuing trend of decreasing civil lodgements and general activity in the civil jurisdiction

over the previous ten years, the slight increase in the last reporting period is partly attributable to removal of government policy changes in response to Covid-19, particularly in the residential tenancy area.

Orders for the payment of Court costs in the criminal jurisdiction decreased by \$116,000 or 15 per cent in 2021 to 22 compared with the previous year, which had been the lowest recorded in the past seven years. The 2021 to 2022 Court costs in the criminal jurisdiction are 26 per cent less than in 2017 to 2018. Fees were not increased from 1 July 2021, due to a decision by the State Government to maintain the fee unit at the same level in 2021 to 2022 as for the previous financial year. Court costs may be imposed on the finalisation of a matter, so a decreased rate of finalisations has an effect on the quantum of Court costs.

Court fines are not retained by the Court. In 2021 to 22 the Court imposed \$4,097,000 in fines, 2 per cent more than in the 2020 to 21 year and almost equivalent to the 2018 to 2019 year. Details of the fines, costs, fees and levies imposed by the Court in 2021 to 22 are provided in Court Finances - Table 19.

Preliminary Proceedings

Together with other changes, the commencement of the *Justice Miscellaneous (Court Backlog and Related Matters) Act 2020* (the Backlog Act) on 1 July 2021 transferred the responsibility for determining preliminary proceedings applications from the Supreme Court to the Magistrates Court. Statistics for preliminary proceedings are provided below.

	2021 to 2022
Preliminary Proceeding Order Applications - Lodgements	91
Preliminary Proceeding Orders - Granted	71
Preliminary Proceedings Hearings - Listed	105
<i>Magistrates Court Orders - Listed</i>	62
<i>Supreme Court Orders - Listed¹</i>	43
Preliminary Proceedings Hearings - Completed	90
<i>Magistrates Court Orders - Completed</i>	54
<i>Supreme Court Orders - Completed¹</i>	36

¹ Matters which had commenced in the Supreme Court prior to 1 July 2021.

Country Courts

Country courts, as listed earlier in this report, are held in a number of regional towns at intervals during the year. Country courts allow people in regional communities greater access to justice by reducing the need for and cost of travel to major centres for matters which require only a short appearance.

The Court leases rooms in suitable buildings for this purpose. In certain circumstances these courts are conducted using video conferencing facilities, where the defendants appear in the country courtroom and the magistrate sits in either Launceston or Burnie. The table below shows the number of courts run in each location and whether they were in person or by video link.

There has not been a suitable premises located in Smithton for a court to be convened. The Court continues to work with the Department of Justice in an effort to find an appropriate space to be able to resume sitting in Smithton.

	Frequency	Attendance	Totalittings in 2021 to 22
Scottsdale	Every 6 weeks on Tuesday	In person	8
St Helens	First Wednesday of the month	In person	11
Whitemark, Flinders Island	Quarterly	Video link or in person as required	5 ¹
King Island	Every 8 weeks	Video link or in person as required	13 ¹
Queenstown	Every 8 weeks two to three day visits	In person	14
Smithton	Every 4 weeks	In person ²	11

¹ Includes one in person sitting.

² Currently held in Burnie in person as no building is available in Smithton to hold a court.

Information Technology (IT)

Justice Connect – Astria

The Magistrates Court relies on a number of IT systems to assist it in its work. The CRIMES system is used for the Court's criminal work, the Civil Registry Management System (CRMS) for civil work, and Monash University National Centre for Coronial Information (MUNCCI) and National Coronial Information System (NCIS) for coronial work.

In 2018, the government announced the Justice Connect program, managed by the Department of Justice, which will replace a number of Tasmania's justice IT systems with a new integrated system. During the reporting period a revised implementation period of October 2023 to February 2024 was confirmed for the replacement of CRIMES.

Astria's eCourt module will integrate with modules to be used by the Tasmanian Prison Service and Tasmania Police (for prosecutions), to allow the digital transfer of information.

It is intended that Astria will support the changes to court processes under the new *Magistrates Court (Criminal and General Division) Act 2019*.

Video Conferencing

Video-conferencing is an important element of the Court's goal to increase access to justice. Defendants in custody may be permitted to attend court by video link from any location in Tasmania, and witnesses may attend from Tasmania, interstate or overseas.

Video-conferencing substantially reduces Court costs for witnesses who would otherwise have to travel to attend a hearing. It can also reduce the number of trips a person in custody is required to make from Hobart or Launceston to appear in a court in another

location, significantly reducing the cost, inconvenience and risk associated with such transports.

Provision is made for vulnerable witnesses to give evidence remotely from a protected witness room in a Court building or elsewhere.

To support remote access to courts during the Covid-19 pandemic, fees that would normally be imposed for parties to appear by telephone or video link remained suspended. There has been a significant increase in appearances by audio-visual link during the pandemic.

The Court has been working for some time to increase its video-conferencing capabilities.

Funding of \$1.8 million received in the 2020 to 2021 budget, for upgrades to video-conferencing facilities for the Magistrates Court, Supreme Court and Tasmanian Prison Service, is being used to replace aging equipment and install modern video-conferencing facilities in courtrooms and prison sites.

These upgrades will improve video-conferencing quality for connections with parties external to the Court, including defence lawyers and witnesses, and with prison facilities. Due to the late announcement of the associated budget and technology supply chain issues, no upgrades were made during the reporting period, however all upgrades will be completed in the 2022 to 23 period.

The Court continues to seek funding to bring all of its courtrooms up-to-date with reliable, good quality audio visual equipment. This work includes a strategy to improve video conferencing at country courts as well as at the permanent registries, in order to provide better access to justice to those in more remote regions.

Most courts held on King Island are facilitated by video link, although a magistrate sits in person on King Island when required. The Whitemark Court on Flinders Island is conducted by video link, although a magistrate will sit in person if matters are listed for hearing.

Burnie Court Redevelopment

The current Burnie Court complex, shared by the Supreme Court and the Magistrates Court and located in Alexander Street, Burnie, is old and no longer fit for purpose. As refurbishment of the current site is unviable, a decision was made by the Tasmanian Government to relocate the complex, committing \$40 million to develop a contemporary Court Complex.

Initial plans to redevelop a site on Mooreville Road, previously occupied by the University of Tasmania, were progressed during the reporting period. However, following community feedback the Government decided to further explore options in the Burnie Central Business District. An Expression of Interest was completed in May 2022 and a number of sites identified for further investigation.

The Magistrates Court continues to work with the Department of Justice on planning for a new site and to maintain the current building for continued use prior to relocation.

Court User Groups

Court User Group meetings are held regularly to provide court users with an opportunity to provide feedback to the court and to receive information relevant to their work at the court.

The groups consist of representatives from a range of stakeholders such as the Law Society of Tasmania, the Office of the Director of Public Prosecutions, Tasmania Police, Tasmania Legal Aid, Communities Tasmania, the Law Reform Institute and the Independent Bar.

Topics discussed have included pandemic period arrangements, preparations for implementation of the *Magistrates Court (Criminal and General Division) Act 2019*, court technology upgrades and after-hours court arrangements.

Legal Education and Community Involvement

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

Legal Practice Course

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

Magistrates convene mock courts for two hours every week after court adjourns in the afternoon to introduce law graduates to the courtroom environment in preparation for their entry into legal practice.

The trainees prepare and deliver applications, make submissions, deliver pleas in mitigation, and conduct minor contested hearings. The magistrates provide feedback to the trainees on their delivery, content, and advocacy skills. These exercises form part of the assessment for the unit.

The Criminal Law Practice and Advocacy unit provides invaluable experience for students to appear before real magistrates in a court setting. This aspect of the course is the envy of many interstate jurisdictions.

CourtWatch

As part of the Legal Practice Course CourtWatch program the Magistrates Court usually hosts each trainee for a day to provide them with the opportunity to sit in court with a magistrate and to gain an understanding of the administrative processes of the Court.

Unfortunately, due to Covid-19 this program was not available in 2021 to 22.

Legal Education

As part of a commitment to continuing professional development in the legal profession, and for others who regularly deal with the Court, magistrates often present at seminars and conferences.

Magistrates have given a number of presentations, including the following:

Organisation	Topic	Magistrate
Northern Young Lawyers	<i>Presentation on Advocacy</i>	Magistrate S J Brown
Northern Young Lawyers	<i>Presentation on Family Violence Hearing</i>	Magistrate S J Brown
Tasmanian Police Academy	<i>Crash Investigation Course</i>	Magistrate R B Webster
University of Tasmania – Law School	<i>‘Exercise of Judicial Discretion’</i>	Magistrate J G Hartnett
Elizabeth College – Legal Studies Unit	<i>‘Key features of the adversarial system of justice’ - 25 August 2021</i>	Deputy Chief Magistrate M F Daly
Northern GP Northern Registrars	<i>Medico-Legal Seminar - 25 July 2021</i>	Magistrate D R Fairley
Law Society – Continuing Professional Development	<i>Restricted Licence Applications – 29 July 2021</i>	Magistrate D R Fairley
North West GP Registrars	<i>Medico-Legal Seminar – 24 March 2022</i>	Magistrate D R Fairley
North West Bench Justices	<i>Level 3 Training 29 & 30 March 2022</i>	Magistrate D R Fairley
University of Tasmania – Law School	<i>Working with Offenders - 15 June 2022</i>	Magistrate R J Marron

Staff conduct court tours for school and community groups to provide the general public with a better understanding of the justice system; however, this option was not available during the reporting period due to Covid-19 restrictions.

The Court hosts university students for work experience where possible, giving them the opportunity to experience the administrative operations that support the judicial work of the magistrates, to observe court sessions, and to meet with magistrates.

Access to Justice

Every day, court support services are provided to assist clients who are having difficulty in understanding the Court process or accessing legal advice or representation. While some services are provided through the Magistrates Court and the Department of Justice, many services are provided by external organisations, often on a voluntary basis.

In this section we provide a snapshot of the services and activities that have improved access to justice for people attending court.

Going to Court video series

During the reporting period a new series of videos was developed to demystify the experience of attending the Magistrates Court.

The series of four short videos was developed through collaboration between the Magistrates Court, the Department of Justice, Association for Children with Disability (Tas),

Brain Injury Association of Tasmania, Speak Out Association of Tasmania, Equal Opportunity Tasmania and Tasmania Legal Aid.

The videos' content and scripts were developed in close consultation with participating groups. The videos were filmed at the Hobart Magistrates Court with volunteers from participating organisations generously giving their time to act in the videos.

This collaborative approach ensured that the videos meet the specific needs of the target audience of people with disability and/or low literacy.

Funded by a grant from the Law Foundation of Tasmania, the four videos in the series are:

Preparing for Court - provides viewers with information they need to know before going to court and explains the support services available. A significant focus of this video is to explain the importance of preparing well for court and obtaining the necessary support both in a personal and legal sense.

Arriving at Court - explains the process of arriving at court and the steps an individual needs to take, such as passing through security and making their way to the waiting area.

In the Court - explains the busy nature of the courtroom, court processes and the various people who may be in the courtroom.

After Court - provides a brief summary of the various outcomes that can arise following a court appearance.

The videos will provide a valuable resource for a range of vulnerable Tasmanians who may otherwise have difficulty understanding the requirements and processes of going to Court.

The videos and transcripts are available to view on the Magistrates Court website at https://www.magistratescourt.tas.gov.au/going_to_court/going-to-court-videos.

Disability Access

The Magistrates Court continued to work towards achieving actions in the Tasmanian Government's *Accessible Island: Tasmania's Disability Framework for Action 2018-2021*, with a focus on improving physical access to court buildings, staff training, and better access to information and services. When a need arises, the Court makes adjustments to standard procedures in order to accommodate the needs of people with a disability.

Web site accessibility

During the reporting year accessibility improvements were implemented on the Court's web site, including a dyslexic font feature and the ability to apply the Google Translate function on our site.

Interpreters

Interpreters provide an essential service to the Court and to the administration of justice. The interpreter's role is to remove the language barrier and to put the party in the same position in the proceedings as an English-speaking person. The interpreter is essential to the provision of a fair trial. Interpreters are supplied at the Court's expense and the Court always endeavours to provide the best-qualified, accredited interpreter available. The Court is working towards meeting the National Standards for Working with Interpreters in Courts and Tribunals.

During the reporting period, the Court paid \$64,572 for interpreters, an increase on the 2020 to 21 year when \$46,103 was paid to interpreters.

Witness Intermediary Scheme

The witness intermediary scheme, which commences in 2021 by way of an amendment to the *Evidence (Children and Special Witnesses) Act 2001*, provides for an independent person (or intermediary) to assist the court by assessing a witness's communication and other related needs, preparing an assessment report for the judicial officer, and making recommendations to the court about the most effective means of communicating with the witness.

The scheme has been implemented as a pilot which will operate for three years, at which time it will be evaluated. The pilot is being implemented for children under 18 years and adults who have a communication need, where they are witnesses in sexual offence matters or homicide matters.

Information on matters where intermediaries have been involved during the reporting period is provided in the table following.

	Hobart	Launceston	Devonport	Burnie	Total
Requests for an assessment report <i>s71 Evidence (Children and Special Witnesses) Act 2001</i>	7	1	1	5	14
Ground rules hearings <i>s7K Evidence (Children and Special Witnesses) Act 2001</i>	2	1	0	4	7
Hearings with a witness intermediary <i>s7J Evidence (Children and Special Witnesses) Act 2001</i>	2	3	0	1	6

Community Legal Services

In each region of the State, the Court is assisted by the various Community Legal Services. State-wide services include the Women's Legal Service, the Tasmanian Aboriginal Legal Service, the Environmental Defenders Office and the Tenants Union of Tasmania.

In Launceston, the Launceston Community Legal Centre provides free legal advice and referrals to Tasmania Legal Aid and private practitioners. In Burnie and Devonport, the North West Community Legal Centre provides a similar service.

The Hobart Community Legal Service (HCLS) has offices in Hobart and Bridgewater. Along with the provision of free legal advice, the HCLS provides legal representation for some after-hours and weekend courts and the on-call roster for holiday periods. Their after-hours services are only available in Hobart.

Duty Lawyer Scheme

The Court acknowledges the work of the Law Society of Tasmania, the Centre for Legal Studies and the Hobart Community Legal Service for the continuation of the duty lawyer service in Hobart, which is staffed by newly qualified lawyers on a roster system.

Their services provide assistance to applicants, defendants and respondents who are appearing in the Magistrates Court. They contribute significantly to the efficiency and effectiveness of the Court by providing legal assistance to those who would otherwise have been unrepresented.

Witness Assistance Service

The Witness Assistance Service is a unit within the Office of the Director of Public Prosecutions. The service, which began operating in the Magistrates Court in 2017, is available to provide assistance for a range of serious matters with a particular focus on sexual abuse matters and matters that fall outside the legislative definition of family violence. The service also assists witnesses in the preparation of victim impact statements. The Court has benefitted from the provision of services for court matters, including coronial inquests. The work of the Witness Assistance Service helps meet a gap in services and has resulted in good outcomes for both witnesses and the Court process, since better support for witnesses often means that they are more willing to give evidence and may be able to give better-quality evidence to inform the Court.

Court Chaplaincy

In 2021, a participant in a Tasmanian Clinical Pastoral Education program completed her placement at the Launceston Magistrates Court, providing support to people attending the Court as a part-time volunteer. After successfully completing her placement, she has continued to provide support in Launceston under the auspices of Prison Fellowship Australia.

Save the Children

Save the Children (STC) continues to support and assist state-wide some of the young people who are subject to bail, and young people who have transitioned from Ashley Youth Detention Centre. A STC youth worker interviews the young person and helps them to identify pro-social goals and develop a plan as to how to achieve the identified goals. The STC youth workers will also support the young person to seek legal advice, attend appointments and attend court. A report is prepared to update the Court on the progress being made by the young person. STC will also support the young person to engage in some pro-social recreational activities which provide other options to offending behaviour.

The partnership between STC and the youth court is an invaluable resource, as by collaborating it is possible to achieve better outcomes for some of our very disadvantaged young people who are offending and appearing in court.

Other support services

Other services that actively engage with the Youth Justice Court are Mission Australia, Life without Barriers, the Department of Education and Baptcare. Each offers assistance and support to young people with a range of needs, such as homelessness, alcohol and drug problems, education and training, family breakdown, and mental illness.

Open House Hobart

In November 2021, the Hobart Magistrates Court was once again open for a limited number of public tours for Open House Hobart. This event, hosted by the Tasmanian Chapter of the Australian Institute of Architects, provides members of the public with an opportunity to view buildings of architectural interest.

Participants in the Magistrates Court tours were provided with a behind-the-scenes tour of the building, which features parts of the original Blundstone Boot Factory retained along on the Campbell Street façade. Andrew Shurman, the architect for the Hobart Magistrates Court Building project, generously gave his time and knowledge to support the Court's participation in the event.

Participants gained an understanding of the workings of the Court and its role in delivering justice for all Tasmanians.

Coronial Division

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

A coroner's role is to investigate reportable deaths, fires and explosions. Reportable deaths are primarily those that are sudden, unnatural, unexpected or suspicious. Coroners are required to make recommendations where appropriate and comment on matters related to public health or safety or the administration of justice to help prevent future deaths.

During the reporting period, Magistrate Olivia McTaggart continued her role as the Chief Magistrate's delegate in the Coronal Division and full-time coroner, and Magistrates Simon Cooper and Magistrate Robert Webster undertook full-time duties as coroners. Magistrate Robert Webster made the transition into Coronal in October 2021 and Magistrate Andrew McKee resumed sitting in Criminal and General Lists. On behalf of the Division we would like to take the opportunity to thank Magistrate McKee for his contribution to the Coronal Division over the past 20 months.

The Court is grateful to the many organisations involved in assisting the work of the Coronal Division. In particular, the Court acknowledges the crucial role of the State Forensic Pathologist. Dr Andrew Reid took over the position of Director - Statewide Forensic Medical Services in February 2022. Dr Donald Ritchey and Dr Christopher Lawrence continued with their roles as forensic pathologists.

All levels of Tasmania Police, including the many officers who assist the coroners in their investigations, provide an important service to the Coronal Division. The assistance provided by coroners' associates has been invaluable, and the cooperative manner in which up to 11 associates have integrated themselves at various times into the operations of the Division is central to its operation.

The Coronal Division has now successfully centralised its operations in Hobart. The Northern police sergeant allocated to the Coronal Division has been located in Hobart together with the Hobart sergeant and southern associates and the coroners. This has continued to assist in a marked efficiency in investigations, improved access to the coroners and higher completion rates in comparison with earlier years.

The Coronal Division is also reliant on the important functions played in coronial investigations by the Forensic Science Service Tasmania, Forensic Odontologists, the in-house medical advisor to the coroners, Dr Tony Bell, and the Clinical Nurse Specialist Forensic Pathology, Ms Libby Newman.

Whilst the Covid-19 pandemic continued, the Division continued to operate with the assistance of technology to reduce the need for physical appearances in courtrooms. Coronal inquests continue to require technology for witnesses, family and counsel appearances in court. The remainder of the Coronal Division's work proceeded as normal, but with variations to take into account social distancing requirements. As the bulk of the Coronal Division's work involves investigations but no inquest, investigations into deaths continued to be progressed during the Covid-19 period, and findings and recommendations continued to be published. The Division continued to achieve high completion rates with a rate of 94 per cent in the 2021 to 22 year, reflecting the impact of Covid-19 restrictions, compared with 98 per cent in 2020 to 21.

The Division held 19 inquests finalised during the financial year, some of those were from inquests held in previous financial years.

Inquest Summary

Name of deceased	Cause of death	Inquest details
Todd Carver	Motor Vehicle Accident	Included an examination of the training of Mr Todd Carver in operating the truck and in taking the route as he normally would, and as he did on the night of his death; and overview of the circumstances of the rollover of the truck driven by the deceased. Findings were handed down on 2 July 2021*. Response to recommendations made were received on 23 July 2022*.
Retbe Negga	Workplace	Included an examination into the sequence of events and circumstances that led to Mr Retbe Negga's death. Findings were handed down on 9 August 2021*.
Infant Deaths	Sudden death of six infants and one child	Included an examination of the involvement of the child protection system and risk factors associated with each child. Findings were handed down on 17 November 2021*.
Dwayne Rosendale	Death in Care	Included an examination into the care of Mr Rosendale's mental health by Forensic Mental Health Services. Findings were handed down on 4 November 2021*.
Paul Lowe	Drug Overdose	Included an examination of the sequence of events and circumstances that lead to Mr Lowe's death, his participation in the methadone program, nature of his epilepsy and adequacy of Mental Health Services supervision. Findings were handed down on 2 December 2021*.
Damian Summers	Suicide	Included an examination into Mr Summer's mental health history, his discharge and adequacy of discharge planning. Findings were handed down on 3 December 2021*.
Saeed Hassanloo	Suicide	Included an examination of the circumstances of his suspected death, the adequacy of communication between departments, the adequacy of treatment and care and the ability of staff to deal with presentations of asylum seekers. Findings were handed down on 28 February 2022*.
Mary Collis	Death in Care	Included an examination of Mrs Collis' care, supervision and treatment. Findings were handed down on 18 March 2022*.

Nancy Campbell	Death in Care	Included an examination of Mrs Campbell's care, supervision and treatment. Findings were handed down on 18 March 2022*.
Sandra Shields	Death in Care	Included an examination of Ms Shields' care, supervision and treatment. Findings were handed down on 18 March 2022*.
Rex Rouse	Death in Care	Included an examination of Mr Rouse's care, supervision and treatment. Findings were handed down on 21 March 2022*.
Damien Callinan	Death in Care	Included an examination of Mr Callinan's care, supervision and treatment. Findings were handed down on 13 April 2022*.
Rodney Kirk	Death in Care	Included an examination of Mr Kirk's care, supervision and treatment. Findings were handed down on 13 April 2022*.
Nathan Beesley	Mining Death	Included an examination of the manner and method adopted for "scaling" at the mine as at the date of Mr Beesley's death. Findings were handed down on 21 April 2022*.
Stephen Mawer	Death in Care	Included an examination upon the circumstances leading up to and surrounding Mr Mawer's death and police strategies and actions at the scene. Findings were handed down on 29 April 2022*.
Andre Lavoipierre	Workplace	Included an examination of the circumstances surrounding the death of Andre Lavoipierre, the care supervision and treatment at Richmond Fellowship. Any policies and procedures of Richmond Fellowship for falls. Findings were handed down on 29 April 2022.
Shane Masters	Workplace	Included an examination of the circumstances of Mr Master's accident, best practice in terms of replacing an airbag in that truck and details of the investigation undertaken by Worksafe Tasmania. Findings were handed down on 18 May 2022*.
Darlene Geertsema	Missing Person	Included an examination as to whether Ms Geertsema is deceased, the history of her relationships, statements to relatives and the circumstances of the last sighting. Findings were handed down on 10 June 2022*.
Duggan, Phillip	Suicide	Included an examination as to the sequence of events and circumstances that led to Mr Duggan's death, including the allegation of Family Violence, his mental

		health and firearm discharges. Findings were handed down on 15 June 2022*.
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*Findings and recommendation responses are available on the [Magistrates Court web site](#).

Some findings were handed down after the end of the reporting period.

Falls

During the reporting period 79 findings were handed down in relation to falls, of which 45 were in relation to females and 34 in relation to males.

The table below lists the coronial findings made in the reporting period in respect of deaths of older persons occurring accidentally from falls or injuries in a nursing home, medical setting, and hospital or in their own home.

In each of these cases the coroner investigates the circumstances of the fall or injury to determine whether there are any issues surrounding the care and treatment, connected to the death.

These investigations include a requirement that the aged care facility provide answers to questions regarding falls risk assessments and preventative measures implemented. An independent examination is carried out by the Court's Clinical Nurse Specialist. On occasion the coroners may also seek a medical review of the treatment provided from the coronial medical consultant.

Name of deceased	Cause of death	Inquest details
Joan Sangwell	Bupa Aged Care Facility, South Hobart	Findings handed down on 5 July 2021. The Coroner determined no care issues arose
Margaret Pearson	Mt St Vincent Nursing Home, West Ulverstone	Findings handed down on 7 July 2021. The Coroner determined no care issues arose.
Geva Brinkhoff	Hawthorn Village, Blackmans Bay	Findings handed down on 7 July 2021. The Coroner determined no care issues arose.
Althea Riley	St Ann's Nursing Home, Hobart	Findings handed down on 8 July 2021. The Coroner determined no care issues arose.
Terrence Brain	Freemasons Nursing Home, Lindisfarne	Findings handed down on 14 July 2021. The Coroner determined no care issues arose.
Wayne Johnston	Home	Findings handed down on 14 July 2021. The Coroner determined no care issues arose.
Carmen Cano	Huon Regional Care, Franklin	Findings handed down on 14 July 2021. The Coroner determined no care issues arose, however comments were made in relation to the matter not initially being reported to the Coroner and a medical certificate cause of death being issued when it was a reportable death.

Allan John Daft	Glenview Nursing Home, Glenorchy	Findings handed down on 15 July 2021. The Coroner determined no care issues arose.
Terrence Direen	Home & Geriatrics and Rehabilitation Unit	Findings handed down on 19 July 2021. The Coroner determined no care issues arose.
Leslie John Dobie	Fairway Rise Nursing Home, Lindisfarne	Findings handed down on 20 July 2021. The Coroner determined no care issues arose
Loues Andy Benedetti	Bupa Nursing Home South Hobart	Findings handed down on 29 July 2021. The Coroner determined no care issues arose.
Burnet Edward Ellis	Freemason's Nursing Home, Lindisfarne	Findings handed down on 29 July 2021. The Coroner determined no case issues arose.
Frolly Willcox	Home	Findings handed down on 30 July 2021. The Coroner determined no care issues arose
Barry John Harrold	Home	Findings handed down on 3 August 2021. The Coroner determined no care issues arose.
Vera Halton	Home & RHH	Findings handed down on 3 August 2021. The Coroner determined no care issues arose.
Lynette Maree Fox	Home & LGH	Findings handed down on the 6 August 2021. The Coroner determined no care issues arose.
Muriel Rust	The Gardens, Claremont	Finding handed down on 9 August 2021. The Coroner determined no care issues arose.
Keith Hagg	Japara Riverside Views Aged Care Home, Riverside	Finding handed down on 9 August 2021. The Coroner determined no care issues arose.
Donald Edwards	Home	Findings handed down on 13 August 2021. The Coroner determined no care issues arose.
Faye Gleeson	Respect Aged Care – Eliza Purton, Ulverstone	Finding handed down on 13 August 2021. The Coroner determined no care issues arose.
Sylvia Page	Home	Findings handed down on 16 August 2021. The Coroner determined no care issues arose
Lorraine Page	OneCare Rubicon Grove Aged Care Facility, Port Sorell	Finding handed down on 16 August 2021. The Coroner determined no care issues arose.
Beryl Pridham	Home	Finding handed down on 16 August 2021. The Coroner determined no care issues arose.

Leslie Norris	Home	Finding handed down on 17 August 2021. The Coroner determined no care issues arose.
Elisabeth Weeding	Freemason's Nursing Home	Findings handed down on 17 August 2021. The Coroner determined no care issues arose.
Dorothy Johnson	Home & Campbell Town Hospital	Findings handed down on 19 August 2021. The Coroner determined no care issues arose.
Rodney Grice	Home	Finding handed down on 19 August 2021. The Coroner determined no care issues arose.
Merlene Haigh	Freemasons Nursing Home	Findings handed down on the 20 August 2021. The Coroner determined no care issues arose.
Patricia Blundstone	Shearwater Haven	Findings handed down on 23 August 2021. The Coroner determined no care issues arose.
Yvonne Turner	North West Regional Hospital	Findings handed down on 23 August 2021. The Coroner provided comment that the injuries of the type suffered by Ms Turner are a very severe trauma in elderly people and must be treated appropriately.
Betty Lucas	Barrington Lodge	Findings handed down on 24 August 2021. The Coroner determined no care issues arose.
Jack Painting	Fred French Home	Findings handed down on 24 August 2021. The Coroner determined no care issues arose.
Valerie Addison	Home	Finding handed down on 27 August 2021. The Coroner determined no care issues arose.
Patricia Morgan	St Ann's Nursing Home – Davey Street	Findings handed down on 30 August 2021. The Coroner determined no care issues arose.
Margaret Bower	Umina Park OneCare	Finding handed down on 30 August 2021. The Coroner determined no care issues arose, however did comment that bed brakes were not engaged at the time of her fall. A process has now been implemented that bed brakes are checked before leaving a resident's room.
Antonio Iannitelli	Home	Finding handed down on 31 August 2021. The Coroner determined no care issues arose.
Anita Joy Rollins	Derwent Waters Retirement Village	Findings handed down on 1 September 2021. The Coroner determined no care issues arose.
Brian Shipp	Home	Findings handed down on 19 October 2021. The Coroner determined no care issues arose.

Irene Garth	Home	Finding handed down 21 October 2021. The Coroner determined no care issues arose.
Alec Jack Heffernan	Home	Finding handed down on 22 October 2021. The Coroner determined no care issues arose.
Margaret Green	Uniting AgeWell Newnham	Findings handed down on 1 November 2021. The Coroner determined no care issues arose.
Hui Zhong Ma	Glenview Nursding Home	Findings handed down on 2 November 2021. The Coroner determined no care issues arose.
Barbara McDougall	Queen Victoria Care	Findings handed down on 2 November 2021. The Coroner determined no care issues arose, however there were some gaps in clinical documentation, risk assessment and post-fall processes. The nursing home had taken a number of steps to address the deficiencies identified.
Stuart Hayward	Hawthorn Village Aged Care Facility	Findings handed down on 16 December 2021. The Coroner determined no care issues arose
Mary Whiting	Calvary Sandhill Japara Aged Care	Finding handed down on 4 January 2022. The Coroner determined no care issues arose.
Margaret Kaine	Home	Finding handed down on 10 January 2022. The Coroner determined no care issues arose.
Peter Triffett	Home	Finding handed down on 24 January 2022. The Coroner determined no care issues arose.
Shirley Barnes	St Ann's Nursing Home	Finding handed down on 25 January 2022. The Coroner determined no care issues arose.
Linda Zuk	Mary Ogilvy Nursing Home	Findings handed down on 27 January 2022. The Coroner determined no care issues arose
James Demos	Home, LGH & RHH	Findings handed down on 27 January 2022. The Coroner determined no care issues arose, however commented that it is essential that regard is had to the level of renal function when prescribing anticoagulant medication to any patient.
Marie Piscioneri	Queen Victoria Care	Findings handed down on 28 January 2022. The Coroner determined no care issues arose
Victor Eiszele	Home & Ambulance Tasmania	Findings handed down on 28 January 2022. The Coroner determined no care issues arose.

Donald Kellett	Home	Findings handed down on 3 February 2022. The Coroner determined no care issues arose.
Valma Muir	Home	Findings handed down on 7 February 2022. The Coroner determined no care issues arose.
Marjorie Newall	Coroneagh Park Nursing Home	Findings handed down on 11 February 2022. The Coroner determined no care issues arose
Margaret Butler	LGH & Calvary St Vincent's	Findings handed down on 17 February 2022. The Coroner determined no care issues arose.
Maurice Attwood	Home & Calvary Hospital	Findings handed down on 23 February 2022. The Coroner determined no care issues arose.
Paul Fisscher	Home, LGH & RHH	Findings handed down on 28 February 2022. The Coroner determined no care issues arose.
Alan Maurice Gray	Home	Findings handed down on 1 March 2022. As a result of this investigation Ambulance Tasmania has implemented various measures including (a) provision of education and follow-up for staff in respect of the Medical Priority Dispatch System and (b) introduction of a call-back procedure for AT's State Operations Centre, specifying rules around patient follow-up and call-back in the event of delays in attendance.
Emy Rodriguez	Barrington Lodge	Findings handed down on 1 March 2022. The Coroner determined no care issues arose.
Joyce Freeman	Rivulet Southern Cross Aged Care	Finding handed down on 22 March 2022. The Coroner determined no care issues arose.
Vicki Stephens	Home & RHH	Finding handed down on 23 March 2022. The Coroner determined no care issues arose.
Marjorie Wright	Mt St Vincent Nursing Home	Finding handed down on 25 March 2022. The Coroner determined no care issues arose, however recommended that the RACF in question take steps to ensure that all drug allergies and potential adverse reactions are properly recorded in each resident's records.
Peter Mavromatis	Home	Finding handed down on 25 March 2022. The Coroner determined no care issues arose.
Mathilda Van De Vusse	Home & RHH	Finding handed down on 28 March 2022. The Coroner determined no care issues arose.

Jean Whiteley	Baptcare Karingal Aged Care Nursing Home	Finding handed down on 29 March 2022. The Coroner determined no care issues arose.
Elaine Stanley	LGH	Finding handed down on 20 May 2022. The Coroner determined no care issues arose.
Elvie June Westbury	Respect Aged Care St Anns	Findings handed down 16 May 2022. The Coroner determined no care issues arose.
Patricia Green	Home & RHH	Findings handed down on 23 May 2022. The Coroner determined no care issues arose.
James Franke	Home & RHH	Findings handed down on 23 May 2022. The Coroner determined no care issues arose.
Katherine Borishkewich	Home	Findings handed down on 27 May 2022. The Coroner determined no care issues arose.
Dulcie Mundy	Ningana Nursing Home	Finding handed down on 31 May 2022. The Coroner determined no care issues arose, however did comment that while the falls assessment may not have been correct and that there was some delay by Ambulance Tasmania of her transportation, these issues did not contribute to or cause Mrs Mundy's death.
Thomas Brett	Freemasons Nursing Home	Findings handed down on 31 May 2022. The Coroner determined no care issues arose.

Coronial Education

A particular focus of coroners, coroners' associates and key staff of the Division has been educating legal professionals, medical professionals and the community at large about coronial matters. Over the reporting period, coroners and Coronial Division staff were somewhat limited in being able to provide education sessions with restrictions still in place for most organisations. However some were still able to be facilitated through the use of technology. The following presentations were given by Coroners either via electronic means or in person.

Topic	Magistrate	Date
Education Session provided to Tasmania Police	Coroner Cooper	8 July 2021
Education Session provided to Police Academy	Coroner McTaggart	13 July 2021
Education Session to Legal Practice Course Students	Coroner McTaggart	14 July 2021
Education Session to Emergency Department Nurses at Royal Hobart Hospital	Coroner McTaggart and Coroner Cooper	8 September 2021
Presentation Session to Rotary Club Members	Coroner McTaggart	12 October 2021
Presentation Session to 5th Year Medicine Class	Coroner McTaggart	4 May 2022
Presentation Session for Law Week	Coroner McTaggart and Coroner Cooper	19 May 2022

Responses to Coronial Recommendations

Recommendations are an important part of the coronial jurisdiction and pursuant to section 28(2) of the Act a coroner is required, whenever appropriate, to make recommendations to prevent future deaths. Unlike most other Australian coronial jurisdictions, Tasmania lacks either a statutory or policy-based mandatory response regime to coronial recommendations. Consequently, the status of coronial recommendations in Tasmania is perceived as unclear and there is scope for improvement in this area.

Nevertheless, over the course of the reporting period there were favourable responses from several government departments in response to some coronial recommendations. The Division has been working with government departments to establish voluntary guidelines about the provision of responses to coronial recommendations and has been pleased with the level of co-operation that has been forthcoming from many departments.

Tasmanian Suicide Register

The Tasmanian Suicide Register (TSR) commenced operation in the Coronial Division of the Magistrates Court in 2017. The TSR gathers detailed information on people who die by suicide in Tasmania and the circumstances surrounding their death. The TSR:

- enables detailed analysis of demographics and trends of suicide deaths over time;

- provides data for future policy and planning to inform targeted public health and suicide prevention policy;
- assists in the evaluation of suicide prevention initiatives;
- is accessible to genuine researchers in this field; and
- contributes real-time data to national suicide monitoring initiatives.

Information gathered during the coronial investigation produces the richest source of data from which to understand a suicide death. The TSR is deliberately placed within the coronial setting to assist Tasmanian coroners to understand Tasmanian suicide data in greater detail, enabling them to make findings and recommendations to prevent suicide that are informed by evidence.

Over the past year the following activities associated with the operation of the TSR have taken place:

- completion and release (in conjunction with the Office of the Chief Psychiatrist) of the Second [Report to the Tasmanian Government on Suicide in Tasmania \(2012-2018\)](#);
- completion of coding of closed case suicide deaths from 2012 to 2022;
- provision of state-wide year-to-date statistics to the Tasmanian Suicide Prevention Committee and the Australian Institute of Health and Welfare (Suicide and Self-harm Monitoring Unit);
- meetings of the coronial research committee to facilitate and manage access requests to Tasmanian suicide data from external researchers and research groups; and
- submissions to the Royal Commission into Defence and Veteran Suicide about the operation of the TSR within the context of Tasmania's coronial jurisdiction - [Exhibit B-01.006 - TMS.0000.0001.0001 - Magistrates Court of Tasmania. Response to Notice to Give, NTG-TMS-002 | Royal Commission into Defence and Veteran Suicide](#).

The Court acknowledges the ongoing support for the TSR from the Department of Health and the Department of Justice.

Deaths in Custody

This report is required by section 69(2)(a) of the Act to include information on deaths in custody. During the reporting period there were no deaths in custody reported to the coroner and no inquests into deaths in custody.

Deaths in Care

During the reporting period there were four deaths reported of persons held “in care” as defined in section 3 of the Act. Additionally, during the reporting period four inquests were completed in relation to deaths in care from previous reporting periods.

Deaths in care findings have been published on the [Magistrates Court website](#).

Other Inquests and Findings

All [findings and recommendations](#) considered by coroners to be of public interest are published on the Magistrates Court website. The proportion of investigations subject to public inquest continues to be three to five per cent of reportable deaths, however, this is not proportional to the amount of time it takes coroners, counsel assisting, associates and administrative staff to prepare a matter for inquest, the length of court time required, and the consideration of the matter to the point where findings are completed.

Court Statistics and Performance Indicators

Caseload

Table 1: Summary Figures by Court 2021 to 22

Caseloads		Lodgements		Finalisations	
Courts	No.	Change year on year	No.	Change year on year	
Criminal - Adult					
Criminal complaints ¹	14,146	-5.4%	13,979	-7%	
Breaches of orders ²	4,203	-6.9%	3,878	-11.9%	
Other applications ³	2,567	3.8%	2,217	3.0%	
Criminal – Youth Justice					
Criminal complaints ¹	1,286	16%	950	-11%	
Breaches of orders ²	189	11%	145	-8.8%	
Other applications ³	95	48.4%	84	47%	
Civil					
Civil claims (incl. minor civil, residential tenancy)	2,153	19.1%	2,041	-18.6%	
Family violence order applications	1,594	14%	1,628	6%	
Restraint order applications	1,234	-18%	1,276	-16%	
Civil – Children's Court					
Care and protection applications and orders	699	-7%	667	-7%	
Coroners Court					
Reportable deaths, fires and explosions	880	13.1%	829	8.7%	
Tribunals⁴					
Administrative Appeals	13	-40.9%	48	-19%	
Mining Tribunal	0	0%	0	-100%	
Total	29,059		27,742		

1 In accordance with the Report on Government Services (RoGS) statistics manual, the counting unit adopted for criminal complaints is a defendant per case based unit. This figure includes family violence and intervention order criminal activity (such as the breach of a family violence or intervention order) and not the civil activity (the application of an order) which is set out separately under 'civil'. Full details are provided in Table 5.

2 Breaches of orders include all breaches that are not categorised as criminal activity for national Australian Bureau of Statistics and RoGS reporting purposes. Orders include bail, suspended sentence, probation, and community service (now community correction orders), among others. A breakdown of breaches by order type is provided in Table 10.

3 Applications to grant or vary bail, for restricted driver licence and for other applications.

4 The counting unit adopted for civil claims and tribunals is case based.

Source: CRIMESStats database; Civil Registry Management System (CRMS).

Table 2: Pending Caseload at 30 June 2021 and Backlog Indicator by Selected Courts 2021 to 22

Pending Caseloads and Backlog Indicator ¹	No. Pending Caseload	Change year on year	% aged > 12 Months	Change year on year
Criminal Division Complaints (Adult)	8,108	1.4%	22.5	3.2 pp
Criminal Division Complaints (Youth Justice)	644	74.5%	6.4	1 pp
Civil Division Claims, Family Violence Orders and Restraint Orders	2,444	8.2%	13.0	-3 pp
Children's Court Care and Protection and Supervision Orders	27	-16%	11.1	8 pp
Coroners Court Reportable deaths, fires and explosions	725	7%	44.6	0.3 pp

pp refers to percentage points

¹ This table summarises information provided in Tables 13 and 14. In accordance with the Report on Government Services (RoGS) statistical reporting manual, the pending caseload for civil claims, family violence and intervention orders, and care and protection orders counts only originating matters (eg application for an order) and not secondary processes (eg application to vary an order).

Source: CRIMESStats database; Civil Registry Management System (CRMS).

Table 3: Activity of the Magistrates Court (Criminal, including Youth Justice) by Listing Type 2021 to 22

	No.	Change year on year
Total Listings in the Magistrates Court of Tasmania¹	158,364	-2.2%
Common hearing types²		
Mention Listings	24,519	-6.4%
Application Listings	10,070	-6.9%
Hearing Listings	5,665	0.4%
Plea Listing	62,051	-1.8%
Sentence Listing	31,013	-10.4%
Court Mandated Diversion Reviews	2,766	-4.8%
Contest Mention Listings	2,082	-15.0%

¹ Total listings includes all criminal matters, family violence and child protection applications that appeared before the Magistrates Court, including the Youth Justice jurisdiction, within the relevant reference period. Listings for civil claims are not included.

² Some common listing types have been highlighted in the table above. It should be noted that a plea can be entered or sentences handed down at different stages of court listings, not limited to sentence or plea listings.

Source: CRIMESStats database.

Table 4: Magistrates Court Fines and Fees (incl. Youth Justice Court) 2021 to 22

	(\$'000)	Change year on year
Criminal		
Fines	4,097	2%
Court Costs	641	-15.3%
Appeal Costs Fund Levy	33	-12%
Victims of Crime Compensation Levy	278	-15%
Other Costs ¹	125	-9%
Civil		
Civil Court Fees	457	14%

¹ 'Other costs' include special penalties, analysis fees, and other party costs.

Source: CRIMESStats database; Civil Registry Management System (CRMS), FinanceOne.

Court Statistics

Table 5: Summary Statistics by Court Level 2017 to 18 to 2021 to 22

	2017 to 18	2018 to 19	2019 to 20	2020 to 21	2021 to 22	Change 2020 to 21 To 2021 to 22
Criminal						
Lodgements						
Criminal complaints ¹	18,187	16,641	16,253	14,953	14,146	-5.4%
Breaches of orders ²	4,847	4,975	4,949	4,513	4,203	-6.9%
Applications to grant or vary bail	458	496	625	660	590	-10.6%
Applications for restricted driver licence	532	519	419	408	394	-3.4%
Other applications	982	1,028	1,111	1,405	1,583	12.7%
Finalisations						
Criminal complaints ¹	18,047	15,888	13,654	15,056	13,979	-7.2%
Committal Proceedings	298	322	310	325	286	-12%
Breaches of orders ²	4,403	4,555	4,161	4,401	3,878	-11.9%
Applications to grant or vary bail	297	320	309	539	480	-10.9%
Applications for restricted driver licence	526	520	419	383	398	3.9%
Other applications	821	909	861	1,230	1,339	8.9%
Youth Justice Court						
Lodgements						
Criminal complaints ¹	1,370	1,140	1,063	1,112	1,286	16%
Breaches of orders ²	199	237	201	171	189	11%
Applications to grant or vary bail	55	58	48	29	33	14%
Applications for restricted driver licence	1	1	0	2	3	50%
Other applications	60	52	56	33	59	79%
Finalisations						
Criminal complaints ¹	1,347	1,105	1,027	1,063	950	-11%
Committal Proceedings	12	3	12	14	2	-86%
Breaches of orders ²	209	206	210	159	145	-9%
Applications to grant or vary bail	38	34	23	20	33	65%
Applications for restricted driver licence	1	1	0	1	3	200%
Other applications	49	41	47	36	48	33%

Table 5: Summary Statistics by Court Level 2017 to 18 to 2021 to 22 (cont')

	2017 to 18	2018 to 19	2019 to 20	2020 to 21	2021 to 22	Change 2020 to 21 To 2021 to 22
Civil³						
Lodgements						
Civil claims ³	3,756	3,424	2,545	1,807	2,153	19.1%
Family violence order applications ⁴	1,172	1,361	1,370	1,404	1,594	13.5%
Restraint order applications	1,143	1,253	1,273	1,505	1,234	-18%
Finalisations						
Civil claims ³	3,645	3,670	3,308	2,508	2,041	-18.6%
Family violence order applications	1,073	1,361	1,145	1,534	1,628	6.1%
Restraint order applications	1,146	1,252	1,092	1,519	1,276	-16%
Children's Court						
Care and protection applications lodged	848	983	733	753	699	-7.2%
Care and protection applications finalised	758	897	698	714	667	-606%
Coroners Court						
Reported deaths and fires lodged	598	654	751	778	880	13.1%
Reported deaths and fires finalised	605	568	722	763	829	8.7%
Tribunals³						
Lodgements						
Administrative Appeals	36	38	14	22	13	-40.9%
Mining Tribunal	4	0	2	0	0	0%
Finalisations						
Administrative Appeals	39	20	38	59	48	-18.6%
Mining Tribunal	1	0	0	2	0	-100%

1 In accordance with the Report on Government Services (RoGS) statistics manual, the counting unit adopted for criminal complaints is a defendant per case based unit. This figure includes family violence and intervention order criminal activity (such as the breach of a family violence or intervention order) and not the civil activity (the application for an order) which is set out separately under 'civil'.

2 Breaches of orders include all breaches that are not categorised as criminal activity for national Australian Bureau of Statistics and RoGS reporting purposes. Orders include bail, suspended sentence, probation, and community service (now community correction orders), among others. A breakdown of these breaches by order type is provided in Table 10.

3 The counting unit adopted for civil claims and tribunals is case based.

4 Family violence order application lodgements do not include the sub-category 'Other applications regarding family violence order', a new category in 2017 to 18, in order to maintain consistency with past Annual Reports. From 2018 to 19, the included categories were expanded for this report and for RoGS. Therefore, results shown are not directly comparable to previous years.

Source: CRIMESStats database; Civil Registry Management System (CRMS); MUNCCI Coronial database.

Table 6: Family and Domestic Violence Summary Statistics 2017 to 18 to 2021 to 22

Family Violence Orders (FVO)	2017 to 18	2018 to 19	2019 to 20	2020 to 21	2021 to 22	Change 2020 to 21 To 2021 to 22
Application to grant an FVO						
Lodgements	648	747	771	814	883	8%
Finalisations	627	780	648	916	929	1%
Application to extend or vary a Police FVO						
Lodgements	277	326	312	272	347	28%
Finalisations	227	311	242	292	352	21%
Application to extend or vary a Police FVO						
Lodgements	151	176	186	190	239	26%
Finalisations	117	167	164	207	234	13%
Application to revoke an FVO						
Lodgements	24	42	28	43	45	5%
Finalisations	29	38	25	39	40	3%
Application to revoke a Police FVO						
Lodgements	49	64	70	78	76	-3%
Finalisations	53	59	65	73	70	-4%
Application to register an interstate FVO						
Lodgements	19	5	2	2	0	-100%
Finalisations	19	5	1	2	0	-100%
Other applications regarding FVOs						
Lodgements	4	1 ¹	1	5	4	-20%
Finalisations	1	1 ¹	0	5	3	-40%
Breach of FVOs and Police FVOs²						
Lodgements	803	803	804	839	943	12.4%
Finalisations	748	738	752	869	832	-4.2%

¹ Incorrect figures for the period 2018 to 19 were reported in the 2020-21 Annual Report.

² 'Breaches' refer to charges under the Family Violence Act 2004, Section 35 (1).

Source: CRIMESStats database

Table 7: Children - Care and Protection Summary Statistics 2017 to 18 to 2021 to 22

Care and Protection Orders (CPOs)	2017 to 18	2018 to 19	2019 to 20	2020 to 21	2021 to 22	Change 2020 to 21 To 2021 to 22
Application for a CPO assessment						
Lodgements	201	256	200	189	160	-15%
Finalisations	178	228	171	188	166	-12%
Application to grant a CPO393						
Lodgements	311	393	236	262	194	-26%
Finalisations	304	352	267	266	187	-30%
Application to extend or vary a CPO						
Lodgements	197	211	177	194	212	9%
Finalisations	180	219	160	173	189	9%
Application to revoke a CPO						
Lodgements	18	13	17	20	19	-5%
Finalisations	16	15	14	17	15	-12%
Other applications regarding CPOs						
Lodgements	121	110	103	88	114	30%
Finalisations	80	83	86	70	110	57%

Source: CRIMESStats database

Table 8: Restraint Order Summary Statistics 2017 to 18 to 2021 to 22

Restraint Orders (ROs)	2017 to 18	2018 to 19	2019 to 20	2020 to 21	2021 to 22	Change 2020 to 21 To 2021 to 22
Application to grant an RO						
Lodgements	1,064	1,180	1,197	1,418	1,166	-17.8%
Finalisations	1,065	1,178	1,032	1,431	1,197	-16.4%
Application to extend or vary an RO						
Lodgements	54	53	52	61	44	-27.9%
Finalisations	51	52	42	64	49	-23.4%
Application to revoke an RO						
Lodgements	22	19	24	21	24	14.3%
Finalisations	26	21	18	19	30	57.9%

Restraint Orders (ROs) (cont'd)	2017 to 18	2018 to 19	2019 to 20	2020 to 21	2021 to 22	Change 2020 to 21 To 2021 to 22
Other applications regarding ROs						
Lodgements	3	1	0	5	0	-100%
Finalisations	4	1	0	5	0	-100%
Breach of an RO or Interim RO¹						
Lodgements	100	125	88	108	94	-13%
Finalisations	104	109	111	105	83	-21%

¹ 'Breaches' refer to charges under the Justices Act 1959, Section 1061 (1).

Source: CRIMESStats database

Table 9: Criminal Matters by Court Level and Selected Offence Types 2017 to 18 to 2021 to 22

	2017 to 18	2018 to 19	2019 to 20	2020 to 21	2021 to 22	Change 2020 to 21 To 2021 to 22
Magistrates Court (Adult)						
Crimes against the person						
Lodgements	3,240	3,294	2,861	2,781	2,906	4%
Finalisations	3,032	2,932	2,427	2,220	2,106	-5%
Property and deception offences						
Lodgements	2,611	2,398	2,604	1,998	2,183	9%
Finalisations	2,620	2,344	2,075	2,141	1,929	-10%
Drug offences						
Lodgements	1,265	1,173	1,162	1,047	786	-25%
Finalisations	1,192	1,125	946	1,078	879	-18%
Public order and security offences						
Lodgements	1,628	1,567	1,959	1,876	1,671	-11%
Finalisations	1,588	1,436	1,685	1,602	1,582	-1%
Traffic and other offences						
Lodgements	7,616	6,596	5,982	5,668	4,954	-13%
Finalisations	8,072	6,802	5,371	5,842	5,392	-8%
Justice procedure offences						
Lodgements	1,656	1,479	1,446	1,408	1,493	6%
Finalisations	1,690	1,402	1,355	1,544	1,452	-6%

Criminal Matters by Court Level and Selected Offence Types (cont'd)	2017 to 18	2018 to 19	2019 to 20	2020 to 21	2021 to 22	Change 2020 to 21 To 2021 to 22
Other offences						
Lodgements	171	134	239	175	150	-14%
Finalisations	157	169	105	229	139	-39%
Youth Justice						
Crimes against the person						
Lodgements	362	265	266	315	323	3%
Finalisations	339	273	238	235	216	-8%
Property and deception offences						
Lodgements	572	508	399	322	531	65%
Finalisations	577	472	421	325	340	5%
Drug offences						
Lodgements	54	37	46	52	32	-38%
Finalisations	54	40	37	54	28	-48%
Public order and security offences						
Lodgements	215	162	210	248	239	-4%
Finalisations	206	163	190	231	174	-25%
Traffic and other offences						
Lodgements	112	116	85	94	97	3%
Finalisations	124	112	86	113	97	-14%
Justice procedure offences						
Lodgements	48	46	46	76	52	-32%
Finalisations	55	41	50	82	44	-46%
Other offences						
Lodgements	7	6	11	5	12	140%
Finalisations	78	4	5	15	4	-73%

Source: CRIMESStats database

Table 10: Breaches of Orders and/or Order Conditions 2017 to 18 to 2021 to 22

	2017 to 18	2018 to 19	2019 to 20	2020 to 21	2021 to 22	Change 2020 to 21 To 2021 to 22
Magistrates Court (Adult)						
Breach of bail						
Lodgements	3,849	3,886	4,062	3,836	3,649	-4.9%
Finalisations	3,533	3,482	3,295	3,655	3,314	-9.3%
Breach of suspended sentence						
Lodgements	624	676	614	532	405	-23.9%
Finalisations	552	614	588	522	388	-25.7%
Breach of Community Correction orders¹						
Lodgements	183	286	131	36	17	-52.8%
Finalisations	177	332	174	100	53	-47%
Other breaches						
Lodgements	191	127	142	109	132	21.1%
Finalisations	141	127	104	124	123	-0.8%
Youth Justice						
Breach of bail						
Lodgements	135	148	117	115	140	21.7%
Finalisations	144	131	139	105	98	-6.7%
Breach of suspended sentence						
Lodgements	22	35	29	20	23	15%
Finalisations	23	32	30	23	20	-13%
Breach of Community Service orders						
Lodgements	29	24	17	6	14	133.3%
Finalisations	28	26	15	4	16	300%
Other breaches						
Lodgements	13	30	38	30	12	-60%
Finalisations	14	35	26	27	11	-59.3%

¹ Previously reported 'Breach of Supervision orders' now incorporated within Breach of Community Correction Orders and Contravention of Community Service Orders.

Source: CRIMESStats database

Coronial Division Statistics

Table 11: Coronal – Summary of Coronal Activity 2017 to 18 to 2021 to 22

Deaths reported to the Coroner	2017 to 18	2018 to 19	2019 to 20	2020 to 21	2021 to 22	Change 2020 to 21 To 2021 to 22
Lodgements	598	654	751	778	880	13.1%
Deaths in Custody or Care	2	10	10	4	4	0%
Fires/Explosions	0	0	0	0	0	0%
Number of inquests held	19	23	14	22	19	-14%
Number of cases closed	605	568	722	763	829	8.7%

Table 12: Coronal – Inquests and Investigations Completed 2017 to 18 to 2021 to 22

	2017 to 18	2018 to 19	2019 to 20	2020 to 21	2021 to 22
Aircraft	3	0	1	0	0
Deaths in Custody or Care	2	12 ¹	6	10	12
Domestic Accident	7	3	0	4	1
Drowning	6	5	10	4	11
Drug Overdose	22	14	28	30	24
Fall	42	69	93	105	84
Homicide	6	5	8	6	4
Hospital	19	31	32	27	23
House Fire	2	1	2	3	2
Marine Fatality	0	0	5	0	0
Industrial Accident	4	7	1	2	5
Mining	0	0	0	0	2
Natural	320	292	357	388	491
Other	19	20	28	42	30
Sudden Infant Death Syndrome (SIDS)/ Sudden unexpected death in infancy (SUDI)	2	3	2	1	3
Skeletal Remains	n/a	n/a	n/a	4	3
Suicide	87	64	73	91	64
Undetermined Causes	29	18	28	20	21
Vehicle Crash	35	25 ²	48	26	49
Total	605	568	722	763	829

1 One case included as a suicide

2 Does not include two industrial transport fatalities – they are included in the Industrial Accident category

Performance Indicators

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

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

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

Backlog Indicator

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

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

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

The backlog indicator measures the Court’s pending caseload against timeliness standards and the Court’s performance is set out in Tables 13 and 14.

Table 13: Criminal Pending Caseload at 30 June 2022 and Backlog 2017 to 18 to 2021 to 22

Pending Caseload ¹	2017 to 18	2018 to 19	2019 to 20	2020 to 21	2021 to 22	Change 2020 to 21 To 2021 to 22
Magistrates Court						
Total lodged pending completion	7,788	7,477	9,401	7,993	8,108	1.4%
Between 6 and 12 months	1,650	1,560	2,035	1,974	1,976	0.1%
Greater than 12 months	1,166	1,130	1,585	1,544	1,822	18%
Backlog Indicator						
% greater than 6 months	36.2	36.0	38.5	44.0	46.8	2.8 pp
% greater than 12 months	15.0	15.1	16.9	19.3	22.5	3.2 pp
Youth Justice Court						
Total lodged pending completion	413	395	414	369	644	74.5%
Between 6 and 12 months	55	78	58	58	123	112.1%
Greater than 12 months	29	30	35	20	41	105%
Backlog Indicator						
% greater than 6 months	20.3	27.3	22.5	21.1	25.5	4.4 pp
% greater than 12 months	7.0	7.6	8.5	5.4	6.4	1 pp

pp refers to percentage points

¹ In accordance with the Report on Government Services (RoGS) statistics manual, the counting unit adopted for criminal complaints is a defendant per case based unit. This figure includes family violence and intervention order criminal activity (such as the breach of a family violence or intervention order) and not the civil activity (the application of an order) which is set out separately under 'Civil Magistrates Court' in Table 14.

Source: CRIMESStats database

Table 14: Civil Pending Caseload at 30 June 2022 and Backlog Indicator 2017 to 18 to 2021 to 22

Pending Caseload ¹	2017 to 18	2018 to 19	2019 to 20	2020 to 21	2021 to 22	Change 2020 to 21 To 2021 to 22
Civil Magistrates Court						
Total lodged pending completion	3,547	3,648	2,989	2,258	2,444	8.2%
Between 6 and 12 months	1,072	1,158	1,084	472	721	52.8%
Greater than 12 months	378	493	477	362	317	-12.4%
Backlog Indicator						
% greater than 6 months	40.9	45.3	52.2	36.9	42.5	5.6 pp
% greater than 12 months	10.7	13.5	16	16	13	-3 pp
Children's Court						
Total lodged pending completion	66	84	46	32	27	-16%
Between 6 and 12 months	13	15	8	10	9	-10%
Greater than 12 months	11	16	14	1	3	200%
Backlog Indicator						
% greater than 6 months	36.4	36.9	47.8	34.4	44.4	10 pp
% greater than 12 months	16.7	19.0	30.4	3.1	11.1	8 pp
Coroners Court						
Total lodged pending completion	553	638	669	679	725	6.8%
Between 12 and 24 months	145	174	130	165	161	-2.4%
Greater than 24 months	81	98	102	136	162	19.1%
Backlog Indicator						
% greater than 12 months	40.9	42.6	34.7	44.3	44.6	0.3 pp
% greater than 24 months	14.6	15.4	15.2	20.0	22.3	2.3 pp

pp refers to percentage points.

¹ In accordance with the Report on Government Services (RoGS) statistics, the pending caseload for civil claims, family violence and intervention orders, and care and protection orders counts only originating matters (eg application for an order) and not secondary processes (eg application to vary an order).

Source: CRIMEStats database, Civil Registry Management System (CRMS).

Clearance Rate

The clearance rate is an indicator of efficiency in processing the inflow of cases through the Court and has been agreed upon 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 17.

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

The following should assist in understanding the clearance rate:

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

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

Table 15: Criminal Disposals by Court Level 2017 to 18 to 2021 to 22

Criminal Disposals ¹	2017 to 18	2018 to 19	2019 to 20	2020 to 21	2021 to 22	Change 2020 to 21 To 2021 to 22
Magistrates Court						
Total finalised cases	18,047	15,888	13,654	15,381	14,265	-7%
Cases finalised in 6 and 12 months	4,566	3,830	3,323	4,509	3,574	-21%
Cases finalised after 12 months	3,632	2,985	2,647	3,344	3,482	4%
Disposal Indicator						
% greater than 6 months	45.4	42.9	43.7	51.1	49.5	-1.6 pp
% greater than 12 months	20.1	18.8	19.4	21.7	24.4	2.7 pp
Youth Justice Court						
Total finalised cases	1,347	1,105 ²	1,015	1,083	959	-11%
Cases finalised in 6 and 12 months	300	280	209	263	230	-13%
Cases finalised after 12 months	130	86	112	80	110	38%
Disposal Indicator						
% greater than 6 months	31.9	33.2	31.6	31.7	35.5	3.8 pp
% greater than 12 months	9.7	7.8	11.0	7.4	11.5	4.1 pp

pp refers to percentage points

¹ In accordance with the Report on Government Services (RoGS) statistics manual, the counting unit adopted for criminal complaints is a defendant per case based unit. This figure includes family violence and intervention order criminal activity (such as the breach of a family violence or intervention order) and not the civil activity (the application of an order) which is set out separately under 'civil' in Table 16.

² In 2018 to 19, this figures was incorrectly published as 1,102.

Source: CRIMESStats database

Table 16: Civil Disposals by Court Level 2017 to 18 to 2021 to 22

Civil Disposals ¹	2017 to 18	2018 to 19	2019 to 20	2020 to 21	2021 to 22	Change 2020 to 21 To 2021 to 22
Magistrates Court						
Total finalised cases	5,760	6,283	5,916	5,561	4,945	-11.1%
Cases finalised in 6 and 12 months	1,960	1,964	1,734	1,332	1,043	-21.7%
Cases finalised after 12 months	752	1,073	1,109	952	618	-35.1%
Disposal Indicator						
% greater than 6 months	47.1	48.3	48.1	41.1	33.6	-7.5 pp
% greater than 12 months	13.1	17.1	18.7	17.1	12.5	-4.6 pp
Children's Court						
Total finalised cases	406	448	344	321	231	-28%
Cases finalised in 6 and 12 months	34	62	52	36	40	11%
Cases finalised after 12 months	18	36	44	37	8	-78%
Disposal Indicator						
% greater than 6 months	12.8	21.9	27.9	22.7	20.8	-1.9 pp
% greater than 12 months	4.4	8.0	12.8	11.5	3.5	-8 pp
Coroners Court						
Total finalised cases	605	568	722	763	829	8.7%
Cases finalised in 12 and 24 months	196	183	171	238	214	-10.1%
Cases finalised after 24 months	138	66	130	125	135	8%
Disposal Indicator						
% greater than 12 months	55.2	43.8	41.7	47.1	42.1	-5.5 pp
% greater than 24 months	22.8	11.6	18.0	16.4	16.3	-0.1 pp

pp refers to percentage points

¹ In accordance with the RoGS statistics manual, the Civil Magistrates Court and Children's Court pending caseload for civil claims, family violence and intervention orders, and care and protection orders counts only originating matters (eg application for an order) and not secondary processes (eg application to vary an order).

Source: CRIMESStats database, Civil Registry Management System (CRMS).

Table 17: Criminal and Civil Clearance Rates by Court 2017 to 18 to 2021 to 22

	2017 to 18	2018 to 19	2019 to 20	2020 to 21	2021 to 22	Change 2020 to 21 To 2021 to 22
Criminal						
Magistrates Court	100.9	97.4	85.9	102.9	100.8	-2.1 pp
Youth Justice Court	98.3	96.7	95.5	97.4	74.6	-22.8 pp
Civil						
Civil Magistrates Court	99.2	104.1	114.0	117.9	99.3	-18.6 pp
Children's Court	116.3	112.3	141.6	117.2	117.9	0.7 pp
Coroners Court	101.2	87.0	96.1	98.1	94.2	-3.9 pp

pp refers to percentage points

Source: CRIMESStats database, Civil Registry Management System (CRMS).

Attendance Index

The attendance index is based upon the number of court attendances required to resolve a matter and has been identified nationally as an appropriate effectiveness measure. Table 18 shows the Court's performance against this measure.

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

This year's Report presents the total number of finalisations during the year and the number of attendances associated with these matters (no matter when the attendance occurred). This approach simply represents an average number of attendances per finalisation. In the context of the attendance indicator, it is important to note that Alternative Dispute Resolution (ADR) can resolve matters out of court and reduce court attendances.

Table 18: Criminal and Civil Attendance Indicator by Court 2017 to 18 to 2021 to 22

	2017 to 18	2018 to 19	2019 to 20	2020 to 21	2021 to 22	Change 2020 to 21 To 2021 to 22
Criminal						
Magistrates Court	4.4	4.5	4.8	5.0	5.1	0.1 pp
Youth Justice Court	5.5	5.6	5.8	5.1	5.5	0.4 pp
Civil						
Civil Magistrates Court	1.3	1.4	1.6	1.9	2.0	0.1 pp
Children's Court	4.6	4.7	4.5	4.0	3.9	-0.1 pp
Coroners Court	3.1	4.4	5.3	3.5	3.6	0.1 pp

pp refers to percentage points

Source: CRIMESStats database, Civil Registry Management System (CRMS).

Court Finances

The Magistrates Court contributes to the Department of Justice output entitled 'Administration of Justice'. The Court orders the payment of fees and fines, which are set out in Table 19. The Court's expenditure is set out in Table 20.

The totals in Table 20 include expenditure from the Consolidated Revenue Fund and Reserved By Law.

Table 19: Magistrates Court Fines and Fees (including Youth Justice Court) 2017 to 18 to 2021 to 22

	2017 to 18 Actuals \$,000	2018 to 19 Actuals \$,000	2019 to 20 Actuals \$,000	2020 to 21 Actuals \$,000	2021 to 22 Actuals \$,000	Change 2020 to 21 To 2021 to 22 \$,000
Criminal						
Fines	4,861	4,093	3,525	3,997	4,097	2%
Court Costs	871	789	701	757	641	-15%
Appeal Costs Fund Levy	33	39	35	37	33	-12%
Victims of Crime Compensation Levy	326	314	290	325	278	-15%
Other Costs ¹	247	214	117	138	125	-9%
Civil						
Civil Court Fees	593	548	418	402	457	13.9%

¹Other costs' includes special penalties, analysis fees, and other party costs.

Source: CRIMESStats database, Civil Registry Management System (CRMS), FinanceOne

Table 20: Expenditure by Outlay – Magistrates Court Services 2017 to 18 to 2021 to 22

	2017 to 18 Actuals \$,000	2018 to 19 Actuals \$,000	2019 to 20 Actuals \$,000	2020 to 21 Actuals \$,000	2021 to 22 Actuals \$,000
Salaries of Magistrates and Staff	9,302	9,681	9,751	10,711	10,726
Other Employee Related Expenses	353	367	374	333	357
Information Technology	349	413	455	544	553
Materials Supplies & Equipment	119	96	144	137	101
Travel and Transport	331	328	260	306	348
Property Expenses	1,903	1,850	2,196	2,081	2,211
Other Expenditure	1,377	1,392	1,751	1,808	1,657
Consultants	5	13	10	23	35
Total	13,719	14,142	14,941	15,943	15,988