Local Court of New South Wales

Diversionary and other schemes in the Local Court – the conflict of ideology

Reasonable Cause Criminal Law CLE Conference
28th March 2015

Presented by Judge Graeme Henson
Chief Magistrate of New South Wales

Despite the jurisdictional limitations operating within the Local Court, sentencing is a complex exercise. One of my colleagues on the District Court who took the time to look at the complexity of sentencing in the Local Court was, it is fair to say, astonished by the internal complexity and seeming contradictions. It is not my purpose to re state his honour's observations simply to draw your attention to his learned observations as part of the contextual perspective of the Local Court environment. If you have access to the Judicial Commission website (JIRS) you may wish to look at a paper prepared by Judge Berman for the 2013 Local Court Annual Conference. It will also be wise each year to look at some of the other regular papers presented at the Courts Annual Conference as a short cut method of keeping yourself up to date with changes to the Criminal Law, accommodatingly reduced to shorter form by a Judge of the Supreme Court for the benefit of the court as a whole.

Outside such learned observations those of you with a particular interest in the application of the criminal law in the Local Court might also consider working your way through the Case Law Web site for Local Court decisions or in the alternative through the judgments section on the Judicial Commission web site. However you inform yourself however one thing is clear – the programme of ongoing judicial education, the broadening of the diversity of the bench of the Local Court and the peer expectations within the Court in terms of the pursuit of excellence will require each and every one of you to properly prepare yourselves for an appearance before a magistrate.

Those who think it does not really matter, there is always an appeal will not do either the court or their client or the quality of justice any favours by appearing unprepared, unsupported by authority where necessary and unknowing of the possible permutations and proper practices within the Court. Having delivered the short homily I turn to the various outcomes possible within the Criminal jurisdiction of the Court. Although I was asked to talk about diversionary programmes, and I will, this avenue is but a small part of the overall considerations a Court must consider in its day-to-day activities.

Let me start with the ultimate diversionary programme in the minds of the legal profession, and increasingly in the mind of unrepresented litigants – Section 10 of the Crimes (Sentencing Procedure) act 1999.

Cobiac –v- Liddy[1], R –v- Ingrassia[2], Thornloe –v- Filipowski [3], Guideline Judgment on HRPCA[4] or others, take your pick the common thread for a courts consideration is invariably reference to ***special circumstances*** *to avoid the rigidity of inexorable law*[5] or referral to such a situation with approval in another context. In an area involving the exercise of discretion within the sentencing environment it is of course both unlikely and unwise to attempt to be prescriptive. Regrettably in submissions to the Court for consideration under Section 10 the seemingly clear observation that there ought be something special in the circumstances that might lead to such an outcome is swapped for the everyday. Such a perspective arises more often than not in traffic matters involving the prospect of a loss of license impacting on employment or in minor drug matters.

My view regarding the creation of special circumstances created in relation to the possession of small quantities of a prohibited drug against the background of the government sanctioned Adult Cannabis Cautioning Scheme and the High Court decision in **R –v- Adams [6]** is probably well enough known not to require further explanation. This is an area where a diversion programme of a non-legislative kind feeds into the discretionary area of the sentencing process.

License disqualification is sufficiently significant area of consideration within the Court to warrant a reminder in relation to the applicability of Section 10. There are a number of authorities that make it clear that it is contrary to law to resort to Section 10 as a means of avoiding a particular consequence of conviction. Such was the clear message at paragraph [133] of the Guideline

[1] (1960) 119 CLR 257 at 269
[2] (1997) 41NSWLR 447 at 449,
[3] (2001) 52 NSWLR
[4] [2004] CCA 303 at [121] or [130-[134]
[5] Cobiac and Liddy at 269
[6] R-v- Adams [2008] HCA at [29]

Judgment and with perhaps greater clarity in the appeal against *excessive leniency* through the use of Section 10 that came before my brother Judge Nielsen DCJ in **R-v- Handford**[7] wherein his honour said:

"it is well settled law that it is impermissible to use S.10 in order to merely circumvent the operation of a statute. It is improper and undesirable to dismiss a matter under S.10 without a conviction merely to avoid some legislative provision which is otherwise applicable."

Handford was a case related not to drink driving, but to driving whilst suspended. However, it is informative of two things – persuasive advocacy on the basis of a loss of license leading to a secondary form of penalty, such as loss of employment where the offender is otherwise undeserving is an argument that may lead a court into an error of law, secondly the success may be temporary given the right of appeal against such leniency vested in the prosecution.

Outside first offence minor drug possession matters and driving prosecutions the most referenced case used in the Local Court regarding the approach that needs to be taken in considering Section 10 is **Hoffenberg –v- The District Court of NSW**[8]**.** It is worth re-reading if only to acquaint advocates with the need for the sentencing court to consider submissions for leniency under these provisions in accordance with the identified statutory provisions. Having got that off my chest I turn to the publicised topic.

As purists within the legal system we tend to view the development of sentencing law and outcomes from the lofty perspective of appeal Courts and superior jurisdictions. It is there that the fine-tuning is applied to the various statutory expressions governing approach to sentencing within the criminal jurisdiction. In New South Wales it is there that we look for curial support for

[7] R-v-Handford DC 20.11.12
[8] Hoffenberg –v- The District Court of NSW [2010] NSWCA 142

legislative directions and for the road map that is intended to guide courts at all levels in their search for the instinctive synthesis.

For instance the primacy of the Crimes (Sentencing Procedure) Act 1999 in sentencing law has been recognized in the Guideline Judgment on High Range Drink Driving[9], in which Howie J said:

> *"The Act [Crimes (Sentencing Procedure) Act] provides that the sentencing practice, principles and penalty options that operate in all courts exercising State Jurisdiction. There are also the sentencing principles and practices that have been preserved by the provisions of the Act."*[10]

In one sense there is a view that the approach on sentence is the same irrespective of the level of jurisdiction in which an accused person finds him or herself. The reality is somewhat different.

For many years Governments through a combination of policy decisions have used the flexibility that resides within the Local Court or legislated interventions to address many of the issues related to criminal offending behaviour that the hard taskmaster of sentencing for serious indictable offences makes difficult if not impossible in higher jurisdictions. Those opportunities can be grouped together under the umbrella description of "Diversion or Intervention Programs". Within that generic description live the subsets of Restorative and Therapeutic justice, wordplays of spin doctors which do not always describe what they are intended to depict but which have become sufficiently well known to be understood by legal practitioners and others involved in these various processes.

It is perhaps easier to describe the variety of programs as specialist programs. Commonly they are described as being aimed to improve the outcome for offenders, victims and the community by enhancing the processes relative to sentencing. In some instances, such as the MERIT program, offending is an irrelevant consideration. The operative mechanism is

[9] Application by the Attorney General under S.37 of the Crimes (Sentencing Procedure) Act 1999, (2004) 61 NSWLR 305
[10] Note 1 at 318

the charging process itself. Access to the program is not dependent on the traditional answer to the question of guilt or innocence.

Against that background I move to describe the various approaches that currently find favour within government and through that avenue, application within the Local Courts in New South Wales. The MERIT program is an appropriate place to start.

Magistrates Early Referral into Treatment Program

Known by the acronym MERIT, the Magistrate's Early Referral into Treatment Program is the most widely spread diversionary option within the Local Court jurisdiction. The program commenced at Lismore Local Court as a trial project in 2000. It is now available at more than 60 courts across the State, and in 2014 1304 individuals (about 65 percent of those entering the program) successfully completed MERIT.

MERIT is a Commonwealth and State initiative and funding is provided through the National Illicit Drug Strategy. The Court works in partnership with the New South Wales Attorney General's Department, New South Wales Police Force, New South Wales Health and Probation and Parole in the expansion and development of the program.

It operates as a pre plea three-month drug treatment and rehabilitation program that provides adult defendants with an opportunity to break the drug-crime related cycle that is designed to allow defendants to focus on treating drug and related health problems independently from their legal matter. When an application is made to a magistrate for entry into the program the Court will stand the matter down in the list and direct the accused person to the MERIT office. Often this is located in the court building or close by. If following interview the offender is assessed as having an identifiable drug problem and is otherwise considered suitable for the program, the Court will adjourn the proceedings for a period of two weeks and grant bail.

On the next occasion the court will be provided with a short report from the MERIT team outlining proposed treatment/counselling/monitoring regimes. The matter will then be adjourned for a period of 6 weeks with the same bail conditions. After 6 weeks the accused person will re-appear before the Court. At that time an extensive report as to progress in rehabilitation/counselling and drug usage through urinalysis will be before the Court. The MERIT team will make a form of recommendation either for continuation in the program or removal for non-compliance. Where it is for continuation the proceedings will be adjourned for a final period of 6 weeks at the end of which a comprehensive report as to performance within the program and possible options for post MERIT drug treatment will be before the Court.

A plea of guilty will result in the Court proceeding to sentence but with the added benefit provided through the assistance of the MERIT report, an important consideration in relation to the provisions of section 3A(d) of the Crimes (Sentencing Procedure) Act 1999. As I am sure you are all aware section 3A(d) identifies rehabilitation as one of the purposes of sentencing.

According to a health outcomes study by NSW Health, by program exit at 3 months, levels and types of illicit drug use and associated risk behaviours were reduced significantly. A high proportion had substantially decreased the frequency and intensity of their drug use and many reported abstinence from their principal drug of concern. 38% were abstinent from all illegal drugs. The results indicate that the MERIT program is successful in reducing participants' drug use and in achieving or maintaining abstinence from illegal drugs for many participants at least for the duration of the program.

At the same time, measures of health and psychological adjustment showed significantly lower levels of physical and psychological health among participants at program entry than in the general population. By program exit the mental, physical and social function of the great majority of participants had improved considerably. An increased proportion of participants were also in employment.

Alcohol Merit

As I mentioned a moment ago, the MERIT program has been extended to include the Rural Alcohol Diversion (RAD) Program, a pilot program that operated from December 2004 to June 2009 at Orange Local Court, and from May 2005 to June 2009 at Bathurst Local Court. Alcohol MERIT, as it is now known, is based on the operating model of the MERIT program but is targeted at providing adult defendants with alcohol abuse or dependence problems the opportunity of rehabilitation as part of the bail process.

In recent years the program has been progressively expanded to cover 15 country and metropolitan court locations for the purpose of allowing BOCSAR to complete an evaluation, commissioned by NSW Health, of Alcohol MERIT's effectiveness. BOSCAR recently released a briefing on the health outcomes of defendants entering Alcohol MERIT. It found significant improvements amongst participants after two months that were sustained after six months, including better social functioning, less psychological distress and less dependence on alcohol, but concluded that these could not be solely attributed to Alcohol MERIT due to the lack of an available control group for comparison.

Due to the difficulties in the evaluation process, funding to operate the program in some court locations has now ceased. From January this year new referrals are no longer being accepted at Newcastle, Wollongong or Sydney metropolitan locations. The program continues to operate at Dubbo, Wellington, Orange, Bathurst, Broken Hill, Wilcannia and Coffs Harbour.

Circle Sentencing (Circle Courts)

Circle Sentencing is an alternative sentencing Court for adult Aboriginal offenders. Based on traditional indigenous forms of dispute resolution and customary law, Circle Courts are designed for more serious repeat Aboriginal offenders and are aimed at achieving full community involvement in the

sentencing process. It directly involves local Aboriginal people in the process of sentencing offenders, with the aims of making it more meaningful and improving confidence in the criminal justice system. It also empowers Aboriginal people to address criminal behaviour within their local communities. Circle courts are a legislatively authorised intervention program created in accordance with section 347 of the Criminal Procedure Act 1986.

The program operates at Local Courts in country locations including Nowra, Dubbo, Walgett, Brewarrina, Bourke, Moree, Lismore, Armidale, Kempsey and Macksville, as well as Blacktown and Mt Druitt. Across those locations, 119 circles were held in 2012.

The aims of Circle Sentencing stated in the Criminal Procedure Regulation 2010 include:

- To increase the confidence of Aboriginal communities in the sentencing process,
- To reduce barriers between Aboriginal communities and the Courts,
- To provide more appropriate sentencing options for Aboriginal offenders,
- To provide effective support to victims of offences by Aboriginal offenders,
- greater participation of Aboriginal offenders and the victims in the process,
- To raise awareness of the consequences of offences on victims and communities,
- To reduce recidivism, or habitual relapse into crime, in Aboriginal communities.

A review of Circle Sentencing by the Bureau of Crime Statistics and Research in 2008 found the program is meeting the majority of these aims, particularly in facilitating Indigenous community involvement in the legal process.

Although Circle Sentencing does not yet appear to have a substantive short-term impact in reducing the rate of recidivism amongst Indigenous offenders in the short term, this is perhaps not surprising given the focus of the Circle Sentencing program is upon the sentencing process for more serious repeat offenders rather than ongoing rehabilitation. However, it is anticipated that the

Court's continuing commitment to the building of links with Indigenous communities over time will be of long-term positive effect.

Forum Sentencing

Forum Sentencing commenced at Liverpool Local Court and the Tweed Heads Local Court Circuit as a two-year pilot program in October 2005. Initially, the pilot program was available to offenders between the age of 18 and 25 who have committed offences, which exposed them to the likely prospect of imprisonment.

Expansion of the program commenced in 2008. Forum Sentencing is now available to all adults who have committed offences that expose them to the likely prospect of imprisonment, other than those who have previously been convicted of certain serious offences involving violence, drugs, weapons or firearms. The program currently operates in over 50 locations and in 2012, 749 forums took place.

Forum Sentencing brings an offender and victim together with a facilitator, police officer and support people to discuss the harm caused by an offence. The objectives of the scheme are set out in the Criminal Procedure Regulation and are:

- To provide for the greater participation in the justice process of offenders and victims and the families and support persons of offenders and victims,
- To increase offenders' awareness of the consequences of their offences for their victims and the community,
- To promote the reintegration of offenders into the community,
- To increase the satisfaction of victims with the justice process,
- To increase the confidence of the community in the justice process,
- To provide a participating court with an additional sentencing option,
- To reduce re-offending.

The forum process involves the preparation of an ‘intervention plan’ for the offender. The plan may include the making of an apology or reparation to the victim, participation in an appropriate program, such as drug and alcohol rehabilitation and other measures aimed to help offenders address their offending behaviour and integrate into the community.

The program essentially provides Magistrates with another sentencing option and targets offenders who are otherwise likely to be imprisoned. The Court takes the intervention plan into account at the time of sentencing.

Significant reforms to the Forum Sentencing operating model were implemented in 2014. The new operating model places greater focus on victim engagement and broadens the eligibility criteria to include offenders guilty of less serious offences. While 82 per cent of Forums were attended by one or more victims, there was a subsequent reduction in the number of Forums held in 2014, compared to previous years.

CREDIT and Life on Track

The Court Referral of Eligible Defendants Into Treatment (CREDIT) program commenced as a trial program in Tamworth and Burwood Local Courts in August 2009. Across the two locations, in 2012 210 defendants entered the CREDIT program, 177 defendants agreed to a case management plan, and 116 completed their plan.

Like MERIT, CREDIT is a pre-plea program and aims to provide Local Court defendants with access a wide range of treatment options and services to assist them to reduce their chance of re-offending. These may include assistance in areas such as accommodation, financial counselling, mental health assessment or drug and alcohol treatment.

While the CREDIT program continues to operate at Tamworth and Burwood, more recently there has been a shift in focus to the development a new case management service.

For the period 1 January 2014 until 31 December 2014:

• 282 referrals were made to the program and 264 assessments were undertaken,

• 182 defendants met CREDIT's eligibility criteria and entered the program,

• 135 case management plans were agreed upon and signed by the participant and CREDIT officer, and

• 99 participants successfully completed the service, while 112 participants continue to receive case management.

In June 2013, the Government announced the commencement of the Life on Track service, which began operating in the Local Court at Bankstown, Sutherland and Kogarah as well as in Lismore, Ballina, Casino and Kyogle in August.

Life on Track is based upon CREDIT, with the primary differences that is delivered by non-government service providers and is said to take a "person centred approach" that undertakes an individualised assessment of a defendant's needs and builds a response to address those needs, rather than using a program-driven model. Its focus is upon defendants who have medium to high-level support needs or are at a medium to high risk of re-offending.

Defendants may come into contact with Life on Track at several stages from the point at which they are charged with an offence. In Local Area Commands where the service operates, upon being charged all persons are screened in relation to their support needs and risk of re-offending. Potential participants are identified from their screening score and are contacted directly by Life on Track prior to attending court. Referrals from the court are also accepted, as are self-referrals or referrals from other sources such as the defendant's lawyer or a family member.

For those who are assessed as eligible and suitable for case management, a plan is prepared and agreed upon that identifies and seeks to address the defendant's particular areas of need. The defendant is also required to meet

with a case manager whose role includes connecting the defendant with local service providers who can assist them with a given issue, and where applicable providing reports to the court on the defendant's progress.

However, because the defendant's case management plan may range in length from three to nine months depending on their intervention needs, the Life on Track process may continue independently of the court proceedings. Particularly where a longer plan is in place, the court may choose to proceed to sentence while a person's case management plan remains in progress.

Life on Track Program Statistics from 1 January 2014 until 31 December 2014

- 560 referrals were made to the program, and 244 comprehensive assessments were undertaken;
- 217 case management plans were agreed upon and signed by the participant and Life on Track officer;
- 115 participants completed the service, while 392 participants continued to receive case management.

Hybrid processes

One intervention process that operates both within and on the periphery of the prosecution process is Youth Conferencing. Youth Conferencing is legislatively based. The Young Offenders Act 1997 enables police to divert young (child) offenders from court process by a cautioning or conferencing option that results in a discharge of an offender with no further obligation to the court or the community. The relevant provisions are sections 3, 7 and 34 of the Act.

Juveniles who admit to minor offending conduct should not be charged without clear instructions to commence proceedings being given by a Specialist Youth Officer (SYO). An SYO is a designated police officer within a Local Area Command.

The Children's Court is the final gatekeeper in the process. Juveniles who have been subject to criminal proceedings and who come before a magistrate exercising the jurisdiction of the Children's Court may be diverted by the Court into the Youth Justice Conference procedure. The aim of conferencing is well set out in the second reading speech of the then Attorney General the Honourable Jeff Shaw QC who said that:

> *"The aim of conferencing is to encourage discussion between those affected by the offending behaviour and those who have committed it in order to produce an agreed outcome plan which restores the harm done and aims to provide the offender with developmental support services which will enable the young person to overcome his or her offending."* [11]

Where the court refers the matter for conferencing, the Court is required to dismiss the charge on receiving notice that the outcome plan relating to the offence has been satisfactorily completed by the child.[12]

Statewide Community Court Liaison Service

The Statewide Community Court Liaison Service, formerly known as the Mental Health Liaison Service, assists the Local Court to appropriately manage people with psychiatric illnesses by providing full time mental health nurses at a number of Local Court locations to enable early diagnosis of defendants and facilitate treatment in conjunction with progress through the criminal justice system.

The Statewide Community Court Liaison Service operates in 20 Local Courts. In 2012, 13,039 people were screened for mental health problems in court cells. Of this number, 2,407 received a comprehensive mental health assessment, of which a large majority - 2,040 people - were found to have a mental illness. In 2014 Mental Health Nurses examined some 11,202 people. Of this total 2,387 were found to have a mental illness.

[11] Hansard, Legislative Council (21/5/97) at 8960
[12] Section 57(2) Young Offenders Act 1997

In addition to the use of psychiatric nurses, Telehealth video conferencing facilities operated in Broken Hill and Griffith facilitated the presentation of persons before a psychiatrist in Sydney through the use of audio-visual link (AVL) technology.

The Service also operates to a limited extent in the Children's Court. A mental health nurse with access to a specialist psychologist attends court on list days assessing and reporting to the presiding Children's Magistrate on the mental health status and needs of young people referred by the Court and suggests strategies for treatment.

This service within both the Local Court and Children's jurisdiction works in conjunction with the legislatively based diversion program activated when an accused person or juvenile falls within the ambit of the sections 32 or 33 of the Mental Health (Forensic Procedure) Act 1990. The application of these provisions, and section 32 in particular, is an area of the law that has been reasonably well settled but appears likely to undergo some change in the near future as the Government considers its response to the recommendations of the Law Reform Commission in its recent report on the diversion of people with cognitive and mental health impairments from the criminal justice system.

It is not the purpose of this paper to cover the law in this field but, as it presently stands, all practitioners should familiarise themselves with the principles set out in **DPP v El Mawas (2006) 66 NSWLR 93** and the relationship between seriousness within the offence and the discretionary decision by a magistrate to use an alternate means of resolving a criminal prosecution. You may also wish to familiarise yourself with the observations made in Edwards v DPP[13], where enough is not quite good enough and highlights the need for a practitioner to understand what the psychiatric report is actually saying against the statutory context. It goes without saying that even where a person's mental condition may bring them within the purview of

[13] Edwards v DPP [2012] NSWSC 105

section 32 or section 33 diversion will not take place unless the court is provided with a satisfactory treatment program.

Traffic Offender Programs

This is an area of diversion/intervention that has been the subject of some controversy within the Local Court. It is also one that has received consideration by the Court of Criminal Appeal in the guideline judgment for High Range Drink Driving offences.[14] Those of you who are familiar with paragraph [121] of the guideline will note the observations of Howie J. in relation to the correlation between the seriousness of an offence at that level, attendance at a Traffic Offender Program and the lack of appropriateness in the use of section 10 simply on the basis of participating in a Traffic Offender Program. For those of you who are not familiar, His Honour said:

> *"Notwithstanding the undoubted beneficial effect upon a driver of participation in a driver education program, that fact can have little impact, in my view, upon the appropriate sentence to be imposed for an offence of high range PCA in the usual case, except in so far as the length of disqualification may be concerned or the amount of the fine. The offence in general is so serious and the criminality involved in even a typical case so high that in my view the participation of an offender in a program cannot be seen as an alternative to punishment for an offence of this nature. In particular the is no warrant at all for making an order under s 10 simply because the offender has participated in such a program or is to do so as part of the conditions of a bond."*

Outside His Honour's observations, such programs were historically the product of local arrangements rather than an expression of government policy or legislative warrant. As the Local Court is a Court of Statute that derives its powers from Statute the resultant effect was a dichotomy between members of the Court over the authority of the Court to refer people off to such programs. This in turn led to inconsistency of approach throughout the State. That potential for inconsistency in approach has now been largely cured.

[14] Note 1, above

Traffic Offender Programs are now provided for in Part 8 of the Criminal Procedure Regulation 2010. Magistrates commenced referring defendants to Traffic Offender Programs under the predecessor regulations on 28 March 2008.

Traffic Offender Programs are targeted at defendants who have pleaded guilty to, or been found guilty of, a traffic offence. A magistrate is able to refer a defendant to an approved traffic course provider on application by the defendant or their legal representative, or on the Court's own motion. A referral is made prior to sentencing, with the proceedings adjourned to allow time for the nominated course to be completed. There are currently over 50 traffic course providers across New South Wales to whom referrals may be made.

The objectives of the program set out in clause 92 of the Regulation are:

- To provide such offenders with the information and skills necessary to develop positive attitudes to driving and to change driving behaviour, and
- To develop safer driving behaviour in such offenders.

Neither of those objectives focus on the sentencing activities of the Court. With the introduction of the Mandatory Interlock legislation in February 2015 it will be interesting to see what impact there is on the take up rate for Traffic Offender programmes.

Summary

There is little doubt that from the perspective of a magistrate sentencing or dealing with criminal prosecutions within the umbrella jurisdiction of the Local Court and Children's Court is very different to the view available in the District and Supreme Courts. The emphasis on dealing with the causes of crime and the consequences of crime through a combination of programs designed to assist particular persons who find themselves within the system, whether as offenders, victims whilst at the same time applying the statutory principles of the Crimes (Sentencing Procedure) Act 1999 and the common law principles

is sometimes a challenge. There remain other challenges that I have no doubt will affect the way in which the Local Court deals with this area of its jurisdiction. In the interim it is important to be aware that the blunt instrument of the law and the instinctive synthesis is somewhat blurred within the largest summary criminal trial court in the Commonwealth and to tailor your approach accordingly.

Judge Graeme Henson
Chief Magistrate
28th March 2015

Diversion programs in the Local Court

Location	MERIT	Alcohol MERIT	Circle Sentencing	DVICM	Forum Sentencing	TOIPs*	SCCLS	CREDIT	Life on Track
Albion Park	✓					✓			
Albury						✓			
Armidale			✓			✓			
Ballina	✓				✓				✓
Balmain					✓				
Balranald									
Bankstown	✓				✓	✓			✓
Batemans Bay									
Bathurst	✓	✓				✓			
Bega									
Bellingen					✓				
Belmont					✓	✓			
Bidura CC									
Blacktown	✓		✓			✓	✓		
Blayney	✓								
Boggabilla									
Bombala									
Bourke			✓						
Brewarrina			✓			✓			
Broadmeadow CC									
Broken Hill	✓	✓				✓			
Burwood	✓				✓	✓	✓	✓	
Byron Bay	✓				✓				
Camden	✓				✓				
Campbelltown	✓			✓	✓	✓	✓		
Campbelltown CC									
Casino	✓				✓				✓
Central					✓		✓		
Cessnock	✓				✓	✓			
Cobar									
Coffs Harbour	✓				✓	✓	✓		
Condobolin									
Cooma	✓								
Coonabarabran									
Coonamble									
Cootamundra									
Corowa									
Cowra									
Crookwell									
Deniliquin									
Downing Centre	✓				✓				
Dubbo	✓	✓	✓			✓	✓		
Dunedoo									
Dungog					✓				
Eden									
Fairfield	✓				✓	✓			
Finley									

Forbes	✓								
Forster					✓				
Gilgandra									
Glen Innes									
Gloucester					✓				
Gosford	✓				✓	✓	✓		
Goulburn						✓			
Grafton	✓				✓				
Grenfell									
Griffith									
Gulgong									
Gundagai									
Gunnedah						✓			
Hay									
Hillston									
Holbrook									
Hornsby	✓					✓			
Inverell									
Junee	✓								
Katoomba	✓								
Kempsey	✓		✓		✓	✓	✓		
Kiama	✓								
Kogarah	✓				✓				✓
Kurri Kurri					✓				
Kyogle	✓				✓				✓
L Cargelligo									
Leeton									
Lidcombe									
Lightning Ridge									
Lismore	✓		✓		✓	✓	✓		✓
Lithgow						✓			
Liverpool	✓				✓	✓	✓		
Lockhart									
Macksville			✓		✓				
Maclean	✓				✓				
Maitland	✓				✓	✓			
Manly	✓								
Milton	✓						✓		
Moama									
Moree			✓			✓			
Moruya									
Moss Vale					✓				
Moulamein									
Mt Druitt	✓		✓			✓			
Mudgee						✓			
Mullumbimby	✓				✓				
Mungindi									
Murwillumbah	✓				✓				
Muswellbrook	✓				✓	✓			
Narooma									
Narrabri									
Narrandera									
Narromine									

Newcastle	✓				✓	✓			
Newtown	✓				✓	✓			
North Sydney	✓					✓			
Nowra	✓		✓			✓	✓		
Nyngan									
Oberon	✓								
Orange	✓	✓				✓			
Parkes	✓					✓			
Parramatta	✓				✓	✓	✓		
Parramatta CC									
Peak Hill									
Penrith	✓					✓	✓		
Picton					✓				
Port Kembla	✓								
Port Macquarie	✓				✓	✓	✓		
Queanbeyan	✓								
Quirindi									
Raymond Terrace	✓				✓	✓			
Ryde	✓				✓				
Rylstone									
Scone					✓				
Singleton	✓				✓	✓			
Sutherland	✓				✓	✓	✓		✓
Tamworth	✓					✓	✓	✓	
Taree					✓	✓			
Temora									
Tenterfield									
Toronto	✓				✓				
Tumbarumba									
Tumut									
Tweed Heads	✓				✓	✓			
Wagga Wagga	✓			✓		✓	✓		
Walcha									
Walgett			✓						
Warialda									
Warren									
Wauchope	✓				✓				
Waverley	✓				✓	✓			
Wee Waa									
Wellington	✓	✓				✓			
Wentworth									
West Wyalong									
Wilcannia	✓	✓							
Windsor									
Wollongong	✓					✓	✓		
Woy Woy	✓				✓	✓			
Wyong	✓				✓		✓		
Yass									
Young						✓			

Updated: February 2014

* Courts listed as having a Traffic Offenders Intervention Program available are those with a local authorised course provider.