

# Behind the Scenes: Downing Centre Magistrates

Appearing before a magistrate at the Downing Centre Court can be a nerve wracking experience.

For those who are charged with crimes, magistrates can be viewed as tough, emotionless beings with all the power in the world over their future.

Experienced criminal defence lawyers will often be aware of the particular likes and dislikes of specific magistrates, and how to go about getting the best possible result.

Although some think that magistrates 'live in an ivory tower' and are 'out of touch' with the community, the reality is that magistrates often live in the same communities and deal with the same day-to-day issues as most others – even though they have led illustrious legal careers.

Here we take a behind-the-scenes look at three of the most accomplished magistrates at Sydney's Downing Centre court.

## **Graeme Henson – Chief Magistrate**

Graeme Henson was appointed as Chief Magistrate of the Local Court of New South Wales in 2006.

In 2010, he was also [appointed as a Judge of the District Court of NSW](#) by then Attorney-General John Hatzistergos. He currently serves in both roles interchangeably – although he is usually found in Court 5.2 at the Downing Centre Court; or in the Chief Magistrates Office on Level 5.

Magistrate Henson was admitted as a lawyer in 1980. He spent two years working for the Office of the Director of Public Prosecutions between 1986 and 1988 before being appointed a Magistrate. Besides his judicial positions, Mr Henson is also

a member of the Wollongong University Faculty of Law Committee and the Anglican Aged Care Board.

His Honour has presided over several newsworthy cases during his time on the Bench: earlier this year, he [sentenced Rebecca Hannibal](#), the 19-year-old woman who supplied her best friend Georgina Bartter with three ecstasy pills.

Ms Bartter ultimately died after consuming the pills; collapsing at the Harbour Life Music Festival in 2014.

At a sentencing hearing in June, His Honour placed Ms Hannibal on a 12-month good behaviour bond after providing lengthy remarks on sentence.

And late last year, Mr Henson made headlines after he infamously revoked Amirah Droudis' bail.

Ms Droudis was the partner of Sydney siege gunman Man Haron Monis, and was facing charges for murdering his former wife. A review of her bail was ordered by then NSW Attorney-General Brad Hazzard following the highly-publicised siege. Ms Droudis is currently in custody at Silverwater Womens' Prison awaiting trial.

Besides overseeing a wide range of criminal cases in the Local Court, the Chief Magistrate has been known to fight for greater working benefits for his fellow colleagues.

Back in 2012, he [made the news](#) after demanding a range of entitlements for Magistrates, including a minimum two-week court break over the holiday season, as well as mid-year break for the Local Court Conference.

He has also asked for extended long service leave, greater carer's leave entitlements and free travel on public transport.

**Jane Mottley – Deputy Chief Magistrate**

Magistrate Mottley began her legal career in 1979 when she commenced working as a clerk at North Sydney Court.

But she soon rose through the ranks; being admitted as a lawyer in 1989 and spending time working for Legal Aid and the State Drug Crime Commission, before being appointed as a Magistrate in 2000. She was [promoted to the role of Deputy Chief Magistrate in 2009](#).

Like her colleagues, Magistrate Mottley has presided over many famous cases before the Court: earlier this year, [she heard a bail application made by disgraced criminal lawyer Ugo Parente](#), who was charged with drug supply after police located a number of containers filled with GHB in his car and home. Her Honour refused Mr Parente bail.

In December 2014, Ms Mottley sent [Manly Sea Eagles player Jamil Hopoate](#) to prison for his 'savagely and unprovoked' assault on a man outside the Ivanhoe Hotel in Manly, finding that 'Mr Hopoate and his co-offenders set out to exact revenge on a person or persons'. She handed him an 18 months prison sentence with a non-parole period of 12 months.

### **Christopher O'Brien – Deputy Chief Magistrate**

Christopher O'Brien was [appointed a Deputy Chief Magistrate](#) in January 2014, after spending 8 years as a Local Court Magistrate working all around the state.

Prior to his appointment to the Bench, he spent 17 years working as a partner in a Sutherland law firm.

He has also presided over several interesting cases – including that of a [police officer who was charged with misconduct in public office](#) after he drove a drink-driver home.

Police officer Christopher Dove failed to charge the woman with drink driving, instead seizing the opportunity to make

sexual advances towards her.

Magistrate O'Brien dismissed the charge under a [section 10 dismissal](#) or [conditional release order](#), finding that the officer's legal battles were 'sufficient to reflect the objective seriousness of the offending overall.'

He also sentenced a young law student who ran naked through a Byron Bay kebab shop during schoolies last year, dismissing the charge of offensive behaviour under a non conviction order.