



THE LAW SOCIETY
OF NEW SOUTH WALES

Our Ref: CrossCommittee:RElw827265

31 March 2014

The Hon. Greg Smith SC MP
Attorney General and Minister for Justice
Level 31, Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

Dear Attorney General,

Funding Cuts to NSW Court System

I am writing in the lead-up to the 2014 Budget to express the Law Society's concerns about continuing funding inadequacies in the Local Courts.

The Law Society is concerned that magistrate numbers within the Local Court and Children's Court are being reduced and that staffing levels have been depleted across the various levels of jurisdiction including the Sheriff's Office. The resultant staggered closure or scaling back of some Local Courts throughout the State is a development requiring reconsideration as it raises important issues of access to justice.

The Law Society is concerned about the consequences of reducing the number of magistrates, while at the same time maintaining or increasing police resources. It is likely the workload for each magistrate, and indeed the courts, will only increase as the capacity to deal with their workload is reduced.

The Law Society is also concerned that any reductions in magistrate numbers will have an impact on persons in custody. Delays in magistrates proceeding through court lists (with less staff) will result in significant delays for persons held in custody. It is anticipated that there will be difficulties in the future with conveying remand and sentenced prisoners to and from various correctional centre facilities and courts in regional NSW from the point of view of both the accused and Corrective Services. These outcomes will be exacerbated by changes to Legal Aid funding, and with the potential inability of practitioners to help expedite proceedings, there will be significant delays caused by more unrepresented people in the judicial system. Magistrates will come under greater pressure to carry out their work within unrealistic timeframes.

The Law Society is particularly concerned about the inevitable reduction of sittings in smaller courts, with some of these courts converted to list courts, while defended hearings are sent to larger court complexes. For example, the Law Society understands that the North Sydney Local Court no longer deals with criminal matters or hearings. The Chief Magistrate has advised recently that it is likely that Local Court sittings will be suspended at other courts such as Balmain and Kogarah in 2015.

The Law Society is of the view that court closures will have a significant impact on local communities. Members of the public and accused persons will be required to travel longer distances to attend other courts and may not have access to private or public transport. Vulnerable members of the community including victims of domestic violence will be particularly affected by not having access to a Local Court. Others who have been charged with a driving offence (or already have some court ordered prohibition on driving) could have difficulty attending another court. The effect would be more acute in regional New South Wales and similar concerns have been expressed by Presidents of Regional Law Societies.

Cuts to the number of magistrates and court staff will also affect the Indigenous community, many of whom are already vulnerable for different reasons. For example, with magistrates coming under increasing pressure to perform their work, the Law Society is concerned that this added pressure will adversely affect the ability of courts to conduct Circle Sentencing in regional NSW.

The Law Society is seeking reconsideration of Local Court funding decisions to ensure the judicial system of NSW is able to address the legal needs of the citizens of NSW. Should it be of assistance for us to meet to discuss this matter, please contact me on (02) 9926 0216 or alternatively the Chief Executive Officer, Michael Tidball, on (02) 9926 0215.

Yours sincerely,

A handwritten signature in black ink that reads "Ros Everett". The signature is written in a cursive, flowing style.

Ros Everett
President