



THE LAW SOCIETY
OF NEW SOUTH WALES

Our ref:GUcm1200370

6 October 2016

The Hon. Gabrielle Upton
Attorney General of NSW
GPO Box 5341
Sydney NSW 2001

Dear Attorney General,

Local Courts in rural and regional areas

My purpose in writing is to raise with you the Law Society's serious concerns about the ongoing problem of underfunding in the Local Court of NSW, and the impact this is having on the Court's performance and access to justice in rural and regional areas.

The Law Society notes that the number of full time magistrate positions in NSW has been reduced by eight over the past four years. During the same period, the caseload of the Court increased by approximately 40,000. This has forced choices to be made about deployment which inevitably effect court accessibility and efficiency.

The reduction in the number of magistrates and corresponding increase in the caseload of the court will inevitably lead to delays in matters being finalised. In criminal matters, this will prolong the time spent in custody on remand by the accused, and prolong the process for the alleged victim.

Particular pressures on access to justice are experienced in country areas as a result of court closures and reductions in sitting arrangements. Poor public transport links often make courts in neighbouring areas inaccessible to many users. In many cases, it is not possible for individuals without access to private transportation (including those who have been charged with a driving offence or who are otherwise disqualified from driving) to attend court hearings without the additional expense of accommodation costs as a consequence of not being able to arrive in time for the hearing, or to return home at the end of the day.

For example, a practitioner reported that a female defendant who lived in Lismore had a criminal matter being heard in Tenterfield. The defendant had to travel by bus, which arrives in Tenterfield each day at 11.15am and leaves for Lismore at 1.30pm. As the defendant was unable to have her matter dealt with during that timeframe, she had no choice but to leave court to return home. The court then issued a warrant for her arrest. As the defendant wanted to plead not guilty, and the fact the witnesses are in Tenterfield, the court would not transfer the matter to Lismore.

Practitioners have also reported that defendants from rural and regional areas can have no choice but to hitch hike home after being granted bail due to the lack of available public transport in those areas.

The closure of courts in regional areas can also impact negatively on the most vulnerable and isolated members of the community. People with mental health difficulties suffer greater stress around court hearings, which may be exacerbated by the need to travel long distances on public transport. Other vulnerable members of the community, including victims of domestic violence, can be particularly affected by not having access to a Local Court.

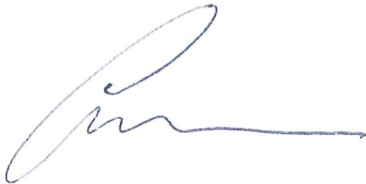
The Law Society also notes the comments made by the Chief Magistrate in his 2015 Annual Report in relation to the possibility of closing a "very large number of county courts" due to the ongoing absence of security at those premises.

The Law Society considers the failure to properly fund courts and provide services in rural and regional areas a serious access to justice issue, and submits that long term funding solutions are needed.

The Law Society would welcome an opportunity to discuss this in more detail with you. Additionally, we could arrange a forum with practitioners in rural and regional areas, so that they can outline their concerns with you and hear any initiatives the Government may be progressing in this area.

Please do not hesitate to contact me on 02 9926 0216 or Michael Tidball, Chief Executive Officer, on 02 9926 0215 if you would like any further information or to arrange a meeting.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Gary Ulman', with a long horizontal flourish extending to the right.

Gary Ulman
President