

The Local Court of NSW: The Busiest Court in the Commonwealth

Toongabbie Legal Centre Inc. Annual Dinner

Deputy Chief Magistrate Theo Tsavdaridis¹

25 November 2023

1. I am delighted to return to Toongabbie Legal Centre heartland, the Blacktown local government area, for its 16th annual dinner. I begin by acknowledging the traditional custodians of the land on which we meet, the Tugagal ['Toongagal'] Clan of the Darug Nation, and pay my respects to Elders past, present and emerging.
2. I do not intend to speak for very long, but I did want to speak to some important initiatives regarding the work of the Local Court of NSW, the vision that is Toongabbie Legal Centre, and the importance of ensuring a fair and equitable system of justice available to all. Tonight, I wanted to speak a little about my own court, the Local Court of NSW, and some of the things it does to maintain the rule of law, to give access to justice to all who come before it, as the only court with which members of the community will ever have to interact at some stage in their lives, whether it be to contest a speeding ticket, to defend oneself from a serious criminal charge, to explain one's actions in an instance of self-defence, to give evidence as a victim or a witness of crime, or for those of you who have commercial interests or, perhaps, run their own businesses, the court in which you might pursue outstanding debts or other similar matters, to name but a few.
3. Thereafter, I wanted to say a few things about the Toongabbie Legal Centre Inc. (TLC).
4. I hope you can indulge me for a few minutes while I give you a tour of some aspects of the justice system and tell you about my work as a judicial officer of the Local Court. For those of you who have heard me speak at TLC seminars before, this will hardly be a surprise, but the Local Court is the busiest court in the Commonwealth.
5. Often, it feels like we are drinking from a fire hose with legal work and complex disputes coming at us from every angle at enormous speed. The Local Court hears approximately 420,000 cases per year, approximately 370,000 of which are criminal matters and about 50,000 of which are within the Court's civil jurisdiction. We have about 150 magistrates. We sit at approximately 130 locations across New South Wales. We hear over 36,000 bail applications per year. Our

¹ Deputy Chief Magistrate, Local Court of New South Wales.

counterparts in the Children's Court hear approximately 10,000 criminal cases per year and some 9,500 care and protection cases. The Coroners Court receives over 7,500 reportable deaths per year. Needless to say, we are a busy and integral layer of the judicial hierarchy. While we may not hear the most serious matters in the criminal calendar, including charges involving murder, trials in the presence of a jury or large commercial quantities of drug importation, the Local, Children's, and Coroners Courts are the courts with which members of the community will likely intersect if they have cause to become involved in the justice system in some way.

6. However, just because we are busy, does not mean that we are not playing our part in implementing specialised policies and procedures, to localise and enhance processes for court users, all of which have a common thread, that is, achieving better outcomes for all, particularly for those who have been, traditionally, marginalised or disempowered.
7. The Local Court recently implemented a Specialist Domestic and Family Violence List Pilot, introducing a new Practice Note, strategies and procedures with a view to ensuring that domestic and family violence matters are dealt with in a timely, culturally respectful and trauma-informed manner. The specialist list operates at a number of metropolitan and regional Local Courts, including the Downing Centre Local Court, Newcastle Local Court, the Gunnedah circuit (excluding Tamworth), the Moree circuit and, of course, Blacktown Local Court, only a short distance from where we gather tonight. It is hoped that this list will be expanded to more locations in the future, with a view to improving the court experience for complainants in family violence proceedings, improving the efficiency of the court process in such proceedings and enhancing communication between the court, law enforcement agencies, the legal profession and support services, all of which will continue to be fine-tuned, based on consultations with all the various stakeholders.
8. The Local Court is also working on establishing a Young Adult Court for individuals aged between 18 and 25. The concept of the Young Adult Court is informed by increased understandings of brain science and neurobiological research which shows that the pre-frontal cortex of the brain (the frontal lobe) continues to develop into a person's mid-20's. The Young Adult Court will have a focus on rehabilitation and will provide access to scaffolding and support services to address the complex constellation of risk factors related to the root causes of offending. By doing so, the Young Adult Court will seek to prevent people aged 18 - 25 from becoming enmeshed in the legal system. The Young Adult Court will operate by way of a list within the Local Court, and it is envisaged that this project will be piloted at two locations at some point in 2024.

9. The Local Court takes very seriously the challenge of Closing the Gap and reducing the over-representation of First Nations people in the legal system. The Local Court will continue to explore culturally appropriate ways of involving First Nations people in its decision-making processes and to promote strategies designed to ameliorate the structural and systemic inequalities experienced by them.
10. The Local Court and its siblings, the Children's Court and the Coroners Court, continue to improve and expand upon several initiatives such as Circle Sentencing and the Youth Koori Court. Circle Sentencing continues to be available at more courthouses across the State, and we were all delighted with the opening of the new Youth Koori Court in Dubbo earlier this year. The Youth Koori Court is an excellent example of a holistic, strengths-based process which involves interventions and collaboration amongst professionals with a view to identifying relevant risk factors which impact on a young person's continued involvement with the justice system, and active monitoring of the wide-ranging interventions implemented to address these risk factors. Importantly, First Nations Elders and respected persons are involved and actively participate in the Youth Koori Court process.
11. A very recent development of which we are also proud is the commencement in the Children's Court of the Winha-nga-nha Care and Protection List in Dubbo Children's Court. The Children's Court has co-designed the Winha-nga-nha List in collaboration with the Aboriginal and Torres Strait Islander community in Dubbo and key stakeholders. It provides a culturally competent and safe court process for First Nations families in care and protection proceedings in NSW. It is the Children's Court's hope that this will pilot a model that could be drawn upon by courts across the State and, in the future, extending these initiatives to other types of proceedings.
12. Similar endeavours are being advanced in the District Court, with the commencement last year of the Walama List Pilot. The aims of the Walama List include a reduction of the risk factors related to reoffending by Aboriginal and Torres Strait Islander offenders and the reduction of their overrepresentation in custody. The Walama List enables Aboriginal and Torres Strait Islander community participation in the court process, embedding cultural narratives and practices in the sentencing process. There is also an element of ongoing monitoring of the court with culturally appropriate and informed therapeutic interventions to assist with needs and risk factors for further offending.
13. The Local Court is committed to supporting programs that contribute to therapeutic justice. Many people who come before the Local Court have a range of complex social needs, including poverty, homelessness, alcohol and substance misuse, recent arrival as a migrant, asylum seeker

or refugee status, difficulty speaking or understanding English, domestic abuse, cognitive impairments, broader mental health related afflictions or even natural, inevitable aged care issues. These complex social factors may vary, both in type and prevalence, across different local populations and, with the support of government, the Local Court has been pleased to support the introduction, or continuation, of three important programs: the Statewide Court and Community Liaison Service, which assists magistrates to divert people labouring under mental health impairments into support services; the Magistrates' Early Referral Into Treatment program (MERIT), which provides adult defendants with an opportunity to break the cycle of drug and alcohol-related crime; and the Justice Advocacy Service, which supports young people and adults with cognitive impairment who are in contact with the criminal justice system.

14. Interpreters are currently provided in the Local Court on a fee-free basis, in all criminal matters, to people who cannot communicate fluently in English. Earlier this year, we were able to secure funding to commence a pilot program to provide interpreters on a fee-free basis in civil matters, a cost which was previously borne by individual litigants.
15. None of these programs, however, are able to be successfully implemented without the assistance of wrap-around services including the legal profession, community legal centres such as this and other support workers such as volunteers who form part of the fabric of the justice system in NSW. Community legal centres are important organisations that provide much needed assistance to the Local Court and its magistrates. Solicitors and other volunteers from Community legal centres provide advice to those whose voice cannot always be heard, for a myriad of reasons and play a vital role in reaching a resolution of their disputes, legal problems and associated stresses. They give clients much needed guidance on how the Local Court, and other courts, operate, and how to navigate their way through the complex waters of the justice system. This representation provides much needed aid in helping the Court run more efficiently and fairly, and facilitating access to justice for their clients.
16. This brings me to the Toongabbie Legal Centre Inc. I have been fortunate enough to have been involved with the Toongabbie Legal Centre since 2011, when I was invited to give a presentation, at one of its first criminal law seminars, by its passionate and most dedicated Honorary Chief Executive Officer and Volunteer Solicitor, Mr Susai Benjamin, whose contribution in this space and to the community was recently recognised by an Order of Australia (OAM), an immensely proud and humbling experience.
17. TLC is not like other community legal centres. Whilst all community legal centres perform a vital role in the broader justice system and do extremely important work within our community, TLC,

in its own unique way, feels familial, welcoming and hospitable. Once it draws you in, with its charm and its warmth, you find yourself unable to resist offering assistance and guidance and, so far as tonight is concerned, unable to decline the invitation to attend to give a speech to so many of its supporters and volunteers. But TLC is much more than one person or one vision. It is about the collective effort and dedication of its volunteers who go above and beyond to effect change and to shape community perspectives about the justice system. In the hall adjacent to St Anthony of Padua Catholic Church in Toongabbie, a community hub for many within the local government area, diligent, passionate and hard-working volunteers make themselves available to provide legal advice and assistance, and to encourage and educate those citizens within the immediate environs and afar alike to be their own advocates. It promotes and contributes to human rights and social justice by advocating for access to justice for all, equitable laws and an understanding of the complex system of laws and regulations that constitute one of the most stable and effective legal systems in the world.

18. But TLC, like many legal centres, operates beyond the individual. It has its hand in a number of endeavours, each with a view to advocating for change, initiating community legal education and pursuing projects that are proactive and reactive which serve to strengthen the community and empower individuals. It conducts Community Advocacy Training programs specifically designed to train community legal centre volunteers and other community sector workers on law making, legal institutions and various forms of advocacy.
19. Through my own involvement, as an outsider, I have supported TLC for over a decade, as a speaker and presenter at training and induction days for its law student and solicitor volunteers, giving presentations at its continuing legal education seminars and annual 10 Saturday Seminar Series, and as one of the coaches at its advocacy workshops.
20. TLC is a not-for-profit, unfunded community legal centre. It is run by volunteers and has provided free legal services to members of the community, far and wide, since 2007, including to the vulnerable, the marginalised, those for whom English is a second language, and many more. It receives no core funding either from the State or the Federal governments, instead raising funds through annual fundraising dinners, raffles, donations, local business and legal firm sponsorships and, of course, continuing legal education seminars, the latter of which I and many of my colleagues from the Local, District and Supreme Courts have been involved.
21. TLC is fortunate, however, to have as its patron a well-known trailblazer in the law, Her Excellency the Hon Margaret Beazley AC KC, a guiding light, a mentor to many, especially women in the legal profession, and a strong believer in social justice, who has similarly supported TLC's vision from her time as a Justice of the Supreme Court of NSW, then as President of the

Court of Appeal and, later, as the 39th Governor of NSW. Guest speakers at the annual dinners have included the Chief Justices of the High Court, Federal Court and Supreme Court of NSW and various Attorneys General. The continuing legal education seminar presenters have included judges and magistrates (including retired judicial officers) from the Supreme Court, District Court and Local Court of NSW, leading Senior Counsel and other specialists in the areas the subject of each program. These people all give freely of their time to educate the community and, particularly, the legal profession, which acts as a sentinel, reinforcing the importance in maintaining the rule of law.

22. I have been involved in almost all of TLC's advocacy workshops, volunteer training programs and seminars. Each has been a resounding success and the feedback overwhelmingly positive. Programs such as these invariably lead to an improvement in advocacy and greater refinement in those appearing in our Court, matters which benefit our courts and the community as a whole.
23. It is always encouraging to see so many people attend these events and it would be remiss of me not to acknowledge all the volunteers who are here today, for all that you do for this vibrant and growing community. I would be grateful if all the volunteers of TLC would stand or raise their hands so as to identify yourselves and so that everyone here tonight can join me in extending to you our gratitude, as a mark of appreciation, for the tireless work you do.
24. To those of you who are special guests or who have attended this annual dinner for the first time, I hope that you will walk away tonight with the same level of appreciation as I do for the work the Toongabbie Legal Centre does for this amazing community.
25. On behalf of the Chief Magistrate and myself, thank you for the opportunity to speak to you tonight. Thank you for all that you do. Your important work is greatly appreciated.