

**OPENING OF 2023 LAW TERM  
DUBBO  
6 FEBRUARY 2023**

We are grateful for the attendance this morning of Aunty Margaret Walker. She will provide a Welcome to Country and will be followed by Mr Brian Ah-See who will perform a smoking ceremony.

It is a privilege this morning to gather on the lands of which the traditional custodians and carers for over 40,000 years are the Tubba-Gah people of the Wiradjuri nation. Respect goes to those people and to their elders, past, present, and emerging. Respect is also paid to First Nations people present today and to people of all racial and national origins who make our society and culture so richly diverse.

My name is Robert Hulme, and I am a judge of the Supreme Court. With me on the bench today is her Honour Judge Robinson of the District Court and his Honour Magistrate Wilson and his Honour Magistrate Barlow of the Local Court.

I speak on behalf of all judicial officers who preside in Dubbo and the surrounding regions in welcoming you to this ceremony to mark the opening of the 2023 law year.

Some of us preside here on a full-time basis and others, like me, only have the good fortune to visit on a part-time or occasional basis. The feedback I get, however, is that we all derive a sense of satisfaction and fulfilment from the experience of presiding in this part of the State. That is in no doubt because of the warm welcome that is so graciously extended and the assistance and hospitality we receive.

The Dubbo region is fortunate to have a legal system that is supported by a large and diverse cohort of lawyers. There is a strong and vibrant body of solicitors and barristers working in private practice. There is also a significant number who work with organisations such as Legal Aid NSW, the Aboriginal Legal Service, the Western NSW Community Legal Centre (including the Western Women's Legal Support Unit), and the Office of the Director of Public Prosecutions.

Last week in his speech at an opening of law term function in Sydney, the Chief Justice of New South Wales paid tribute to the contribution made by lawyers in helping the courts to perform their critical role in our society which he said was "in no small part a function of the competence, skill, integrity and

professionalism of those practitioners”. That tribute is certainly apposite here. We wish all legal practitioners in the Dubbo region a prosperous and satisfying year of practice and service to local communities. Thank you to those who have honoured the Court by their presence this morning.

We also wish to acknowledge the presence of others, including police who are obviously important participants in the criminal justice system in any community. We are honoured by the presence of Superintendent Daniel Sullivan APM, Commander of the Orana Mid-Western Police District; Detective Chief Inspector Paul Stephens; and Acting Inspector Cindy Moore.

We also acknowledge other important participants in the legal system of the region including sheriff’s officers and court registry staff. Without the hard work of these people the courts would simply not be able to function. Thank you to all of them.

A significant aspect of 2023 is that it will be the 200<sup>th</sup> anniversary of the passing of the Third Charter of Justice. This was the means by which the Supreme Court was established, which first sat in 1824. It also established the office of the Sheriff. These measures were implemented following an inquiry that was carried out because of a level of dissatisfaction with the system of justice under military rule in the Colony of New South Wales. One shortcoming of that system was that there was no trial by jury as there was in England. Criminal trials were conducted by a Deputy Judge-Advocate who sat with six military officers or, in civil cases, with two upstanding citizens of the community.

Courts of Quarter Sessions, generally speaking the predecessor of the current District Court, were established at around the same time.

Honorary Magistrates constituted what was broadly the equivalent of the current Local Court and had operated from the time of Governor Phillip. The first paid magistrate took office in 1810 and Courts of Petty Sessions (renamed Local Courts in the 1980s) were established in 1832.

A court was first designated for Dubbo in 1846 and sat in a small wooden building which was soon replaced by another. The courthouse in which we meet commenced with a construction in the 1880s, opening in 1887. By previous standards, this was a much larger and grander building and probably had something to do with the sharp growth of the town at that time, marked by events such as the proclamation of the town as a municipality in 1872, the Supreme Court commencing to sit in Dubbo in 1875, and the arrival of the railway in 1881.

In the 21<sup>st</sup> century, we now have the Local and District Courts sitting on a full-time basis as well as judicial officers travelling to various courts around the region. Given that its criminal jurisdiction is generally concerned with crimes as serious as murder, it is undoubtedly a good thing that the Supreme Court is not required to sit here all that often.

There are some significant developments that at long last will soon come to fruition.

The Drug Court is due to commence sitting in Dubbo in a few weeks' time. I understand an opening ceremonial sitting is scheduled for 20 February 2023.

The Drug Court commenced at Parramatta in 1999 and later expanded to Sydney and Toronto. It describes its role as supervising the intensive community-based rehabilitation of eligible drug-dependent offenders who would otherwise be sentenced to full-time imprisonment. Its program is a joint justice and health intervention aimed at reducing drug dependency, reducing offending, and promoting reintegration into the community. It has proven to be more effective at reducing crime, and the intensive rehabilitation that it provides costs less than sending people to prison.

The Chief Justice last week quoted recent research that demonstrated the truth of this. Noting that the Drug Court program was generally availed of by offenders who had committed serious offences and had long criminal records, the findings of the research produced statistical evidence of the program having the potential to have "lasting positive effects on the lives of recidivist offenders".

Another significant development is that a Youth Koori Court is expected to commence this year as part of the operation of the Children's Court. The Attorney General Mr Mark Speakman SC announced last July that funding was being made available for the expansion of this Court to Dubbo in early 2023.

Until now the Youth Koori Court has only been available as part of the work of the Children's Court at Parramatta (2015) and Surry Hills (2019). This is a promising development for this region. A report published last April by the Bureau of Crime Statistics and Research suggested, "an association between participation in the Youth Koori Court and reduced risk of imprisonment without any adverse impact on re-offending rates".

These are promising developments for the criminal justice system in the Dubbo region. There is cause for significant hope that the community as a whole will be the benefactor.

We are grateful to Ms Jennifer Spear, President of the Orana Law Society, and the Society's young lawyer representative, Ms Francesca Cutri, for their initiative and enthusiasm in arranging for the Opening of Law Term events this morning, including this ceremonial court sitting.

The Court is honoured by the presence of one of the State's most senior and eminent prosecutors, Mr Lee Carr SC, Deputy Senior Crown Prosecutor. Mr Carr.

The Dubbo region has the immense benefit of having a Public Defender permanently based here and the occupant of that position being a barrister of considerable experience and talent. I call upon Mr Nicholas Broadbent, Public Defender.

Thank you to Mr Carr, Mr Broadbent, Aunty Margaret Walker and to all who have participated in this joint ceremonial sitting to officially mark the opening of the law year. We wish you well for 2023.

The Court will now adjourn.