

Serving our customers

1: Court and tribunal services



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Note: The Department also assists other courts and tribunals including the Dust Diseases Tribunal, Drug Court, Coroner's Court, Children's Court, and Victims Compensation Tribunal.



This section of the report looks at the administration and resourcing for courts and tribunals in NSW.

Support is provided to 166 regional courthouses and multi-court complexes that exist throughout NSW.

The courts are managed by registrars and presided over by independent judges and magistrates. The activities of the courts are supported by reporting and library services.

Serving our customers

The majority of court and tribunal services are dealt with by the Court Services business centre, which comprises the Local Court, District Court, Office of the Sheriff, and Reporting Services. More than 90 per cent of criminal and civil cases are finalised in the Local Courts.

The Department manages the largest court system in Australia, which is consistently rated among the best in the country in meeting time standards. Its staff are hardworking, well informed and committed to providing services for the justice system.

The registrar of a court or tribunal manages and assists in getting court matters ready for hearing. Client service staff at all courts offer assistance and information about legal options and court procedures. They also provide information and referral services for legal aid and alternative dispute resolution. Services for 11 departments and agencies through 39 Government Access Centres are also provided. In addition they provide access to the Public Trustee NSW and the NSW Registry of Births Deaths & Marriages.



Art and law score for Macarthur

More than 50 people attended the launch of Law Week's inaugural Macarthur Aboriginal Art Exhibition in March.

Some of the finest works by the Macarthur region's Aboriginal artists were on display at the Campbelltown Courthouse, including contemporary decorative designs and traditional Aboriginal weavings.

At the launch of the Macarthur Aboriginal Art Exhibition are, from left: Lisa Hogan, Registrar, Campbelltown Court; His Honour Judge M L Sides QC, District Court Judge, Campbelltown; Gary Stewart, Aboriginal Client Service Specialist, Campbelltown Court; Michael Stoddart, Local Court Magistrate, Campbelltown; and Ron Gray, Chamber Registrar, Campbelltown Court.

Information was also provided to more than 1,280 school and university students and other community members, thanks to the Supreme Court's community education program and court tours.

Aboriginal Client Service Specialists (ACSS) are located at 16 courthouses across the state. These specialists assist and inform Aboriginal and Torres Strait Islander defendants, witnesses and victims of crime about court services.

More than 90 per cent of criminal and civil cases are finalised in the Local Courts.





Customers 'highly satisfied' with court service

Nine out of ten court clients surveyed reported they were 'highly satisfied' with the customer service they received at their local courthouse, according to an independent survey of clients.

A subsequent Mystery Shopper survey was conducted, whereby researchers posed as clients at 63 courts with a standard enquiry. Responses were then rated. The courts surveyed scored an impressive 86 per cent average from the Mystery Shopper research.

The two client surveys were conducted by independent research agencies as part of the Department's internal reform program, which aims to provide faster and easier access to justice-related services for all communities in NSW.



Court statistics*			2002-03	2003-04	2004-05	2005-06
Supreme Court	Criminal matters	New matters	500	700	623	590
		Disposals	859	687	706	607
	Civil matters	New matters	10,340	11,298	12,903	13,182
		Disposals	10,522	11,091	12,442	13,638
District Court	Criminal matters	New matters	8,891	9,669	10,410	10,115
		Disposals	9,039	9,204	9,935	9,661
	Civil matters	New matters	9,214	8,418	7,202	7,659
		Disposals	16,645	10,430	8,299	8,452
Local Court	Criminal matters	New matters	**	174,994	181,788	176,886
		Disposals	**	171,123	178,055	178,655
	Civil matters	New matters	**	196,482	207,605	202,793
		Disposals	**	188,278	183,473	189,038

* Data from Productivity Commission's Report on Government Services.

** Change in counting rules for Local Court makes data not comparable.

The *Report on Government Services 2007* found the NSW District, Local and Children's courts were **clear leaders in Australia** in timeliness in dealing with criminal cases. For the fourth consecutive year, the NSW Local Courts have led the nation in this key measure of productivity.

In the Land and Environment Court (LEC), the 2006-07 financial year saw a significant increase in the number of matters finalised in nearly all classes of jurisdiction. The LEC also had an increase in productivity with the collective clearance ratio for all classes over 115 per cent. This comprises the current year's matters and a large proportion of pending matters.

Over the last year the Industrial Relations Commission (IRC) had an overall clearance ratio of 119 per cent for 2006-07, as it cleared all matters filed this year and a significant proportion of the pending caseload from previous years. This clearance ratio is up 6 per cent on the previous year, and means the Commission has reduced its pending caseload by 38 per cent.



Court performance

The courts and tribunals play a vital role in providing justice services for the NSW community. Most people who come into contact with courts and tribunals in NSW do so at the Local Court, making it one of the busiest courts in Australia. Together, NSW courts and tribunals handle more matters than any other state whilst continuing to achieve high-levels of timeliness.

Inter-State comparisons

The Productivity Commission's *2007 Report on Government Services* (ROGS), released in January 2007, compares court performance across Australia for the 2005–06 financial year. State comparisons are based on that report.

Timeliness of criminal matters

Local Court

In 2005–06 the NSW Local Court continued to rank first in Australia for timeliness. It had the lowest backlog of cases over six months old for criminal matters, when compared with other states and territories. About 85 per cent of the criminal matters in NSW are finalised in the Local Court.

District Court

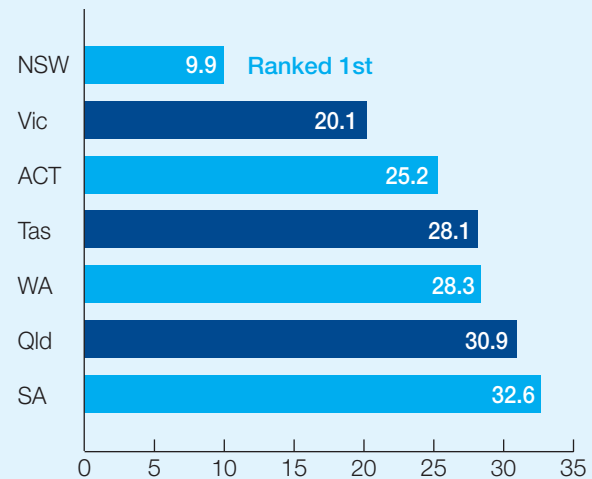
In 2005–06 the NSW District Court ranked first in Australia for timeliness of criminal non-appeals matters.

Important: The information contained in this annual report relates to the financial year 2006–07 with the exception of the 2005–06 ROGS data, which is the most current data available from the Productivity Commission.

Backlog index

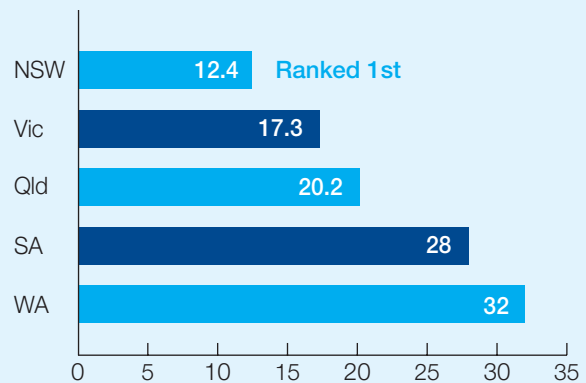
The backlog index is a measure of court processing timeliness. It is used to report on the age of pending cases within a jurisdiction, based on that court's case disposal times. The index is the percentage of cases that are older than the nominated timeframes.

Six month backlog indicator, Local Court criminal matters (%)



Source: ROGS 2005–06 (published January 2007)

Twelve month backlog indicator, District Court criminal non-appeals matters (%)



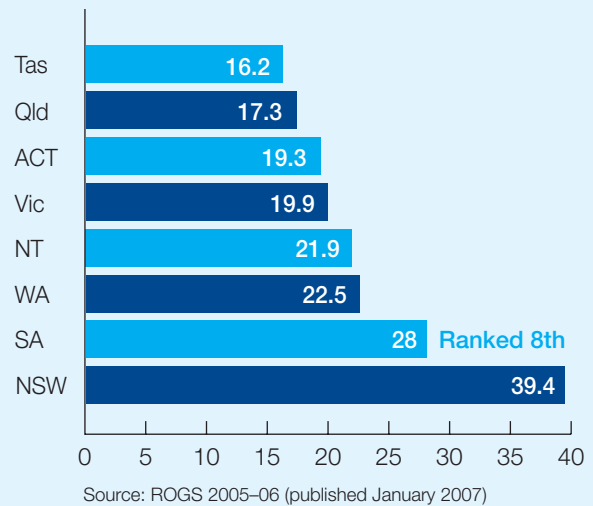
Source: ROGS 2005–06 (published January 2007)



Supreme Court

The NSW Supreme Court ranking in 2005–06 was based on 37 cases. The 37 cases pending for more than 12 months equate to less than 0.3 per cent of the total number of criminal cases finalised in NSW courts in 2005–06.

Twelve month backlog indicator, Supreme Court criminal non-appeals matters (%)

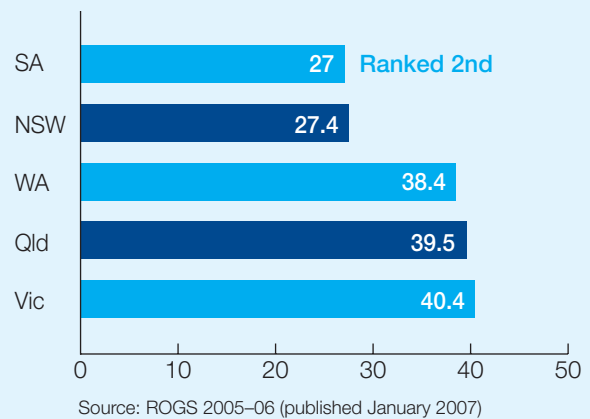


Timeliness of Civil Matters

District Court

In 2005–06 the NSW District Court ranked second in Australia for civil non-appeals matters. Of the pending case load, over 70 per cent of matters were less than 12 months old.

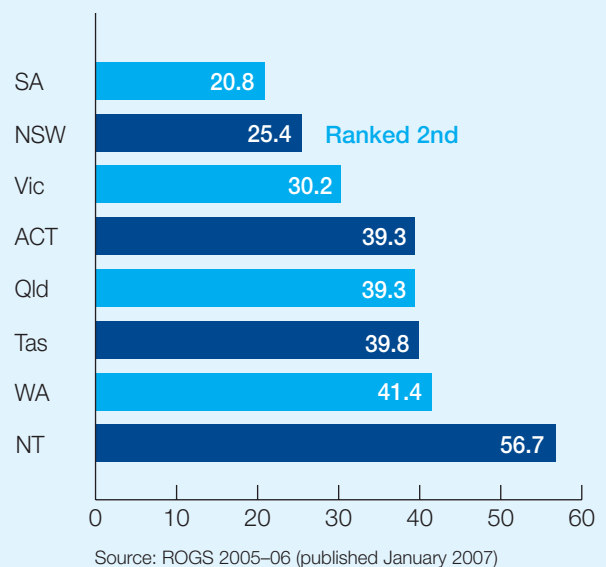
Twelve month backlog indicator, District Court civil non-appeals matters (%)



Supreme Court

In 2005–06 the NSW Supreme Court ranked second in Australia when compared with other states and territories. This is an improvement on previous years and is a significant achievement as non-appeals matters represent over 90 per cent of the Supreme Court's civil workload.

Twelve month backlog indicator, Supreme Court Civil non-appeals matters (%)



Clearance ratio

The clearance ratio is the ratio of case finalisations to case registrations over a particular period, expressed as a percentage. This is a measure of whether the court's caseload is increasing or decreasing. For example, a clearance ratio of over 100 per cent means the jurisdiction is reducing its pending caseload, and is more likely to be able to meet time standards in future.

In 2006–07, NSW courts and tribunals achieved clearance ratios of 95 per cent or higher across all matters. This indicates that NSW courts and tribunals are meeting the demand for their services.

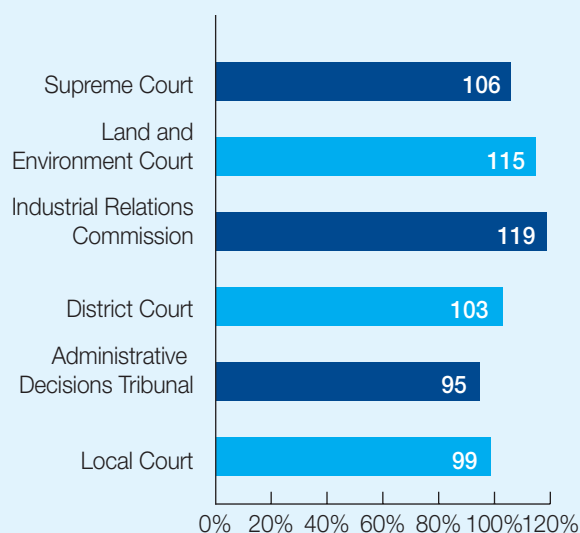
Cost per finalisation

Net expenditure per finalisation in NSW Supreme and District Courts is less than the Australian average.

The NSW Local Courts net expenditure per finalisation is \$41 higher than the Australian average. The higher NSW costs are due to the cost of providing the public with access to over 150 courthouses compared with, for example, about 50 courthouses in Victoria.

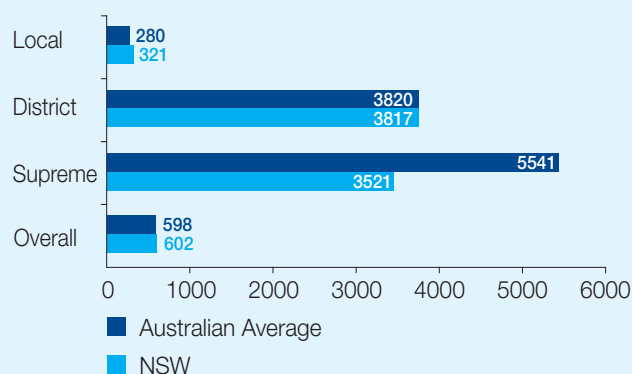
The overall NSW expenditure per finalisation is \$4 above the Australian average. NSW courts have made significant efforts to reduce costs in recent years.

Clearance ratios (%)



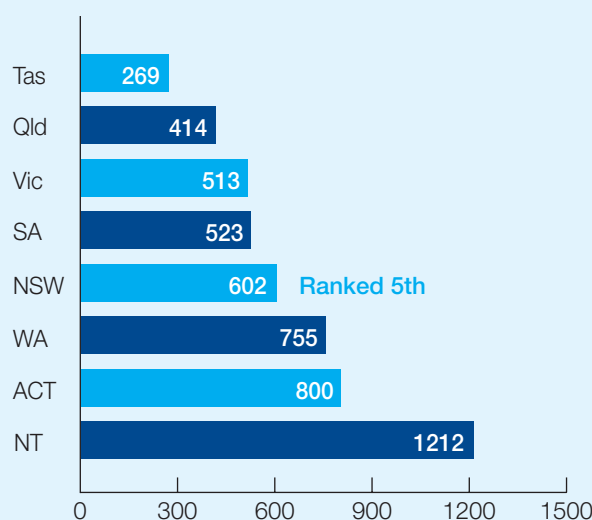
Source: Court and Tribunal KPI Statistics, 2006–07

Expenditure per finalisation, criminal and civil (\$)



Source: ROGS 2005–06 (published January 2007)

Expenditure per finalisation, all courts state comparison (\$)



Source: ROGS 2005–06 (published January 2007)



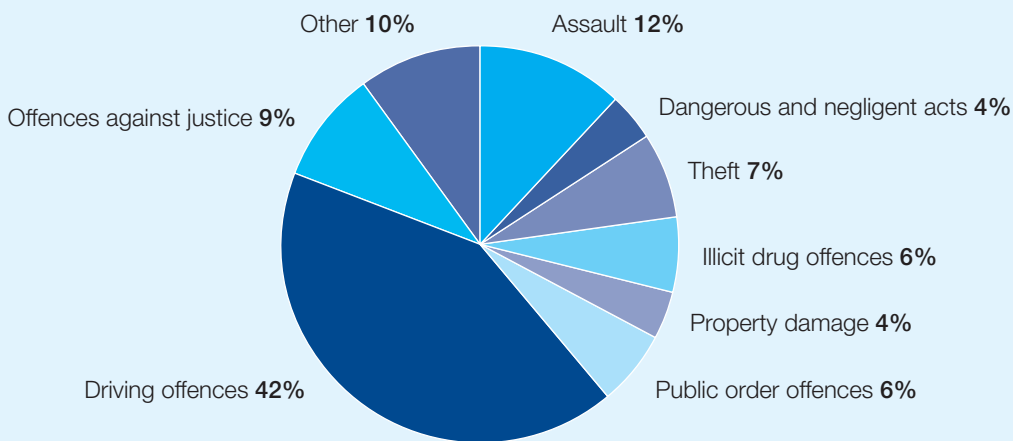
Types of criminal matters handled

The graph depicts the types of criminal matters handled by the Supreme, District and Local courts of NSW during 2006.

The 'other' category includes offences like murder, sexual assault, harassment, break and enter, deception, robbery, weapons related offences, public health and safety offences and other miscellaneous offences.

The driving offences category includes licence offences, roadworthiness offences, and regulatory driving offences.

The offences against justice category include offences against justice procedures, government security and government operations, and breaches of bail and other justice orders.



Source: BOCSAR Criminal Court Statistics 2006



Clients get better access to Aboriginal services

Staff at locations across the state provide clients with Aboriginal programs and services.

Aboriginal programs include Circle Sentencing, Aboriginal Community Justice Groups and Aboriginal Client Service Specialists.

Scott Hawkins, Crime Prevention Division



Photo library

Restorative justice

Restorative justice offers victims an opportunity to meet the offender in a safe, structured setting and engage in a mediated discussion of the crime.

With the assistance of a trained facilitator, the victim is able to tell the offender about the crime's physical, emotional or financial impact; receive answers to questions about the crime and the offender; and be directly involved in developing a plan for the offender to make reparation or restitution for harm caused to the victim.

It allows for reconciliation, an opportunity for remorse and an understanding of the impact of the offence.

The Land and Environment Court had an opportunity to use restorative justice in relation to a Broken Hill case concerning the destruction of items of Aboriginal significance. The Court invited the parties to engage in a restorative justice conference. The report following the conference suggested it was a fruitful exercise and a comprehensive analysis of the process is available in the judgment *Garrett v Williams* (2007) 151 LGERA 92.

Mediation

Going to court may not be the best way to reach a fair and just solution to a legal problem. Mediation provides an alternative way to resolve disputes without going to court. Mediation can produce faster and less expensive outcomes that better meet the needs of disputing parties.

Mediation can be voluntary or ordered by the court. Conciliation conferences may offer a quick and cheap resolution of issues. In the Supreme and District courts, registrars conduct mediations free of charge. In the District Court the 49 per cent settlement rate of the 90 matters referred for mediation this year is an 18 per cent increase over 2005–06. In the Supreme Court, mediation was successfully piloted in the Court of Appeal.

Another form of mediation is conflict resolution. In 2006–07 the Commonwealth *Family Violence Partnership Program* provided funding for the Department's Community Justice Centres to conduct community training in conflict resolution in 12 Aboriginal communities over a three-year period. There have been positive evaluations of the six training programs already delivered.

Community Justice Centres are located in metropolitan and regional NSW. Use of the centres is voluntary and all participants are guaranteed confidentiality.

Dust Diseases Tribunal claims for compensation for **asbestos-related illness** are dealt with by a Claims Resolution Process (CRP). This process was developed to reach early agreement on apportionment of liability so claims can then be settled or mediated. The claim only returns to the tribunal if mediation fails.





Photo library

Tough new laws cut back neighbourhood tree disputes

Complicated 600 year-old laws used to resolve disputes about neighbourhood trees have been replaced by a simple, inexpensive process.

Neighbours can now apply for special orders to have a problem tree fixed quickly, and do not need to wait for damage to occur before taking action in the courts.

The Land and Environment Court (LEC) has increased its use of alternative dispute resolution (ADR) mechanisms, notably mediation and conciliation. In February 2007 the LEC was given jurisdiction to deal with **tree disputes** between neighbours pursuant to the *Trees (Disputes between Neighbours) Act 2006*. The Act provides a simple and inexpensive process for the resolution of tree disputes which fall within the Act.

Before the jurisdiction commenced the registrar and the full time commissioners of the court completed intensive arboral training to assist them in their resolution of tree disputes. This training, together with the use of acting commissioners who are trained arborists, has kept the expense for the parties to a tree matter to a minimum including the expense of parties retaining arboral expert evidence.



Courts activity to stop domestic violence

Burwood and Sutherland local courts were involved in the Fabulous Fun Fair Day organised by Burwood Council and various community groups as part of the *16 Days of Activism to Stop Domestic Violence*. The day was aimed at promoting peace and non-violence for women and children and to provide awareness of the different support available to women in domestic violence situations.

At the event was Acting Deputy Registrar Burwood Local Court, Alice Toby, and Deputy Registrar Sutherland Local Court, Christine Skinner.

The tree dispute hearings are usually held on site or in regional local courthouses. The hearings are informal with many parties representing themselves. The feedback to date from court users has been positive with most disputes being finalised within 70 days of the date of the commencement of the proceedings.

Courthouse facilities

Victims of sexual assault and children can give their evidence by way of closed circuit television (CCTV) from a remote witness room away from the courtroom. Video-conferencing can be used so victims avoid facing their accused. A young person's evidence may be given by playing the recorded statement made by an investigating officer. The recording of the evidence of a victim of an alleged sexual offence may be used in the case of a re-trial instead of the victim having to give evidence again.



Plans are underway to ensure that sexual assault cases are dealt with more quickly. In the District Court sexual assault cases are listed separately and the management of the cases is closely monitored by the court.

Supporting clients with mental health disabilities is part of a whole-of-government approach to improving our services and enhancing their participation in the community. The Local Court refers clients to support services, including those offered by the Office of the Public Guardian.

Court security underpins the safe and efficient functioning of the court and justice system. Sheriff's officers provide court security and support services at courts across NSW.

Most courts now have measures in place to **further improve the safety** and security of all court users. There are also two mobile security units. One is at Blacktown, mainly used at Darlinghurst and the Coroners courts, and the other is at Newcastle, which is used at Belmont and Muswellbrook courts.

In the past year Albury was added to the list of courts that have **perimeter security (airport style)**, making a total of 26 courts where visitors may be subjected to personal scanning, scanning of possessions and bag searches.

Closed circuit television (CCTV) was installed at 11 major centres and in six additional courtrooms in the Downing Centre.

The **Dust Diseases Tribunal** has videolink facilities, enabling the taking of expert witness evidence from overseas or interstate locations. Images of documents produced in proceedings can now be transmitted via the special document-camera to a remote location.

There are bail **video-conferencing** links in use in more than 40 courtrooms in NSW courts.

Defendants on remand can apply for bail from prison. This enhances the safety and efficiency of the courts, alleviates overcrowding in court holding cells and provides significant savings in the cost of managing and transporting prisoners.

Partnerships and improved efficiencies

Working cooperatively with other justice agencies has paid off. The Justice Consortia is a group of organisations including the Department's library network, the Judicial Commission of NSW, the Legal Aid Commission of NSW and the NSW Office of the Director of Public Prosecutions.

This consortium was a departmental initiative designed to identify opportunities and strategies to **increase financial bargaining power**. It enables participants to optimise bulk-purchasing arrangements, reduce costs and gain access to an expanded suite of electronic library and other products.

The group negotiated three-year contracts with information service providers resulting in **significant savings** to the Department of over \$300,000 in the past year.



Photo library



Supporting access to conflict resolution services

Community Justice Centres provide mediation and conflict management services to people who want to resolve disputes without going to court.

Disputes between neighbours, within families, in workplaces and in larger communities can be addressed through this service.

Centres are located in regional and metropolitan locations across the state.



The purchase of a **new library management system** provided the Department's libraries with new opportunities. The combination of the online catalogue with a variety of online research websites has resulted in a gateway to the Department's hardcopy and electronic legal resources. The development and testing phase for this new system began in early 2006, with completed pages being progressively rolled out during 2006–07. Users are now able to link directly to websites, documents, images, applications and electronic services via the Department's intranet, providing increased efficiencies and better service for staff and customers.

Reporting Services' on time **transcript delivery** improved significantly this year, with an average of 85 per cent being delivered within the required timeframe in the second half of the year. There was also an increase in same-day transcripts delivered to the District Court to support criminal trials and recent sexual assault reforms.

In a move designed to **simplify the law** and reduce delays and costs for litigants, the Supreme Court's practice notes have been reduced in number from 66 to 25 documents. These practice notes supplement the procedures and rules of the court and, while they are not bound in legislation, practitioners and other court users rely on them as guides. At the Supreme Court, more Common Law division matters are being case managed by individual judges and call-ups have been abolished, with matters now being allocated dates immediately, as soon as they are ready for hearing.

Future plans

The Supreme Court will also continue to **improve its caseload management** with a view to reducing costs and delays for litigants.

In 2006–07 the equity division of the Supreme Court started using *JusticeLink*'s Online Court services, enabling judicial officers and customers to participate in directions hearings online. This reduces the need for court attendances.

JusticeLink will support the Supreme, District, Local, Coroner's and Children's courts. The revolutionary system will reduce paperwork and create a more streamlined and efficient justice system, and make many court services available to our customers online.

Significant benefits for the justice system will be achieved via two main sources:

1. eServices (online electronic services)
2. common registry and financial functions.

The Supreme Court registry will use *JusticeLink* to process criminal matters by late 2007, and will be followed by the District Court.



King Street Courts defy demolition for facelift

The renovation of Court One of the King Street Courts complex was officially opened in February 2007.

The original Georgian style courthouse was built in the 1820s, making it the oldest courthouse in Sydney and one of Australia's most significant buildings. The \$2.5 million renovation marked the 180 year anniversary of the Supreme Court's occupancy of the building.



JusticeLink comes under the banner of the Department's *Towards 2010* program, which also includes the head office move to the Parramatta Justice Precinct, and a number of other reform programs. These aim to increase access to justice and modernise NSW courts. They aim to make our customer services simpler and faster. The many projects initiated during the year include a redesign of court registry customer areas, and a review of the Department's websites to make them easier for people to access and navigate.

The courts have also undertaken customer surveys and 'mystery shopper' exercises across the state, to measure the level of customer satisfaction with court services and how they are delivered to the community. These studies found our court staff were friendly and helpful, with the majority of courts receiving a rating of above 86 per cent for their face-to-face services.

Other electronic advances include the piloting of **digital equipment** for the Reporting Services Branch, which are planned for implementation in approximately 150 courtrooms and 11 transcription centres in 2007–08.

The Department's AGD Law Libraries, Law Courts Library and Crown Solicitor's Office library services are in the **process of merging** to streamline systems to better serve the needs of library users. This means the Department's library networks will integrate into a single service delivery unit by November 2007. This common system will mean unified procedures that will result in greater consistency and efficiency. This will allow more staff with professional knowledge and specialist skills to be available to focus on the needs of library users. They will assist with legal research, lending services and document delivery.

The library services will continue to increase the rate of conversion of printed documents into electronic format, and increase the overall availability of online resources.

Enhancement of security at NSW courthouses will continue. In 2007–08, perimeter security will be installed at Nowra, Wyong and the Sydney West Trial Courts.

Plans are underway to improve enforcement provisions for Sheriff's Officers and to run a recruitment class in early 2008 as part of a goal to provide 55 new officers within three years.

Enhancements such as video-conference facilities to **assist victims** will be installed as part of improvements to courthouses in NSW in 2007–08. Video-conference networks will be extended to courts, Legal Aid and correctional facilities in rural and regional areas as part of a \$2.9 million funding boost.



Premier opening for Children's Court

The Children's Court of NSW, the first legal building on the site of the Parramatta Justice Precinct, was officially opened by NSW Premier Morris Iemma on 6 November 2006.

The \$39 million Children's Court of NSW is the largest and most technologically advanced facility of its kind in the state. While the six-court complex is highly secure, its design strives to create a calm environment through the provision of large public spaces filled with natural light.

NSW Premier the Hon. Morris Iemma, and Parramatta MP Tania Gadiel unveil the plaque to officially open the Children's Court.





Witnesses in remote areas will now be able to give evidence via **videolink and closed circuit TV** under a \$5 million project that commenced in 2006–07. These remote evidence witness facilities allow vulnerable witnesses, such as children or victims of sexual assault, to give evidence without the confrontation of an actual court appearance.

Victims of domestic violence will also benefit from \$2.1 million allocated to continue the Domestic Violence Court Intervention Model at Wagga Wagga and Campbelltown. This model tailors the response of the justice system to victims of domestic violence, and has proven to increase guilty pleas and reduce court waiting-times for victims.

Defendants as well as victims are being considered. Defendants on bail will have access to experienced members of the judiciary with a **weekend magistrate initiative** between the Magistracy and the Department.

Courts are continuing to improve the way they operate and to **offer alternatives** to the traditional judicial system. The District Court will be reviewing the way it conducts its business, the efficiency of its operations and improvements in the way the court interacts with other agencies. It will also increase its alternate dispute resolution program in the civil jurisdiction.

The Land and Environment Court will continue to improve its practices and procedures to better enable the just, quick and inexpensive resolution of civil proceedings through **conciliation and mediation**.

The Community Justice Centres are also increasing the use of **alternative dispute resolution** (ADR). Plans are underway to integrate ADR into judicial systems across NSW and pilot such interventions in minor criminal matters. There are also plans to accredit mediators under a national system and implement the review recommendations of the Law Reform Commission.

The Aboriginal Community Justice Group (ACJG) program will be expanded to include Campbelltown, Newcastle and Tamworth. The **new community justice groups** will be made up of local Aboriginal people who will examine crime problems in their area and develop practical solutions. The groups will work on a range of local issues in cooperation with police, courts, probation and parole and the Department of Juvenile Justice. The ACJGs will also work individually with juvenile and adult offenders and victims of crime. A key goal is to reduce the rate of offending and victimisation within the Aboriginal community.

By June 2011, the target is to have Aboriginal staff account for 10 per cent of all Local Courts and Sheriff's employees, according to the Department's *Aboriginal and Torres Strait Islander Employment Strategy 2006–2011*. The Department's overall staff target is for 6 per cent.

The Industrial Relations Commission remains committed to ensuring the delivery of timely and cost-effective services to parties who appear before the Commission and the Industrial Court.

The Administrative Decisions Tribunal (ADT) has liaised with **Diversity Services** and will be implementing a new alternative format for presenting information for use by people with a disability.



Overview of business centres in this chapter

Supreme Court registry

The role of the Supreme Court is to hear the most serious criminal matters and a range of civil matters. It has unlimited jurisdiction in civil disputes and plays an important supervisory role in the NSW court system through its criminal and civil appellate jurisdictions.

The Supreme Court's registry provides the administrative support for the operations of the Supreme Court through its role in providing information to litigants, accepting and managing documents, processing probate and other cases, providing general administrative support and managing the determination of legal costs incurred by litigants.

Industrial Relations Commission registry

The Industrial Relations Commission (IRC) was established under the *Industrial Relations Act 1996* to cover most aspects of employment law and industrial offences. Its primary objective is the promotion of the earliest, most effective and efficient resolution of industrial matters. The major role of the IRC is to provide a framework for the conduct of industrial relations that is fair and just.

It uses conciliation and arbitration to resolve industrial disputes; make industrial awards; approve enterprise agreements; set conditions of employment and wages; decide claims of unfair dismissals; hear claims to void or vary unfair industrial contracts; hear prosecutions under various industrial laws (including more serious breaches of Occupational Health and Safety legislation), and to deal with civil matters under those laws.

There are 23 members of the commission including ten judges who each have the same rank, title, status and precedence as judges of the Supreme Court.

Land and Environment Court registry

The Land and Environment Court of NSW (LEC) is the state's specialist environmental jurisdiction. The court has an international reputation as a leading specialist environmental court.

The role of the LEC is to determine appeals in respect of planning and development matters. Merit appeals on development applications account for about 65 per cent of the court's work. In 2006–07 there has been a significant increase in the court's workload in civil and criminal enforcement in relation to environmental planning and protection.

The LEC's work also includes land valuations and compensation claims for land resumption; claims and disputes arising under the *Aboriginal Land Rights Act 1983* and the *Trees (Disputes between Neighbours) Act 2006*; civil enforcement matters; and summary criminal enforcement in relation to environmental planning and protection.

Administrative Decisions Tribunal registry

The Administrative Decisions Tribunal reviews specific administrative decisions of NSW Government agencies, resolves discrimination and retail lease disputes, and exercises disciplinary and regulatory functions over a range of professional and occupational groups.

It is an independent statutory tribunal established under the *Administrative Decisions Tribunal Act 1997*. It has six divisions: general, community services, equal opportunity, retail leases, legal services and revenue. It also has an Appeal Panel.



The Land and Environment Court of NSW (LEC) is the state's specialist environmental jurisdiction. The court has an international reputation as a leading specialist environmental court.





Court Services

Court Services assists the Local Court and District Court, as well as the Children's Court, Dust Diseases Tribunal and Coroner's Court.

The **Local Court** is the hub of justice in regional NSW. All criminal cases and many civil cases enter the NSW court system at the Local Court and more than 90 per cent of all criminal and civil cases are finalised there. Local Courts deal with a wide range of legal matters and offer advice about services that can help members of the public to deal with a legal problem. It was one of the three jurisdictions confirmed as the best in Australia in the time taken to deal with criminal matters (*Report on Government Services 2007*).

The **Children's Court** deals with matters relating to the care and protection of children and young people, and criminal cases concerning children and young people. The new Children's Court at Parramatta started sittings on 13 November 2006. On that day the Children's Court at Bidura began hearing both care and criminal matters. Given these increased services, the Children's Court operations at the St James, Lidcombe and Cobham courts were transferred to Parramatta.

The **District Court** is the largest trial court in Australia and coordinates indictable criminal offences and civil matters. It manages equity claims and damages, claims of up to \$750,000 and applications involving property of up to \$250,000 in value. It has unlimited jurisdiction for motor vehicle accident personal injury claims. It also deals with appeals from the Local Court.

The **Dust Diseases Tribunal** determines claims for damages for negligence or breach of statutory duty by people injured by exposure to asbestos or suffering from other dust-related conditions.

Office of the Sheriff

The Office of the Sheriff provides court security and support services to the Supreme, District, certain Local Courts, specialist Children's Courts and the Industrial Relations Commission. It has approximately 300 Sheriff's Officers who are sworn, uniformed and ranked officers.

The Office also coordinates jurors for the District and Supreme courts, recovers unpaid fines, and executes orders for judicial decisions like the possession of land, recovery of judgment debts and eviction of people from premises.

Other court related duties may involve the welfare and support of jurors and day to day support of courtroom operations.

Community Justice Centres

Community Justice Centres (CJCs) provide alternative dispute resolution (ADR) services to the NSW community, and training to government and non government bodies. The CJCs operate under the *Community Justice Centres Act 1983*.

The core functions of the CJCs are to provide:

- mediation and conflict management services for most types of conflicts, excepting those involving criminal matters and domestic violence
- culturally appropriate ADR services to the Aboriginal and Torres Strait Islander communities throughout NSW
- information and training to referral agencies such as Local Courts and the Department of Housing.

Its services are provided for neighbours, family, community, neighbourhood and workplace disputes. CJCs receives referrals from Local Courts, government departments, LawAccess, community organisations and individuals.



Libraries

The **AGD Law Libraries** provides library and information services to all departmental officers and the judiciary. It is a network of libraries that serves all NSW jurisdictions with the exception of the Supreme Court of NSW.

The **Law Courts Library** is a joint Commonwealth and State funded law library service established in 1977, and housed in the Law Courts Building. It is a legal resource and information centre for judicial officers and court staff from the Federal Court of Australia, High Court, and the Supreme Court of NSW.

Reporting Services Branch

The Reporting Services Branch's role is to accurately record court and tribunal proceedings and produce timely and cost effective transcripts for participants and judges in all courts and tribunals of NSW. It delivers a statewide service from central, suburban and regional locations.



Serving our customers

2: Judicial services



Supreme Court	36	Administrative Decisions Tribunal	36
Land and Environment Court	36	District Court	36
Industrial Relations Commission and Industrial Court	36	Local Court	36

Note: Other courts and tribunals include the Dust Diseases Tribunal, Drug Court, Coroner's Court, Children's Court, and Victims Compensation Tribunal.



Courts and tribunals are presided over by a judicial officer.



The judiciary in NSW consists of judges of the Supreme Court, District Court, Land and Environment Court, Industrial Relations Commission and the Industrial Court, the Magistracy of the Local Court, and other courts and tribunals. The judiciary provides independent judgments.

The judiciary is independent of the Department and free from government influence or interference.

Independence of judicial officers

Courts and tribunals are presided over by a judiciary made up of independent judges, magistrates and other judicial officers appointed to ensure the law is applied fairly to all.

To ensure laws are made, enforced and interpreted fairly, the institutions of government are divided into three branches. The Parliament of New South Wales defines these as the:

- legislature – parliament which makes the laws.
- executive – ministers and the government agencies which put the laws into operation.
- judiciary – judges and magistrates who interpret and apply the laws.

Separation of powers

This 'separation of powers' aims to ensure that no single agency is able to exercise complete authority. The powers and functions of each branch are separate and carried out by separate personnel. Each institution's independence helps keep the others from exceeding their power, thus ensuring the rule of law and protecting individual rights. The Parliament of NSW's website has more details: www.parliament.nsw.gov.au

The NSW justice system is made up of different courts and tribunals which hear matters according to their degree of severity. Each court has a particular jurisdiction, which defines the scope of its authority to decide matters. A court's jurisdiction can come from a number of sources, such as The Constitution, statute law or common law.

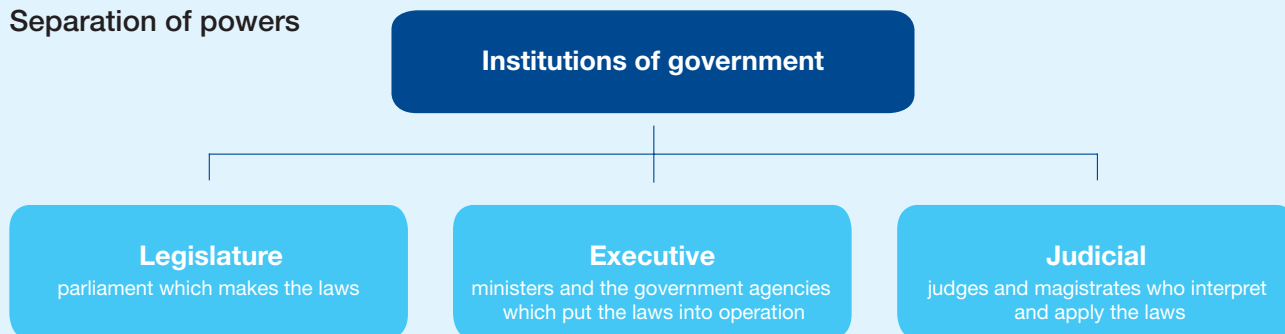
Statute law and common law

There are two sources of law in Australia, statute law and common law.

Statute law is made by parliament, or bodies authorised by parliaments. **Common law** is made by judges whose decisions can form precedents.

Under the common law system in Australia, court proceedings are adversarial in nature. This means that each party to the proceedings presents its case to the court, which then decides which party has the best case, based on the available evidence. The court does not conduct its own investigation, or construct its own version of events.

Separation of powers





Songs of praise from gallery to court

Sydney's District Court has showcased an unusual art collection which one of its judges picked up for a song. Judge Judith Gibson has collected 300 rare and historically significant song sheet covers which are on display in the District Court's John Maddison Tower, at Goulburn Street in Sydney.

Judge Gibson said the song sheet covers were all published before World War II and in some cases date back to the 19th century.



Dust settles on asbestos claims

The Dust Diseases Tribunal has exclusive jurisdiction within NSW to determine claims for damages arising from exposure to asbestos and other specified dusts.

On the bench of the Dust Diseases Tribunal is, from left, Judge Curtis, Judge Walker (retired 2 June 2006), President O'Meally, Judge Duck, and Acting Judge Johns. Absent: Judge Kearns, appointed July 2006.



Criminal and civil cases

Courts and tribunals hear criminal and civil cases. Civil cases deal with disputes between people and organisations whereas criminal cases deal with offences or breaches of the law.

Criminal cases involve a person being prosecuted, usually by the police or the Director of Public Prosecutions (DPP), for an offence against the law. If the person is found guilty, the court has the power to impose an appropriate penalty, commensurate with the offence such as a fine, community service order, bond, or a gaol term.

The two types of criminal offences are summary offences and indictable offences. Summary offences are generally less serious and are punishable by a fine or imprisonment for up to two years.

Indictable offences are generally more serious and are punishable by imprisonment for more than two years. They are usually dealt with by a judge and jury of the District Court or the Supreme Court, although the parties may elect that some indictable offences be dealt with by the Local Court.

Criminal matters are generally brought to a court by a government prosecuting agency such as the DPP. They can also be initiated by the police, the Attorney General, local councils and others.



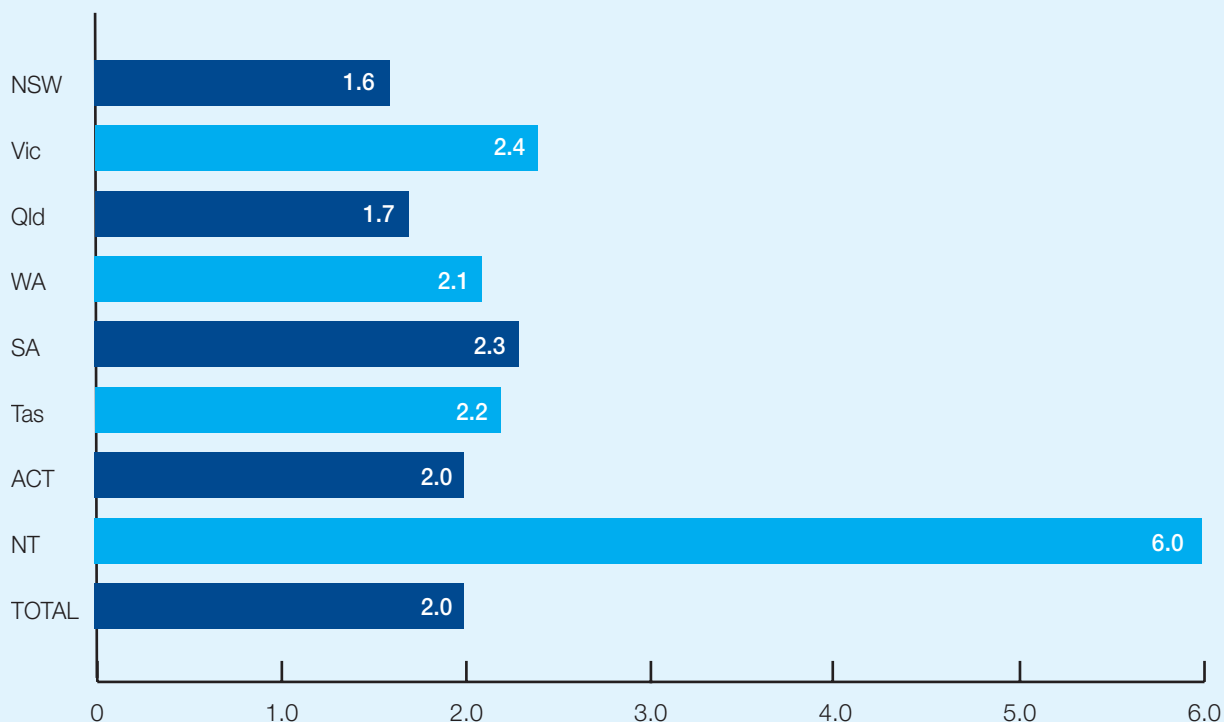
This 'separation of powers' aims to ensure that no single agency is able to exercise complete authority.



Civil cases aim to resolve disputes between parties, including individuals and organisations. The court's role is to decide which party is in the right, on the balance of probabilities. If the court finds in favour of the plaintiff, and against the defendant, then the court determines the appropriate remedy for the plaintiff's claim, which may include compensation.

Magistrates

Full-time equivalent per 100,000 people



The data for Victoria includes a proportion of judicial officers from the Victorian Civil and Administrative Tribunal.

Source: ROGS 2005–06 (published January 2007)

The Productivity Commission's 2007 *Report on Government Services* compares judicial resources to the national standard. The national average is two magistrates per 100,000 people. In NSW there are 1.6 magistrates per 100,000 people, which is the lowest ratio in the Commonwealth for Magistrates Courts.

Yet the Report highlighted that once again Local Courts are national leaders in timeliness for dealing with criminal matters, and the only court to achieve the national standard set by the Commission.

Supreme Court judges wear wigs when presiding over criminal and civil matters. The judges will vote to determine whether to continue wearing wigs in civil appeals and trials in 2007–08.



Serving our customers

3: Crime prevention, Aboriginal and justice programs



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Bradley Delaney, Attorney General's Department's Crime Prevention Division; Bill Riley, Broken Hill Elder with the Aboriginal Community Justice Group; Bobbi Cattermole, Aboriginal Legal Services.
Photo courtesy Broken Hill Barrier Truth Daily.



This section of the report looks at the work of the 10 business centres which support crime prevention, Aboriginal and justice programs.

These agencies and independent bodies monitor trends in contemporary society and suggest appropriate policies, legislation and services to ensure a just and safe society for all. Crime prevention and criminal diversion programs and sentencing options are developed using information from statistics and the results of research on crime and criminal justice. Anti-discrimination and privacy policies protect the rights of all.

Serving our customers

Methods for the delivery of justice and prevention of crime need to be constantly adapted to suit contemporary conditions. Legislation needs to be reformed, statutory regimes developed and new justice programs developed and implemented according to the latest advice from legal experts, the results of research and recent statistical information.

New legislation is administered through schemes and statutory regimes, which make the law work in practice for the community. During 2006–07 the NSW Sentencing Council **consulted widely** with community agencies, government bodies and the general public to examine the effectiveness of fines as a sentencing option.

The Council's Interim Report examined court-imposed fines and penalty notices. Some issues of concern included the lack of more meaningful alternative sanctions for disadvantaged offenders; the difficulty of taking into account the capacity of the offender to pay; and administrative difficulties in enforcement, such as the inability of magistrates to grant extensions for payment beyond 28 days. The Legislation, Policy and Criminal Law Review division is collaborating with other government agencies to develop new options for **paying fines in instalments** to fix the problems identified in the Sentencing Council's report.



Preventing graffiti crime

Graffiti vandalism is a crime which carries a sentence of up to five years in prison or fines up to \$2,200.

To combat vandalism the NSW Anti-Graffiti Action Team has developed a new website to assist in the rapid reporting and removal of graffiti, as well as helping members of the public minimise the risk of their property being exposed to graffiti vandalism.

Crime prevention

The Crime Prevention Division (CPD) has also been involved in negotiating options for fine repayments given many people in the criminal justice cycle are impacted by their inability to pay fines. The Division's two focus areas are to prevent crime and prevent re-offending.

CPD's crime prevention programs team manages evidence-based crime prevention strategies. The team supports councils to develop crime prevention plans, which comprise a number of strategies designed to reduce the risk of community members experiencing crime.





Crime hotspots

New technology is being used by the Department to locate specific crime hotspots.

The Inner West Theft Reduction Strategy uses crime-mapping technology to pinpoint areas with a high incidence of offences, and then identifies environmental changes and treatments to reduce the level of crime.

The first offence targeted by the Strategy is Steal from Motor Vehicle.

The Department together with the NSW Police Force, City of Sydney Council, and Marrickville Council worked to implement environmental changes that will reduce the likelihood of offences occurring.

New signs remind vehicle owners to 'Stop theft: don't leave valuables in your car'.

The team also provides project management for crime prevention projects funded through councils and other agencies, as well as Aboriginal Community Patrols. In partnership with the NSW Police Force, councils and other stakeholders, the team leads the implementation of offence-targeted strategies. The strategies are designed to achieve the NSW State Plan goals of reducing property crimes and crimes of violence.

Grants are available to local councils that have a crime prevention plan endorsed by the NSW Attorney General as a Safer Community Compact.

New crime prevention fact sheets have been prepared in English as well as a range of community languages, including Chinese, Arabic, Italian, Greek, Vietnamese, Korean, Portuguese and Russian to help NSW residents avoid being a victim of crime. They give simple but effective tips for improving personal safety, and enhancing home and vehicle security.

CPD also leads a number of government activities including the NSW Anti-Graffiti Action Team. The Team was established in the past year to promote a coordinated effort to **reduce graffiti** crime across government, utilities and the business sector.

Options to reduce crime and re-offending

If people are convicted, the Department provides programs designed to reduce the likelihood of re-offending.

The Crime Prevention Division's interventions are implemented through **targeted programs** such as Circle Sentencing and the Intensive Court Supervision Pilot Program. Trials for a number of new diversion and intervention programs have been initiated or continued over the past year including Conferencing for Young Adult Offenders and the Domestic Violence Intervention Court Model.

In 2006–07, the Bureau of Crime Statistics and Research (BOCSAR) evaluated the Domestic Violence Intervention Court Model, which is designed to improve prosecution and conviction outcomes in cases of **domestic violence**. The final report is due late 2007. An evaluation was also begun for Adult Conferencing, and an evaluation of a third government program, the Compulsory Drug Treatment Correctional Centre, is due for completion by BOCSAR in 2008.

BOCSAR also developed a model for use in forecasting the risk of reoffending for adults and juveniles.





Aboriginal children use art against family violence

A children's calendar competition to raise awareness about family violence in Indigenous communities in NSW has uncovered a host of promising young artists.

The 2007 children's calendar titled *Our Kids: Stay Safe, Stay Strong*, features 12 of the best artistic works selected from entries from more than 130 Indigenous primary school students across the state.

The competition was developed by the Aboriginal Justice Advisory Council (AJAC) and funded by the Australian Council for the Arts (OzCo) with the support of the NSW Aboriginal Education Consultative Group Inc.

Crime-mapping is another major project for BOCSAR. Reports will provide local government with more detailed information about trends and patterns in crime at a local level as well as crime 'hot spots'. Initial reports are planned for the Marrickville, Wollongong and Woollahra Local Government Areas (LGAs). Once 'hot spots' are identified and analysed, solutions to combat the crime areas can be more strategically planned to achieve more effective results.

Drug and alcohol diversionary programs

The desire to keep people out of gaol needs to be balanced against keeping the community safe. CPD has developed **drug and alcohol diversionary programs** as an alternative to long-term incarceration for people convicted of a criminal act associated with drugs. The Adult Drug Court, Magistrates Early Referral into Treatment Program, Youth Drug and Alcohol Court, and the Rural Alcohol Diversion Pilot Program have all been playing their part in reducing the number of drug-dependent people who resort to criminal activity to support their **drug dependencies**. These programs are delivered through the courts.

The recommendations delivered by the Aboriginal Child Sexual Assault Taskforce, are supported and progressed by the Crime Prevention Division, Aboriginal Programs Unit, Aboriginal Justice Advisory Council (AJAC), and other business centres. In 2004 the Taskforce investigated **child sexual assault** in Aboriginal communities across NSW. Its *Breaking the Silence: Creating the Future* report's recommendations continue to lead the way toward improving services to Aboriginal children, young people and families who have experienced child sexual assault. For details visit: www.lawlink.nsw.gov.au/acsat

Policy and research

During 2006–07, many of the recommendations of the Criminal Justice Sexual Assault Taskforce's report (published in December 2005) were addressed by the Legislation, Policy and Criminal Law Review division. The Taskforce, chaired by then Director of Criminal Law Review, Lloyd Babb, led one of the most comprehensive reviews of laws relating to sexual assault in the last 20 years, developing 70 recommendations to change laws and procedures affecting the prosecution of **sexual assault** matters.

One of the most comprehensive reviews of laws relating to sexual assault in the last 20 years.



The recommendations also aim to bring about a cultural shift in the way sexual offences are investigated and prosecuted and to change the attitudes of key participants within the criminal justice system. By the end of 2006–07, 23 recommendations had been fully implemented and 24 recommendations were in the process of being implemented (12 legislative and 12 operational).

Implementing the first stage of the Criminal Justice Sexual Assault Taskforce's recommendations was just one of the 2006–07 key achievements for the Legislation, Policy and Criminal Law Review division (LPCLR). It has also been assisting to:

- modernise the law relating to **Wills** with the passage of the *Succession Act 2006*
- develop a statutory regime for resolving disputes between neighbours about **trees** in the urban environment
- develop and implement a new Victims Assistance Scheme, which allows **victims of crime** who are not eligible for statutory compensation to be reimbursed for certain actual expenses, such as dental and physiotherapy costs, and replacement of prescription glasses or contact lenses
- develop and implement the first Double Jeopardy and **DNA Review** legislative schemes in Australia.

The Strategic Coordination Unit has developed the state's first **Criminal Justice Research Agenda** to identify priority research areas. Visit: www.lawlink.nsw.gov.au/cjrn

The Unit sponsored and administered a number of mental health research projects, including research into young people with mental health problems and those who frequent emergency services. It also coordinated a trial of weekend bail hearings, using audiovisual links for both adults and juveniles. This aims to ensure legal representation for all detainees and provide the opportunity for parents or guardians to participate by telephone.



Commission consults the public on law reform

Consulting with the public is important for the Law Reform Commission, to assist them propose changes to NSW law.

During the year, the Commission held 15 seminars and consultations in metropolitan and regional locations.

It also published eight consultation papers and reports.

Law Reform Commission staff, (from left) Anna Williams, Peter Hennessy and Wendy Stokoe.

The clarity of correspondence and publications produced by the Department will be increasingly easy to read, as a result of the **new Writing Style Guide**. The guide promotes the use of plain language and was produced by the Ministerial Liaison team in the Strategic Coordination Unit.

Involving the public

The effective implementation of the law calls for the public to be actively involved in many ways. While many people are reluctant to serve on juries, some people with disabilities who would like to serve are currently excluded.



Over the last year, the Law Reform Commission has published reports and consultation papers on **jury service**, majority verdicts, sentencing and juries, and blind or deaf jurors. Its *Blind or Deaf Jurors* report, released in May 2007, made recommendations which may lead to people with visual or hearing impairments being eligible to serve in courts where reasonable adjustments have been made.

Privacy is another area of direct concern to the public. The Department has been active in working with federal agencies to make **privacy provisions** uniform throughout Australia. During the past year Privacy NSW has: developed, renewed and revised directions; updated guidelines; and made submissions to manage, harmonise and promote awareness of privacy laws. Central to the past year's work by the Acting Privacy Commissioner was a submission to the privacy review being conducted by the Australian Law Reform Commission in February 2007. This review, in conjunction with a reference on privacy to the NSW Law Reform Commission, provides a unique opportunity to build a comprehensive and unified privacy regime throughout Australia.

Promoting Aboriginal justice

Particular groups, such as Aboriginal people, need justice programs that are tailored to suit their **cultural needs**. These programs strengthen the Department's ability to address the unacceptable over-representation of Aboriginal people in the criminal justice system.

Circle Sentencing is an alternative sentencing court for adult Aboriginal offenders. It directly involves local Aboriginal people in the process of sentencing offenders, to make the outcome more meaningful and improve confidence in the criminal justice system. More than 200 circle sentences have been held in rural and regional areas across NSW since the program began at Nowra in 2002. This is now being extended to metropolitan areas.



Norimbah at NEON careers expo

More than 800 high-school students from across the Greater Sydney Metropolitan Region attended the New Employment Opportunity Network expo, known as NEON.

It was the first time the Department's Norimbah Unit participated at, and was co-sponsor of, the annual employment expo which targets high school students from Years 9–12.

Norimbah coordinates the *Aboriginal and Torres Strait Islander Employment Strategy*.

Sheriff's Officers Dionne Bowen and Shane Blair spoke with children from across the state at this year's NEON expo.

Since March 2007, the local management of Circle Sentencing, most of the Aboriginal Community Justice Groups, and Aboriginal Client Service Specialists located at courthouses, have been coordinated by Court Services with strategic planning and development of the programs managed by the Aboriginal Programs Unit.

The Aboriginal Community Justice Groups comprise local people who work on a range of local criminal justice issues in cooperation with police, courts, probation and parole, juvenile justice and other areas. Aboriginal Client Service Specialists support Aboriginal people at courthouses across the state.



Aboriginal Community Patrols are also located across the state.

Forums brought Aboriginal Community Justice Group members from around NSW together to network and **raise awareness** of crime prevention and criminal justice issues and opportunities. The Department's staff attended other Indigenous community events including the Aboriginal Football Knockout, CrocFest in both Kempsey and Moree and the NEON careers expo. In particular, AJAC staff attended these events and also met with key stakeholders, community members and government departments to enhance their understanding of the issues being faced by Indigenous people.

There are many departmental initiatives that target Aboriginal communities. Some include the new DVD entitled *Missing* that raises awareness about the high rate of young Aboriginal females who are missing persons. The Tirkandi Inaburra Cultural and Development Centre provided young Aboriginal males an intensive culturally based program and pathways away from the criminal justice system.

The new **Indigenous Justice Clearinghouse website** was launched in late 2006. This web-based tool makes it easier to share and exchange knowledge about Indigenous justice issues. The pioneering website was initiated by the nation's justice ministers and developed by the Department together with the Australian Institute of Criminology (AIC). The site provides a register of Indigenous justice resources and concise briefs on existing research, to help governments and other organisations develop better evidence-based responses to the complex issues facing Aboriginal communities. It includes an online forum, which provides the opportunity for discussions with other people interested in Indigenous justice. This project is supported by the Department's Strategic Coordination Unit. Visit: www.indigenousjustice.gov.au

There are more than 400 volunteers who dedicate their personal time to ensure the ongoing success of Community Justice Groups, Circle Sentencing, Community Patrols and other initiatives to promote Aboriginal justice.

Generating public interest

Offering people of all ages the opportunity to **share their feelings** and express their views about their community assists the Department to develop relevant crime prevention interventions. The AJAC's *Stay Safe: Stay Strong* children's calendar competition was designed to raise awareness amongst Indigenous children about their rights to equality and protection from family violence.

Twelve of the 130 pieces of art and creative writing from Indigenous children feature on the calendar, which will be complemented by a family and domestic violence children's activity book, to be launched late 2007. For Law Week this year the AJAC coordinated the *Know the Score, Check out the Law* competition, which questioned Aboriginal primary school students' knowledge of law and justice systems in their local communities.

A **photo competition** to celebrate the 30th anniversary of the establishment of the Anti-Discrimination Board in October 2007 is inviting entrants to express their thoughts on the *Anti-Discrimination Act 1977*, and how equality of rights is important to the community.

The Act makes it unlawful to discriminate against someone on the basis of their sex, disability, race, pregnancy, age, homosexuality, transgender status, marital status, or carer's responsibilities. It is also unlawful to sexually harass a person. A new enquiry and complaints handling database will incorporate *Anti-Discrimination Act 1977* amendments over the past few years relating to disability, homosexuality and transgender discrimination.

Changes to the law in recent years that have brought **gay and lesbian rights** closer to those for heterosexuals are made clear in the Crime Prevention Division's (CPD) new *Understanding Your Legal Rights* website and booklet. It was launched in March on Mardi Gras Fair Day.

Violence against particular groups is **extreme discrimination**, as detailed in CPD's *Strategic Framework 2007–2012 'Working Together Preventing Violence against Gay, Lesbian, Bisexual and Transgender'*.



Each year the **Anti-Discrimination** Board receives more than 10,000 enquiries, resolves 1,000 complaints and delivers education services including onsite training and community education, to more than 7,600 people in NSW.

Copyright law protects individuals against unauthorised use of their material. During the year, the *Copyright* newsletter and *Copyright Management Toolkit* explaining the changes to copyright law were launched by the Legislation, Policy and Criminal Law Review division (LPCLR).

Future plans

Crime prevention and justice are high on the agenda for the Department's plans for the future.

The Bureau of Crime Statistics and Research (BOCSAR) is working to extend the reach of the Bureau's **crime mapping service** to more Local Government Areas. It is focussing on using the Group Risk Assessment Model (GRAM) to produce forecasts of rates of re-offending.

AJAC will continue to monitor the implementation of the Aboriginal Justice Plan and to build on the already successful *Stay Safe: Stay Strong* campaign to **denounce family violence** in Indigenous communities, with the launch of a children's activity booklet in late 2007.

The Aboriginal Programs Unit will continue to support managers and staff within the Department to improve the provision of **services to Aboriginal people** and reduce Aboriginal involvement in criminal justice processes.

The Anti-Discrimination Board plans to complete the development and implementation of **two corporate databases**. The first of these, the new Enquiries and Complaint Handling system, is in the final stages of user-acceptance testing. The second, the new Customer Relationship system, is planned to manage publication sales and the delivery of training services. The 30th anniversary of the *NSW Anti-Discrimination Act of 1977* will be marked by a ceremony at Parliament House of NSW on 25 October.



Same gender, different rights

A new website and booklet to provide information to the gay and lesbian community about their legal rights in NSW had 670 site hits in its first 11 days.

The Crime Prevention Division's new *Understanding Your Legal Rights* resources provide legal information about discrimination and unfair dismissal, age of consent, property rights, immigration, privacy and superannuation.

The resources are updates of the original *Acts of Passion* website and booklet first published by the Department in 1999. For details visit: www.lawlink.nsw.gov.au/samesex

In 2008 the Legislation, Policy and Criminal Law Review division will continue its focus on updating the law, and support plans to give more people the opportunity to appear in court by **video link**, rather than in person. It is also exploring ways to encourage people to use mediation, arbitration and other options to resolve their disputes, rather than engaging in expensive litigation. It will continue to revise the law relating to fraud and property offences.

At the first *Way Forward* Circle Sentencing Conference, offenders who had appeared before the Circle told how it changed their life.





Privacy NSW will focus on developing more web-based self-training modules about **privacy**. Its second priority is to provide further submissions to improve the management of privacy in NSW, to the Australian Law Reform Commission and NSW Law Reform Commission.

The Sentencing Council will continue to examine the effectiveness of fines as a **sentencing option**, including those imposed in the context of environmental and occupational health and safety breaches. It will continue to review the effectiveness of the NSW periodic detention scheme and research community attitudes towards sentencing. The Council is also undertaking research into such varied issues as responses to serious offences committed by young people and the consideration of Aboriginal disadvantage as reflected in sentencing decisions.

Among the Crime Prevention Division's future priorities is the implementation of a revised **crime-prevention planning** methodology, to provide faster and more targeted crime prevention outcomes.

The Law Reform Commission has plans to develop a more interactive and **user-friendly website**. It also intends to integrate administrative and publishing support with the NSW Sentencing Council and the DNA Review Panel.

The **Strategic Coordination Unit** will develop further collaborative initiatives amongst justice agencies in each state and territory, the Commonwealth jurisdiction, and in the criminal justice sector in NSW. The initiatives aim to support their shared objectives.

Overview of business centres

Aboriginal Justice Advisory Council

The Aboriginal Justice Advisory Council (AJAC) is an independent government agency which aims to reduce the over-representation of Aboriginal people in the criminal justice system. The AJAC was established in response to recommendations made by the Royal Commission into Aboriginal Deaths in Custody to provide independent advice to the Attorney General on law and justice issues affecting Aboriginal communities.

The AJAC's role is, among other things, to provide independent advice to the NSW Government on the operation of the criminal justice system; to commission research on priority issues affecting Aboriginal people's contact or experience with the criminal justice system; and to evaluate criminal justice agency performance on Aboriginal people's experience with the criminal justice system. The AJAC is driven by the Aboriginal Justice Plan which addresses seven strategic directions including Aboriginal children, community wellbeing and leadership, and governance.

Aboriginal Programs Unit

The Aboriginal Programs Unit supports managers and staff within the Department to improve the provision of services to Aboriginal people. The unit aims to reduce Aboriginal involvement in criminal justice processes through promoting innovation and organisational leadership in meeting the needs of Aboriginal clients.

Anti-Discrimination Board

The Anti-Discrimination Board promotes anti-discrimination and equal opportunity principles and policies throughout NSW.

The Anti-Discrimination Board was established under the *Anti-Discrimination Act 1977*. The Board has three main functions:

- to handle complaints of discrimination
- to educate the community to prevent discrimination from occurring
- to provide advice to government about legal or policy changes that may be required to achieve the elimination of discrimination and the promotion of equal opportunity in NSW.

More details are available in this Business Centre's Annual Report.

Visit: www.lawlink.nsw.gov.au/adb

Bureau of Crime Statistics and Research

The Bureau of Crime Statistics and Research (BOCSAR) was set up as a ministerial initiative in 1969. Its objective is to promote evidence-based policy and informed public debate about crime and criminal justice. To fulfil this objective, BOCSAR:

- monitors trends in crime and criminal justice
- identifies factors that affect the distribution and frequency of crime



- identifies factors that affect the effectiveness, efficiency or equity of the NSW criminal justice system
- ensures that information on these factors and on crime and criminal justice trends is made available to key stakeholders and the general public.

Crime Prevention Division

The Crime Prevention Division's primary mission is to prevent and reduce crime in NSW. It does this by developing evidence-based policies and programs to prevent crime and reduce re-offending in NSW.

Legislation, Policy and Criminal Law Review

The Legislation, Policy and Criminal Law Review (LPCLR) division is responsible for supporting the Attorney General in Parliament with the implementation of the Attorney General's legislative program. The role of the LPCLR is to advise the Attorney General, Director General, courts and other government agencies on legal policy and legislative reform. The LPCLR also administers copyright law for the NSW Government. This responsibility includes negotiating whole-of-government copyright arrangements, as well as formulating policy on the assignment and licensing of Crown copyright material.

NSW Law Reform Commission

The NSW Law Reform Commission (LRC) was established to reform, simplify and modernise the law in New South Wales. It is an independent statutory authority that conducts research and provides reports to the Attorney General which must be tabled in Parliament.

NSW Sentencing Council

The NSW Sentencing Council is an independent public body established to consult with and advise the Attorney General on sentencing issues. It monitors and reports annually to the Attorney General on sentencing trends and practices, including the operation of standard non-parole periods and guideline judgments. The Council also prepares research papers or reports on subjects in connection with sentencing.

Privacy NSW

Privacy NSW is the Office of the NSW Privacy Commissioner. It is established under the *Privacy and Personal Information Protection Act 1998* ('the PPIP Act') and administers this Act and the *Health Records and Information Privacy Act 2002* ('the HRIP Act').

More details are available in this Business Centre's Annual Report:

www.lawlink.nsw.gov.au/privacynsw

Strategic Coordination Unit

The Strategic Coordination Unit provides high-quality advice to the Attorney General; drives collaboration amongst national justice agencies and NSW criminal justice agencies; promotes evidence-based policy and program development; and supports the Director General and Executive Committee.



The Aboriginal Justice Advisory Council (AJAC) is comprised of an Executive Unit and community members.

AJAC's role is to provide advice to the NSW Government on law and justice issues affecting Aboriginal people in this state, particularly the over-representation of Aboriginal people in adult gaols and juvenile detention.

AJAC staff, from left, Jacqueline Gerber, Terry Chenery, Catherine Lomas, Linda Crawford, Samantha Joseph, and Gayle Kennedy (front). (Absent: Jennifer Mar Young)



Serving our customers

4: Legal and victim services



LawAccess NSW	55	Office of the Legal Services Commissioner	55
Legal and Community Services Division	55	NSW Professional Standards Council	56
Legal Management Services	55	Public Defenders Office	56
Legal Representation Office	55	Victims Services	56



At the Annual Achievement Awards, from left (front row) Rosanna Wong, Rita Giurastante, Tracey Graham, Robin Turnham, Glenda Sladen, Barbara Cohen, (middle row) Pat Kiernan, Nellie Stadnichenko, Laurie Glanfield, Tanya Briggs, Murray Burke, Nicole Smith, Edwin Garland, (back row) Tony Steinmetz, Darryl O'Brien, Adrian Kerr, Mark Orr, Amanda Ianna, Joan O'Dwyer, Bill Pritchard.



This section of the report looks at the work of the eight business centres whose priority is to provide legal support and services for clients.

The Department aims to ensure every victim of crime in NSW has access to services and entitlements to assist in their recovery. It offers a wide range of legal and victim support services including information and advice, legal assistance and representation, development and management of professional standards, and the investigation and resolution of complaints.

Serving our customers

The Department provides a wide range of services to support members of the community with legal and victims' services. As well as assisting the victims of crime and people with legal issues, these services also offer help to legal professionals and practices.

These services include a number of **customer hotlines** and help centres. During the year LawAccess NSW provided free legal information and advice to over 131,000 customers over the telephone, with more than 15,000 receiving legal advice. In addition LawAccess' 24 hour Internet service is available in 30 different languages, and assisted 207,763 people seeking information.

LawAccess NSW also provides telephone services on behalf of the Office for Women's Legal Information and Referral Service, and the BDMcall centre for the NSW Registry of Births Deaths & Marriages.

An annual survey was carried out in April 2007 to check **customer satisfaction** with the LawAccess NSW free legal information and advice service. Of the 600 clients surveyed, 92.5 per cent were highly satisfied with the service. The survey also revealed that 96 per cent of customers would refer family and friends to LawAccess.



New link to 12,000 referral services

Clients enquiring about legal and other services will benefit from the state's new *ServiceLink* database.

The centralised database provides clients with legal information and assistance, and reduces the duplication of effort across the legal sector in NSW.

ServiceLink combines the records of LawAccess and other services, to provide the referral records for 12,000 assistance services including community services, health, aging, disability and home care, education, housing, Aboriginal affairs, juvenile justice, corrective services, police and now law.

It is a joint government and community sector initiative.

Tina Mistry, Project Officer Service Development Unit at LawAccess NSW.

In the BDMcall survey, more than 93 per cent of the 1,000 people surveyed were highly satisfied with the service they received.



Increasing numbers of people who are seeking help find out about LawAccess through Legal Aid, Local Courts, electoral offices and schools and the popularity of the service is growing rapidly. In 2006–07 there was a 20.8 per cent **increase in customers** compared with the previous financial year.

Sharing knowledge

This year the Department has helped consumers in other, less obvious ways, using its expertise in the administration of professional standards legislation and support. For example, it has provided secretariat support to the **NSW Professional Standards Council**, which was established in 1995, and in recent years the Professional Standards Council of each state and territory. The Councils are working to implement professional standards legislation nationally, and Australia-wide recognition of *Cover of Excellence*® schemes.

In a move applauded by national associations, NSW was the first state to enact **professional standards legislation** (*Professional Standards Act 1994*) and, by an amendment to the Act (June 2007), it was also the first to legislate for mutual recognition of *Cover of Excellence*® schemes across Australia. This drive for improved self-regulation by occupational and professional groups will help to further protect consumers. The Department has also used its expertise to support other state and territory councils in 2006–07.

This year the Department's **Families and Friends of Missing Persons Unit** (FFMPU) and NSW Police Force have jointly released a DVD entitled *Missing*. This film aims to raise awareness of the disproportionately high number of Aboriginal female teenagers who are missing. Research indicates that 12–15 year old Aboriginal females are one of the most over-represented groups in missing person's reports to police and the video has been prepared to educate and assist families and friends. This joint initiative was launched in August 2006 and has been trialled in 11 rural and remote communities.



DVD reaches out to the Aboriginal Community

To raise awareness of the issues for Aboriginal people who go missing, particularly young Aboriginal females aged 12–15 years, a DVD was formally released to the public.

These free DVDs are available by contacting Victims Services.

Protecting victims' rights

This year has seen important **changes in legislation** to assist victims of crime, and their families.

Amendments to the *Victims Support and Rehabilitation Act 1996* and the *Victims Rights Act 1996* extend support and compensation for victims of crime. A new **Victims Assistance Scheme** is enhancing the rehabilitation support available to victims of crime. It will reimburse certain expenses such as dental services, replacement of prescription glasses and ambulance fees incurred as a result of an act of violence where the injuries sustained fall below the statutory threshold of \$7,500. A minimum threshold of \$200 and a maximum of \$1,500 apply to the scheme.



Also, eligibility to apply for free counselling under the Approved Counselling Scheme has been extended to victims who received compensation under the repealed *Victims Compensation Act 1987*.

The **definition of 'injury'** in the *Victims Support and Rehabilitation Act 1996* has been changed. In the past, if victims of sexual assault or domestic violence suffered a physical injury they were granted compensation. However, if victims suffered an injury that was not physical they needed to provide a diagnosis of a psychological or psychiatric disorder. This has changed so victims only need to provide evidence of actual physical bodily harm, or psychological or psychiatric harm, not a disorder.

This means victims of sexual assault or domestic violence may be able to use existing reports showing evidence of psychological harm without the need for additional reports from clinical psychologists or psychiatrists.

The *Victims Rights Act 1996* has been amended so that each victim has a right to be treated with **cultural sensitivity**, as detailed in the Charter of Victims Rights. An Indigenous version of the Charter of Victims Rights is available at courthouses, through Aboriginal service providers, and online at: www.lawlink.nsw.gov.au/vs

The Department supports the **NSW Public Defenders Office** which provides salaried barristers, independent of the government, to appear for clients who are charged with serious criminal offences and who have been granted legal aid.

The majority of clients are referred by the Legal Aid Commission, Aboriginal Legal Service (NSW/ACT) Ltd, private solicitors representing a legally aided client and community legal centres. Offices for the Public Defenders are based at Dubbo, Wollongong, Lismore, Newcastle and Sydney.

The Office's expertise was further acknowledged this year with another Public Defender receiving 'silk', bringing the number of senior counsel to seven. There were also two Public Defenders appointed to the District Court Bench. This is a considerable achievement given there are only 24 Public Defenders.

Improving customer service

The past financial year has seen a number of key initiatives to deliver improvements to customer service capabilities and processes. The Department is striving to continually improve the efficiency and effectiveness of legal and victim services, to provide improved processes for its customers.

One of the key initiatives this year was the Office of the Legal Services Commissioner (OLSC) improving processes and systems as reflected in its improved client service, and resulting in re-certification to **ISO 9001 Standards, Quality Management Systems**.

The OLSC is also working to improve consumer satisfaction with legal services, and providing easier methods for clients to complain or **provide feedback** on legal practitioners.

The OLSC has also started a project to implement a database to automate the management of **incorporated legal practices (ILPs)** in NSW. This portal will provide a tool for legal practices to self-assess their management system and incorporated legal practice compliance, as well as connect with the OLSC and other ILPs to exchange information. The NSW OLSC has taken the lead in developing the portal, to be launched in late 2008. It is now planning to work with other states to create common business rules on how ILPs are managed.

Customer survey

The 2007 survey of LawAccess NSW customers revealed the following information about people using the service:

62 per cent were female.

25 per cent were in the 55 and over age group.

24 per cent were born overseas from 55 different nationalities.

3 per cent were Aboriginal people.

12 per cent had a disability.

12 per cent had carer's responsibilities.

44 per cent received a benefit or pension.

40 per cent indicated their weekly take-home pay to be less than \$400.



In addition the Department began a service review to ensure that **disadvantaged groups** and people from rural and remote areas are properly supported. The first step was a review of the support available to victims of crime, in order to identify key areas of need and improve co-ordination between agencies. Plans have also been drawn up to review arrangements to support family members of homicide victims.

Following the government's 2003 reform, **Justices of the Peace** (JPs) are now appointed for five years and up-to-date contact details make it easy to find a local JP. A major re-appointment campaign to meet the new legislation's requirements resulted in an impressive 82,104 JPs being appointed by June 2007.

Providing timely and cost effective services

The Legal and Community Services Division dealt promptly with **client complaints or requests**, on behalf of all agencies within the Attorney General's Department. During the past year, 96 per cent of queries were finalised within 31 days, up from 91 per cent in 2005–06. A random survey of clients revealed 75 per cent were satisfied with responses, and indicated that correspondence was clear, informative and easily understood.

The Victims Services' enquiry line has also **improved response times**, exceeding its target of answering 85 per cent of calls within 10 seconds. Of the 38,000 calls received in 2006–07, 98 per cent were answered within 10 seconds. Another success was the record 99 per cent of applications processed within two working days for people requesting its initial two-hours counselling session.

In 2006–07 Legal Management Services met 100 per cent of requests within a month from government agencies seeking assistance in obtaining the most cost effective and **appropriate legal services**.

Legal Management Services (LMS) is currently working with the Department of Premier and Cabinet, and NSW Treasury to increase the co-ordination and oversight of legal services across NSW agencies. Together they established a **Legal Manager's Forum** with managers of Legal Services representing 46 NSW government agencies. It meets quarterly to share information, discuss ideas and focus on means of implementing consistent and transparent improvement of legal services across the public sector. LMS facilitates this process by organising and chairing the meetings and by managing an electronic communication process for ongoing discussions across agencies.

Beyond our borders

Since 2000, the Department has been involved in a unique program which aims to build legal links with other countries, including Vanuatu. The successful Vanuatu Legal Sector Strengthening Project (VLSSP) is funded by AusAID and managed by the Department. The Project has provided **assistance to public sector legal offices in Vanuatu** to build the administrative and legal capacity within the Public Prosecutor's Office (PPO), the State Law Office (SLO) and the Public Solicitor's Office (PSO).

The project has been successful in obtaining agreement from the Government of Vanuatu about the need to provide **sustainable support and funding** for local legal services. Key considerations for the Government of Vanuatu include the challenge of attracting and retaining lawyers to the government sector, and of providing legal community awareness in the provincial areas of Vanuatu given that its population of 250,000 is spread over 83 islands.

The Department's Legal Representation Office has also been taking the lead beyond the borders of NSW, by providing advice and assistance to East Timorese nationals in February 2007.



Future plans

Victims Services is focussing on improvements to services related to Indigenous victims of crime, and helping victims of crime.

The Victims Services Indigenous Service Improvement Program and the Aboriginal Programs Unit will distribute information and train **approved counsellors** for Indigenous victims of crime.

Victims Services is developing an **interactive website** called Courtwise, to provide victims of sexual assault with support and information to prepare them for court. It is due to be launched in 2007–08.

Further development of the web-based portal will increase interaction and involvement between the Office of the Legal Services Commissioner (OLSC) and **regulators in other jurisdictions**. This will promote the sharing of resources and a consistent approach.

The Professional Standards Council's focus for 2007–08 is on developing procedures that deliver greater efficiencies in the evaluation, approval and administration of **professional standards schemes**, and improve customer and stakeholder relations. The Councils are finalising their multi-jurisdictional risk management framework and a review of their decision-making processes, including the annual reporting guidelines and policy statement on **professional indemnity insurance**. They will continue to work across jurisdictions in the development of policy and legislative reforms.

LawAccess NSW will further increase awareness of its role as a 'first port of call' for legal information and advice by targeting regional and rural non-government organisations. The service is preparing to double its capacity to meet increased demand and to expand the **Indigenous Customer Service Officer Program**.



Legal smoke in Vanuatu

A suspected arson attack saw Vanuatu's Supreme Court and all its current and historical records go up in smoke.

Devastated witnesses included members of the Legal Management Service who are supporting the Vanuatu Legal Sector Strengthening Project (VLSSP).

The Legal and Community Services Division will be restructured into two separate branches – the **Community Relations Unit** which will deal with correspondence and complaints, and the **Legal Services Branch** which will deal with applications and litigation. An Electronic Records and Document Management System (ERDMS) will be introduced to further increase efficiencies.

The Public Defender's Office will review current methods of recording **key performance measures** and business rules on collecting and inputting data.





Legal Management Services (LMS) will continue to review whole-of-government policies and procedures for legal service providers. It will continue to support and guide the Legal Manager's Forum to bring **further transparency, consistency and accountability** to legal service provision across the public sector. LMS will also continue to build and develop the *Electronic practice manual* for legal officers across the public sector.

In Vanuatu, the VLSSP will continue to support the public legal offices. It will continue to develop legal service strategies to fulfil needs. It will also work closely with Vanuatu's newly established Ministry of Justice to ensure AusAID support aligns with the Government of Vanuatu's overall strategic plan. A **new technical focus** will be used to refine and document case management practices, enhance client and community relationships and develop guides and manuals for legal procedures.

The **Legal Representation Office** will respond as required to the prevailing level of activity at the Police Integrity Commission and the Independent Commission Against Corruption.

Overview of business centres in this chapter

LawAccess NSW

LawAccess NSW is a free service that assists customers to solve their legal problems by providing them with legal information, managed referrals and, in some instances, legal advice. LawAccess NSW is a partnership between the Attorney General's Department of NSW, the Legal Aid Commission of NSW, the Law Society of NSW and the NSW Bar Association. It is funded by the Department, the Public Purpose Fund and the Legal Aid Commission.

Legal and Community Services Division

The Legal and Community Services Division provides advice and services to the Attorney General and the government. It also responds to complaints and feedback from members of the community and stakeholders. A restructure planned for 2007–08 will divide it into two separate branches the **Community Relations Unit** which will deal with correspondence and complaints, and the **Legal Services Branch** which will deal with applications and litigation.

The Division supports all sections of the Department in their relationship with clients who have complaints about service standards. The Division also responds to requests from Members of Parliament, the community and various stakeholders who make applications to the Attorney General in accordance with a range of legislation, such as the *Freedom of Information Act*.

Legal Management Services

Legal Management Services (LMS) is a consultancy and advisory service for legal management, education and training. The Legal Management Service assists NSW government agencies to obtain the most cost-effective and appropriate legal services.

Legal Representation Office

The Legal Representation Office (LRO) provides legal advice and representation to people summonsed to appear before the Police Integrity Commission (PIC) and the Independent Commission Against Corruption (ICAC). It was established to provide advice and representation in relation to the Royal Commission into the NSW Police Force. The Director General of the Department can also authorise the LRO to appear for people in Special Commissions of Inquiry or inquests.

Office of the Legal Services Commissioner

The Office of the Legal Services Commissioner (OLSC) is a co-regulator with the Law Society and Bar Association. It receives and responds to complaints about solicitors and barristers.



The role of the Office is to improve consumer satisfaction with legal services by developing and maintaining effective complaint-handling processes; promoting the legal profession's compliance with high ethical standards; encouraging an improved consumer focus within the profession to reduce causes for complaint; and promoting realistic community expectations of the legal system.

More details are available in this Business Centre's Annual Report.

Visit: www.lawlink.nsw.gov.au/olsc

NSW Professional Standards Council

The NSW Professional Standards Council is an independent statutory body, also known as a meta-regulatory body, established and administered under the *Professional Standards Act 1994*. It supports, rather than directs, the self-regulation of occupational groups by their representative bodies. Associations are required to report to the Council, on an annual basis, on the implementation of their risk management strategies. The Council in turn, monitors associations and reports to Parliament annually.

More details are available in this Business Centre's Annual Report.

Visit: www.professionalstandardscouncil.gov.au

Public Defenders Office

The Public Defender's Office (PDO) provides salaried barristers as Public Defenders, independent of the government. They are appointed as statutory officers under the *Public Defender's Act 1995*.

The PDO provides high quality legal representation for people charged with serious criminal offences who have been granted legal assistance as defined by the Act. About 80 per cent of the PDO's work comes from the NSW Legal Aid Commission, with the balance coming from the Aboriginal Legal Service (NSW/ACT) Ltd and community legal centres.

Victims Services

Victims Services, which comprises the Victims Compensation Tribunal and the Victims of Crime Bureau, helps victims of crime in NSW to access services and entitlements to assist in their recovery.

The **Victims Compensation Tribunal** offers victims of violent crime, and their families, compensation and counselling and recovers monies paid in compensation from convicted offenders.

The **Victims of Crime Bureau** provides support and referral services for victims of crime; links the delivery of government and community counselling and support services for victims; and co-ordinates support to families and friends of missing people through the **Families and Friends of Missing Persons Unit** (FFMPU).

The **Victims Advisory Board** provides advice to the Attorney General about legislative reforms and policy issues regarding victims of crime.

More details are available in this Business Centre's Annual Report.

Visit: www.lawlink.nsw.gov.au/vs

