



MEDIA RELEASE

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For Immediate Release

Law Society and Bar Association comment on ACT Government's *2010 Access to Justice Initiative*

(Joint statement by Athol Opas, President, ACT Law Society and
Stuart Pilkinton, President, ACT Bar Association)

The ACT Law Society and ACT Bar Association have provided a joint submission in response to the ACT Government's discussion paper *2011 Access to Justice Initiative* released on 4 May 2010.

The Law Society's and Bar Association's key objectives are to ensure that all Canberrans are able to readily access efficient and professional justice in the ACT by Courts well resourced to meet demand.

The Law Society and Bar Association support the ACT Government's proposals to increase the Magistrates Court's civil jurisdiction to \$100,000, to appoint a nine month acting Supreme Court judge, and to refurbish a Magistrates Court room for use as a jury room.

The Law Society and Bar Association do not support the establishment of an ACT District Court. The ACT Law Society and ACT Bar Association instead recommend an incremental approach by first piloting and then evaluating the effectiveness of alternative measures including recommendations of the Supreme Court Working Group established by Government in 2009. Those measures include:

- bail reform which would be likely to see more bail applications heard in the ACT Magistrates Court rather than the Supreme Court;
- increasing the civil jurisdiction of the ACT Magistrates Court from \$50,000 to \$100,00 and evaluating the actual impact of that increase; and
- reviewing the Supreme Court's listing and practise arrangements to maximise efficient use of judicial time within the Supreme Court.

The Law Society and Bar Association also recommend consideration of other possible measures eg. the possible appointment of a Master to deal specifically with criminal matters.

The next step should be for bail reform and listing and practise arrangements to be returned to the Supreme Court Working Group for further consideration about their implementation.

A copy of the Law Society's and Bar Association's joint submission is available under "public information" – "submissions" at <http://www.actlawsociety.asn.au>.

The Government's discussion paper outlines how the ACT Government proposes to address ACT court resourcing, particularly ACT Supreme Court resourcing issues highlighted in 2010 and 2011 by significant delays in listing of hearings and delivery of reserved judgments. Amongst other things, the discussion paper proposes:

- (a) increasing the civil jurisdiction of the ACT Magistrates Court from \$50,000 to \$100,00;
- (b) refurbishing a Magistrates Court room as a jury room;
- (c) appointing a nine month acting ACT Supreme Court judge to help clear the backlog of cases; and
- (d) the establishment of an ACT "Virtual District Court" presided over by judicial officers holding dual commissions and drawn from the ranks of ACT Magistrates.

Release of the Government's discussion paper closely follows finalisation of a report by a Supreme Court Working Group in April 2010. The Supreme Court Working Group was appointed by Government in September 2009 to provide recommendations to address Supreme Court resourcing issues. The Supreme Court Working Group was comprised of experienced legal practitioners, Court representatives and significant stakeholders from the ACT legal profession including the Bar Association and Law Society. The Government's proposal to establish an ACT District Court was not submitted to the Supreme Court Working Group for consideration.

END

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