

# MEDIA RELEASE

## **DISTRICT COURT NEEDS MORE THAN A NEW CASE MANAGEMENT APPROACH TO REDUCE DELAYS**



NEW SOUTH WALES  
BAR ASSOCIATION

9 January 2018

The New South Wales Bar Association welcomes the results of the report released today by the NSW Bureau of Crime Statistics and Research (BOCSAR) regarding the special “Rolling List Court” case management approach in the NSW District Court but says the arrangement will fail to make a significant impact in reducing the District Court backlog. The report was the subject of a media release by the NSW Attorney General today.

The Rolling List initiative is of limited application as it only applies to publicly funded cases involving in-house legal aid and prosecution by the NSW DPP. Accused persons who do not qualify for legal aid or who choose to pay for private representation are excluded from the scheme. The scheme also excludes private practitioners who appear for clients on legal aid. This means that the Rolling List only applies to a small number of cases that the Court deals with.

“With the criminal justice system near breaking point due to delays, the District Court needs more than a new case management approach to reduce the backlog. It requires more resources and funding for the Legal Aid Commission and the Courts so that people are adequately represented by senior lawyers at all stages of the criminal justice process and the courts are sufficiently resourced to deal with the workload.”, the President of the New South Wales Bar Association Arthur Moses SC said today.

Currently, the District Court Criminal caseload has over 2000 criminal trials outstanding and nearly 1200 sentencing matters. The average delay between committal for trial and finalisation is 378 days. The average delay between arrest and trial finalisation is over 2 years. BOCSAR released a report in April 2017 that exposed the dire state of the criminal list in the District Court. Many of these cases involve serious sexual assault allegations. Mr Moses SC said: “Putting to one side the impact on the accused who may be on remand during this period, these delays cause unnecessary stress to victims and witnesses who are already suffering from the effects of trauma.”

“It is proper legal aid funding that will result in a significant enhancement to the proper functioning of the criminal justice system as those involved in the system will be able to be represented by experienced counsel who understand how the criminal justice system works and are able to provide assistance to the court. It is also crystal clear that the District Court also needs more judges as that Court is facing a tsunami of cases and has a crushing workload. It is these measures that will reduce delays and in the long term save the community money rather than trial case management procedures that only apply to a fraction of persons facing charges.”

**Media Contact:** Ting Lim 0410 598 873