

The Secretary
Standing Committee on Public Accounts
ACT Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601

FAX: 62050432



Dear Secretary and Committee Members,

**SUBMISSION- INQUIRY INTO AUDITOR-GENERAL S REPORT No. 4 OF
2005 - COURTS ADMINISTRATION- EFFICIENCY AND EFFECTIVENESS
OF COURTS ADMINISTRATION**

I support the submissions and recommendations of the *Auditor-General s Report -
Courts Administration - Report No. 4.*

I provide attached written submissions in my capacity as a self represented
litigant/defendant in the Small Claims Tribunal, Administrative Appeals Tribunal
and Civil Division of the Magistrates Court (Personal Protection Orders).

My submissions are related to the problems that I have been subjected to as a self
represented person in the Magistrates Court and are grouped under the following
sections of the Auditor-General report: *5 Services to Court Users; 8 Administrative
Procedures* and *9 Human Resource Management.*

Yours sincerely,

A handwritten signature in cursive script, appearing to read "McKenzie".

Christine McKenzie

GPO 467
CANBERRA ACT 2601

24 February 2006

 A.C.T. LEGISLATIVE ASSEMBLY COMMITTEE OFFICE	
SUBMISSION NUMBER	3
DATE AUTH'D FOR PUBLICATION	1 Mar 06

5. SERVICES TO COURT USERS

ACCESSIBILITY

There is lack of information and assistance for unrepresented litigants and defendants and disadvantaged court users in court procedures. (Attorney General report 5.6). (also refer *No. 8 - Administrative Procedures* over).

COMPLAINTS

There is no complaints mechanism for complaints against magistrates/president/tribunal members whom conduct themselves inappropriately in court/hearings. New South Wales has a complaints mechanism against the judiciary - why not the ACT?

There is also no effective complaints mechanism for complaints against court staff or procedures. For example, my complaints to John Stanhope in relation to court procedures, including deputy registrars conducting conferencing in the public foyer was dated the 2 August 2005 but John Stanhopes did not respond until the 18 October 2005 and his response was inadequate

Recommendations

- 1). A complaint mechanism for complaints against magistrates/president/tribunal members whom conduct themselves inappropriately in court/hearings.
- 2). Monitoring of magistrates in-court conduct by the Chief Magistrate and a senior officer within the Department of Justice.
- 3). Action plans to address complaints raised by court users (Attorney General s report 5.3).
- 4). Appoint a liaison officer to assist unrepresented and disadvantaged court users both at the counter and in court.

8. ADMINISTRATIVE PROCEDURES

COUNTER SERVICE - MAGISTRATES COURT

There are large numbers of court users including self represented litigants and defendants. For example, in 2004 there were approximately seven hundred applications for Personal Protection Orders and in 2005 approximately eight hundred applications for Personal Protection Orders.

The counter staff are poorly trained and are not familiar with all the forms, procedures and legislation for Small Claims Tribunal, Administrative Appeals Tribunal and Personal Protection Orders etc. As an example, applications for Personal Protection Orders involve the Protection Orders Act 2001, Protection Orders Regulations 2002 and the Crimes Act 1900. Counter staff are not familiar with the above legislation and corresponding forms and procedures i.e. discontinuing applications, obtaining adjournments and amending applications, etc.

There is lack of supervising senior manager or a legal officer at the counter with all the necessary information on required forms, procedures and legislation, etc.

The senior deputy registrars and deputy registrars spend most of their time conducting conferences instead of managing (Auditor General report 8.12),.

Recommendations

- 1). A senior manager or legal officer should be available at the counter at all times to oversee counter officers and provide accurate information to users of the court system - information such as, the correct forms, procedures and legislation, etc.
- 2). Provide comprehensive kits to court users including information on procedures, copies of forms and information on legislation for each division i.e. Small Claims Tribunal; Administrative Appeals Tribunal and Personal Protection Orders, etc
- 3). A training program for counter staff including forms, procedures and legislation etc for civil, criminal and tribunal, etc.

4). As per the recommendation of the Auditor-General report (8.7) - integrate counter staff with civil, criminal and tribunal staff. This can be achieved by rotating registry staff onto the counter and counter staff into the registry.

5) As per the recommendation of the Auditor-General (8.12) - outsource conferencing to mediators - this would free-up senior deputy registrars and registrars to manage counter staff and provide information and assistance to users of the court system.

ACCOMMODATION

The Auditor-Generals report overlooked the accommodation problems on the ground floor of the Magistrates Court.

The ground floor office space of the Magistrates Court is poorly designed and ad-hoc in nature with no thought to staff or court users comfort, security or privacy.

The ground floor of the Magistrates Court includes the following offices/facilities: Legal Aid; Domestic Violence; Senior Deputy Registrars and Deputy Registrars who conduct the conferencing; counter staff; registries for Criminal, Civil and Tribunal; reception/security officer; public toilets and public waiting area.

There is not the room on the ground floor to accommodate all the offices **with the result that the small claims conferences and the personal protection order conferences are conducted by senior deputy registrars and registrars in the public foyer on the ground floor of the Magistrates Court - This situation is inappropriate including on the basis of privacy and security issues.**

I have complained to the Registrar of the Magistrates Court and on the 2 August 2005 to the Attorney General regarding the above unacceptable practices - but they still occurred. For example, on 2 September 2005, my son and I applied for Personal Protection Orders. On the 23 September 2005, the Senior Deputy Registrar conducted our conferences in the public foyer on the ground floor of the Magistrates Court (refer No. 05/666 and No. 05/667).

Recommendations

1). Re-design ground floor office space.- perhaps move some of the offices to other floors.

2). Provide alternative venues for conducting Small Claim and Personal Protection Order conferences.

9. HUMAN RESOURCE MANAGEMENT

The Auditor General's report states that Senior Deputy Registrars, Conferencing duty statement requires skills in leadership and management of staff. (9.3). It appears that there is no requirement for mediation and negotiation skills. In our experience, the senior registrars and deputy registrars (conference registrars) conducting conferencing lack the above skills. For example, they do not actually mediate - it is a process i.e. if the respondent does not agree to the Personal Protection Order then the conference registrars set down a date for hearing - they do not actually mediate nor attempt alternatives for example another conference.

The conference registrars also lack communication skills. For example, they failed to explain the steps in the process for Personal Protection Orders.

They also lack tact, sensitivity and requirements for privacy evidenced by their practice of conducting conferences in the public foyer of the magistrates court (refer 8 - *Administrative Processes* above).

Recommendations

- 1). Outsource conferencing to trained mediators and free-up deputy registrars to manage counter staff and assist court users or
- 2). Employ trained mediators with appropriate industry qualifications to conduct the conferencing. The parties could work towards their own solutions that would be endorsed by the conference registrars in the consent agreement (This process works well in the Administrative Appeals Tribunal).