



ANNUAL REVIEW

2000 – 2001

CONTENTS

SENIOR PUBLIC DEFENDER'S OVERVIEW	1
PUBLIC DEFENDERS	3
The Public Defenders 1941 to 2001 - Sixty Years of Service....	3
The Public Defenders Act 1995.....	3
Core Functions.....	4
People: Movements and Appointments.....	6
KEY ISSUES	13
Independence and Accountability	13
Meeting Demand.....	14
Developments in the Law and Law Reform.....	15
Aboriginal and Torres Strait Islander Commission Pilot Program	16
Indigenous Law Graduates Program.....	16
ADVICE AND ADVOCACY	17
Appeals - Advices	17
Appeals - Appearances	17
Other Advices.....	18
Trials and Sentences: Supreme Court	18
District Court - Sydney	18
District Court - Western Sydney	19
District Court - Country	19
ACCESS	20
APPENDICES	21
A List of Former Public defenders.....	22
B Business Plan.....	23
C Statistics	32
D Submissions, Lectures and Papers Published.....	34

SENIOR PUBLIC DEFENDER'S OVERVIEW

The financial year 2000/2001 was the last year of tenure for John Nicholson SC as Senior Public Defender. Nicholson SC was appointed to the District Court bench on Monday 23rd July 2001. On the Friday evening before his Honour's appointment, Public Defenders past and present had met at a dinner to celebrate the sixtieth anniversary of the organisation. I wish to record the Public Defenders' recognition of his Honour's long service as a Public Defender, Deputy Senior and Senior Public Defender. His tenure as Senior Public Defender saw a continuing growth in the stature of the defenders, in particular through the high profile of the chambers in a number of important trials and appeals. The strength of the Public Defenders, particularly as counsel appearing in the appellate and Supreme Court trial lists, was in large measure due to John Nicholson's encouragement.

Memorable trials of the year included that of three men accused of the murder of the late John Newman MP. Three Public Defenders appeared in what was a very difficult and controversial trial. The standard of advocacy represented classic examples of the value obtained by the criminal justice system through the existence of the Public Defenders. Similarly important trials of considerable difficulty include the murder trials of *R v Valera*, *R v Schreiber* and *R v Cheatham*. There have also a number of matters in the High Court in which Public defenders have appeared as junior or leading counsel. These have included the matters of *R v Velevski*; *R v Mundarra-Smith*; and *R v PRFN*

It has been said that a society may be assessed as civilised by the standard of justice which it affords to those accused of breaking its laws. The Public Defenders work through the trial process to maintain that standard at the highest level. Similarly, the Senior Public Defender's statutory role as intervener in guideline judgments continued in the matter of *R v Thompson and R v Houlton* (2000)29 NSWLR, which decided matters of principle and practical importance concerning the discounts to be properly applied on sentence for pleas of guilty. Those Public Defenders who appear predominantly in the Court of Criminal Appeal have continued to monitor the application of the guideline judgments in the lower courts and have obtained a number of results effectively clarifying specific aspects, the implementation of which required appellate review. Day-to-day presence in the appellate courts has permitted development of a depth of knowledge and experience not otherwise easily obtained. A valuable aspect of this experience is its availability to the Legal Aid Commission as a source of swift but comprehensive written advice on the merit of contemplated appeals by persons seeking legal aid to prosecute those appeals. This is an area where there has been a notable increase in the volume of specialist work undertaken by Public Defenders.

The year 2000/2001 was one of consolidation for the Public Defenders with continuing high volumes of trial work, including the maintenance of advocacy services to aboriginal accused people under the ATSIC Higher Courts

Program. In addition to representation, the process of providing a mentor role for solicitors and advocates in the various Aboriginal Legal Services continued at trial and appellate levels.

With ever-changing listing patterns from location to location and from jurisdiction to jurisdiction, the primary challenge for the next financial year is to perfect the mechanisms by which resources can be most effectively and flexibly placed. It is particularly important that the Public Defenders provide equality of access to our services throughout the state. I am confident that we will meet these challenges through the entrenched culture of dedicated professionalism dominant in the way all Public Defenders approach their important work within the criminal justice system.

Peter Zahra SC
Senior Public Defender

PUBLIC DEFENDERS

The Public Defenders 1941 to 2001 - Sixty Years of Service

The first Public Defender was appointed in NSW in 1941. The sixtieth anniversary of that appointment was celebrated during this year. Of significance in the history of the Public Defenders was the decision of the Government in 1969 that the Public Defenders should be seen to be independent of the executive arm of Government. In the Second Reading Speech of Mr. McCaw upon the Public Defenders Bill 1969 the following appears:

“It seemed to the Government that Public Defenders ought to be removed from the jurisdiction of the Public Service Board and placed in the same position as counsel for the Crown- Crown Prosecutors- in criminal cases, so that there need be no reserve on the part of those whom they represent and there need be no appearance of the possibility of direction from the Crown itself, directly or through any arm of executive government. This is the essential reason that has prompted the bringing of the Bill for the consideration of parliament, and I am sure that no Honourable Members would differ from the principle that the Bill espouses in this regard.”

The Public Defenders Act 1969 was ultimately enacted to achieve this end.

The Public Defenders Act 1995

The *Public Defenders Act* 1995 was introduced following the Report of the Public Accounts Committee into Public Defenders (published 14 June 1994). The legislation takes up the majority of the recommendations made by that Committee and, while maintaining the independence of Public Defenders, provides for the accountability of the Senior Public Defender to the Attorney General and of Public Defenders to the Senior Public Defender.

The Act also widened the scope of work available to Public Defenders to include committal, bail and parole hearings, hearings before the Mental Health Review Tribunal and secondments to the Crown Prosecutors, Royal Commissions or to the Independent Commission Against Corruption. Under the previous legislation, Public Defenders could only appear in criminal trials, sentence matters and appeals arising from conviction or sentence.

In addition, the Act provides for matters to be briefed to Public Defenders from persons whose entitlement to legal aid is determined by the Aboriginal Legal Services and community legal centres. The Acting Public Defender position currently filled by Dina Yehia is funded under an agreement with the Aboriginal and Torres Strait Islander Commission's Higher Court Project for the provision of Public Defender representation through Aboriginal Legal

Services. This has been a highly successful program in which Ms Yehia primarily and a number of other defenders have provided services at both trial and appellate level.

Provision has also, during this year, been made for the Attorney General, or Senior Public Defender as his delegate, to approve the briefing of Public Defenders by the Legal Representation Office for persons who might not otherwise qualify as legally assisted persons under the *Public Defenders Act*. Under the previous legislation, Public Defenders could only appear for persons legally aided by the Legal Aid Commission of New South Wales.

Core Functions

The Public Defenders are based in chambers near the Downing Centre court complex in Liverpool Street, Sydney and also operate from court facilities across metropolitan Sydney and Sydney West. In addition, Public Defenders serve the needs of communities across the State. In the far North Coast, Newcastle, Wollongong and Dubbo, Public Defenders reside in those regions.

The core function of Public Defenders is to advise and represent legally assisted accused in serious criminal matters. We are briefed by the Legal Aid Commission of New South Wales, private solicitors instructed by clients with legal assistance in relation to criminal matters, the various Aboriginal Legal Services, community legal centres and the Legal Representation Office. Representing indigent persons remains our primary focus, taking up the greater part of our resources.

Demand for our services has always outstripped those resources. In response, this requires continuous monitoring of fluctuating trial volumes in regional courts and reacting with strategic placements, thereby meeting the competing needs of the clients' agencies being served.

Public Defenders have an important function as members of the bar actively engaged in the development and the reform of the law. To this end the Public defenders make frequent submissions to Government and law reform agencies and participate in inter-departmental and other committees engaged in issues related to criminal justice. These have recently included inquiries into areas as diverse as court delay and the representation of persons mentally unfit to stand trial to the review of the operation of The Drug Misuse and Trafficking Act 1985.

Our participation in many appeals and the exercise of the Senior Public Defender's statutory right of appearance in guideline judgment cases are further avenues through which we contribute to developments in the criminal law.

A direct contribution to criminal law reform has been through Directorship of the Criminal Law Review Division of the Attorney General's Department. That office has in recent years been held by a Public Defender. The Division consists of a team of seconded practising lawyers who provide advice to the

Attorney General on the criminal law and is responsible for the Attorney General's criminal law legislative program. During fiscal year 2000/2001 the Director was Ms Chrissa Loukas, Public Defender.

Another of our functions is as a body of experience in criminal practice and procedure available, through the collegiate traditions of the bar, as a resource for the legal profession. Many of the more senior Public Defenders routinely provide informal advice and assistance to members of the profession. Public Defenders give Continuing Legal Education lectures and papers and publish, both through the Internet and by more traditional means, case notes and papers on criminal law issues. The members of chambers participate in conferences, wherever possible and utilise these attendances as a means of spreading expertise and insights gained from working in the high volume of cases at high levels of difficulty which are part of a Public Defender's daily challenge.

The Public Defenders participate in the Bar Association's reading program for new barristers. We understand that this is regarded as particularly valuable experience for new barristers who gain unique exposure as "juniors" to Public Defenders in a range of serious trial and appellate matters less commonly encountered across the profession generally.

Chambers regularly welcomes work experience students and we enjoy frequent contact with the various university law faculties. This frequently involves lectures by Public Defenders to university students and participation in moot programs.

People: Movements and Appointments as of 30/6/2001

The Public Defenders holding office during 2000-2001 and their dates of appointment are as follows:

Senior Public Defender

John Nicholson SC, 24.6.99
(as acting Senior Public Defender 22.3.99, as Deputy Senior Public Defender 12.6.96 and as Public Defender 1.8.84) Appointed a judge of the District Court in July 2001.

Deputy Senior Public Defender

Peter Zahra SC 16.9.99 (as Public Defender 3.4.89)

Public Defenders

Mark Austin	5.6.95	
John Booth	7.1.98	Acting Public Defender
Chris Bruce	26.4.88	
Robyn Burgess	13.12.00	Acting Part-time Public Defender
Richard Button	6.5.91	
Anthony Cook	21.10.99	Acting Public Defender
Helen Cox	17.7.95	Part-time Public Defender
Chris Craigie	5.9.94	
Sean Egan	19.6.96	
Leonie Flannery	15.7.96	
Andrew Haesler	24.1.95	
Ron Hoenig	6.10.87	
Chrissa Loukas	17.7.95	on secondment to position of Director, Legal Representation Office to 25.1.00
Catherine Lyons	23.2.8	
Christine Nash	11.11.85	On secondment to position of Director, Legal Representation Office from 26.1.00
Anthony Parker	23.2.94	
Peter Pearsall	28.7.99	Acting Public Defender until 28.7.00
George Ritchie	20.10.86	
Col Scouler	22.6.81	
John Stratton	10.3.97	
Eric Wilson	27.1.98	Acting Public Defender
Paul Winch	21.10.99	
Angus Webb	15.7.96	
Dina Yehia	28.7.99	Acting Public Defender

There are 6 female Public Defenders out of a total of 23. This is well above the prevailing ratio at the NSW Bar, generally, and reflects the Public Defenders' adherence to the principles of Equal Employment Opportunity.

Appointments

John Booth continued on secondment from the Crown Prosecutors as an Acting Public Defender, extended from 27.1.01 to 26.1.02.

Robyn Burgess was appointed Acting Public Defender as a part-time Acting Public Defender from 11.12.00 to 10.12.01.

Anthony Cook continued as an Acting Public Defender, extended from 20.1.00 to 31.12.2001.

Peter Pearsall continued as an Acting Public Defender, extended from 28.7.00 to 31.12.2001.

Eric Wilson continued as an Acting Public Defender, extended from 21.10.01 to 26.1.02.

Dina Yehia continued as an Acting Public Defender extended from 28.7.00 to 27.7.2002.,

Peter Zahra became Senior Counsel on 26.10.99 and was previously appointed Deputy Senior Public Defender on 16.9.99.

Administration and Support Staff

Clerk to Chambers

Colin Longhurst is the Clerk to Chambers and is responsible for the allocation of briefs to Public Defenders, including answering enquires from Legal Aid Commission staff and private practitioners and maintaining the court diary. The Clerk also attends to administrative matters, personnel, computer and other office equipment, preparation of reports and submissions and other aspects concerned with the operations of Chambers.

Executive Officer

Robert McGregor was appointed Acting Executive Officer from 1.1.00. The position became permanent on 28.3.01. This is a new position responsible for many of the management and administrative functions in the office, including staffing matters, computer support, office equipment, productivity statistics, liaison with Attorney General's Department and with ATSIC.

Legal Research Officer

Jennifer Wheeler and Prita Supomo job-share this position as from 11/7/2001. Jennifer Wheeler has held the full position since returning from maternity leave in January 2000. Prita acted in the position during Jennifer's absence. The position is graded as a Legal Officer Grade 4 which requires the officer to be a qualified lawyer. The position is responsible for legal research and the provision of professional assistance to the Public Defenders, primarily on criminal law and procedure and sentencing. Both occupants of the position are lawyers who have achieved levels of high academic attainment.

Clerk/Stenographer

This position is occupied by Lyn Wilson, who is responsible for senior stenographic duties, as well as maintaining the Public Defender's Library in all its aspects. She also summarises superior court judgments dealing with criminal law and compiles and distributes these in a highly popular reference manual known as "Short Notes", which is used by legal practitioners, researchers and law students.

Executive Assistants (2)

Eleana Farfan and Giuliana Traversari occupy these positions, which have identical position descriptions, including reception, typing, data input for client and Brief Completion data-bases, routine accounts payable documentation and general office support. Giuliana Traversari commenced her appointment on 8 December 2000.

Job Share Pilot Program

The program commenced on 29 June, 1998 and has continued with further success in 2000-2001. Helen Cox and Robyn Burgess are the two Public Defenders presently participating in the program. They are both highly skilled and valued advocates, each with strong trial and appellate practices. They each work a 5-day fortnight on different days, 3 days one week and 2 days the following week. This permits trial work to be undertaken by both Public Defenders, i.e. one Monday trial and one Wednesday trial per fortnight. In addition, both undertake sentence matters and Court of Criminal Appeal advices and appearances when appropriate, having regard to the allocations of all defenders.

The above arrangements represent, so far as is known, the first occasion any statutory office holder has been offered permanent part-time employment. It has proven successful and, no doubt, may prove an employment precedent for other statutory appointments, where the needs of women seeking to balance other demands with a desire to be involved in high-level professional work can be met. The productivity and continued access of the services of these two fine counsel resulting from these arrangements has been very beneficial to the organisation and its clients. The scheme represents a significant E.E.O. development.

Enhancing Standards

The New South Wales Bar has a reputation throughout the common law world as the most rigorous exponent of the view that sound outcomes in the criminal trial process are best achieved by the fair and fearless representation of the parties by advocates of high ability and ethical commitment. The Public Defenders pride themselves in having been a vital part of this tradition in New South Wales for over sixty years. It is our continuing endeavour to be at the forefront of the practice and reform of the law. The past year has seen a

consolidation of the process whereby all Public Defenders may, if required, be confidently called upon to appear in any species of matter entailing the defence of indigent persons at every level from the Local Court to the High Court of Australia. Whilst appellate work devolves upon a senior core, a process has been achieved whereby all members have had the opportunity to advise or appear in appeals and a high proportion of the floor has now had experience in Supreme Court trials.

We have maintained long-established internal processes of enhancing skills and experience through Short Notes, informal talks, seminars and the prompt circulation of appellate pronouncements arising in matters where we have appeared. These processes are in addition to the traditional ferment of ideas and discussion which is the essence of practice in chambers.

We are now in the fortunate position where it is increasingly rare that serious matters cannot be dealt with on the floor. If a trial runs longer than expected, one may be confident that another brief held by the defender in the trial will be shadowed and competently carried through to the satisfaction of solicitor and client.

The present picture of the Public Defenders is one of high morale, commitment and an ever-expanding skill-base.

Continuing Legal Education

Apart from our internal CLE processes, the Public Defenders have a vital interest in the bar's reader education and proposed CLE program. We continue to provide speakers and papers each year for the readers program and have been engaged in the planning processes for the introduction of compulsory bar CLE in 2002. This is an initiative which the Public Defenders support and in which the Senior Public Defender will be engaged through continued membership of the Bar Associations Strategic Planning Committee.

Details of Papers Delivered and Published in the Appendix to this report attest to the demand for Public Defenders at conferences held by the College of Law; The Law Society; the Young Lawyers; Legal Aid Commission; the Director of Public Prosecutions and the Aboriginal Legal Services. As the nature of the papers reveal, the Public Defenders are called upon particularly to address significant issues and changes in the practice of Criminal Law. Public Defenders have been prominent for example in the last year in speaking on DNA evidence; Forensic Procedures and Defence Disclosure. This demand confirms the standing of the Public Defenders within the practice of the Criminal Law.

Challenges in 2001/2002

The coming year poses a number of challenges which we welcome as opportunities in the continuing task of delivering high quality service. Although other issues may arise, some of the more apparent matters are the need to be flexible in our planning processes, specifically where it is necessary to adjust at short notice to demands in regional courts where a build-up of matters has been identified.

Whilst it remains important to maintain permanent Public Defender allocations in the major metropolitan and regional centres, other locations with lesser work loads have a justifiable claim to equality of access to our resources. In the coming year, we will continue monitoring of movements in trial registrations and state-wide demand for Public Defenders through membership of the District Court's Criminal Listing Review Committee and through day-to-day liaison with the Registrar. Through the latter continuing contact, we plan to make adjustments at relatively short notice where it appears that demand has dropped at one location and has surged in another.

The Legal Aid Commission and Aboriginal Legal Services will be consulted and closely involved in the process of strategic placement which is directed towards maximising access and effective court time for all Public Defenders.

The *Criminal Procedure Amendment (Pre Trial Disclosure) Act 2001* is, from November 2001, to introduce a new regime of pre-trial disclosure for trials identified as "complex" under s 47C(2) of the Act, having regard to factors of length, the nature of the evidence to be adduced and the legal issues likely to arise. It is considered likely that a significant proportion of trials in which Public Defenders are briefed will be affected by the provisions.

There have been discussions with the Legal Aid Commission to build this new factor into the contingency planning of both organisations. Whilst it is unclear how many trials will be classified so as to activate the provisions (which may vary considerably between the District Court and the Supreme Court) there is recognition of considerable further demands being made on our resources, again emphasising the need to remain flexible in the making of Public Defender placements.

The Public Defender Website

The Public Defender's website at:

www.lawlink.nsw.gov.au.pdo.nsf/pages/DefenderBank grows in popularity and has been constantly updated by John Stratton, Public Defender, whose work on this site and his own criminal law guide site have been invaluable assets to the chambers and the apparent thousands of members of the public, practitioners and prisoners accessing the sites. The number of "hits" to the site show an exponential growth in access. It is understood that the site is amongst the most frequently visited sites within the Attorney General's Department.

The site contains articles and papers by Public Defenders together with access to "Short Notes". Short Notes comprise concise summaries of both reported and unreported criminal cases. These notes have been compiled since 1997 and have proved a valuable resource. They are circulated widely to the Legal Aid Commission; members of the private profession and to a number of other organisations and subscribers.

Work Experience

Public Defenders continued their participation in the Professional Experience Placement Program conducted by the Law School at the University of Wollongong. This program is a compulsory unit for undergraduate law students at the university and involves a one month placement each year to gain practical experience.

The Public Defenders and support staff assist with work experience programs conducted through schools. This program is co-ordinated by the Clerk to Chambers, who ensures that the student gains an overview of the Courts system, work experience with a Public Defender and an overview of administrative and managerial responsibilities in an office. The Clerk to Chambers provides students with a work experience package including;

- Brochures on Jury Duty published by the Sheriff of NSW
- 'What is a Barrister' published by the NSW Bar Association
- 'The Duty Barrister Scheme' published by the NSW Bar Association
- 'The Public Defenders Information Package for Work Experience Students' published by the Public Defenders
- A Certificate of Completion

During 2000/2001, Public Defenders had eight high school students attending chambers for work experience. Usually, each student's work experience lasts for 1 week. During that time, a student will have the opportunity to observe how the Public Defenders Chambers operates. They will attend court with one of the Public Defenders to see how a jury trial or a criminal appeal is conducted. By the end of a week, the work experience student is hopefully leaving with an understanding that legal work is open not only to lawyers but also to a vast array of workers, including typists, clerks, para-legals, librarians and research officers.

KEY ISSUES

Independence and Accountability

As recorded in the 1999-2000 report, the balance between these two factors is a matter requiring continuing vigilance. The need for and value of independence is obvious and central to the value of our organisation. As structured in this state, The Public Defenders represent a unique fusion of the values and traditions of an independent bar with the concept of counsel paid a salary by the state. The consistent policy under successive governments over the sixty years of our existence has been to maintain and enhance the role of the Public Defenders as independent counsel who are also statutory officers, supported in their work by the resources of the state.

The professional culture of the Public Defenders is very much that of an independent bar at its best. This is recognised by clients, our professional opponents and the judiciary. Our independence, as manifested in the standard of work done or the manner of its execution, has never been brought into question in any public forum nor, as far as can be determined, in the public view of what we do and its value to the community. The Public Defenders Act 1995 gave a formal legislative basis to the distinguished role played by generations of Public Defenders in providing that standard of advocacy in defending indigent accused. This is an essential element of a justice system worthy of the name. Security of tenure, maintenance of proper funding and resources is inherent in the status of statutory officers and gives substance to the long accepted theory of our independence.

Balancing the protection inherent in security of tenure are obligations to apply our resources equally and to the greatest effect for the benefit of the community. This obligation must be subject to verification, over and above such general oversight as the periodic scrutiny of the Parliament through the Public Accounts Committee. The Public Defenders have a commitment to collect, maintain and improve an accurate body of statistical information on work carried out under the broad charter of our Act. During 2000-2001 there has been continuing effort to track and analyse the use of our resources in order to identify shifts in demand and to deploy resources in response. The proposed Service Level Agreement with the Legal Aid Commission, to be settled in 2001-2002, is intended to give form to a tactically flexible approach in resource management. Given quite rapid shifts in demand across the court system there is a need to employ, at a minimum in quarterly cycles, formal consultation with the Legal Aid Commission and the courts' administration. This should enhance our capacity to vary, upon consultation, a schedule of individual defenders' commitments at particular sittings and locations.

Much of what is envisaged formalises systems formerly relying on such information as might flow from meetings of the District Court's Criminal Listing Review Committee and the Supreme Court's Users Group meetings. Attendance at the meetings of these committees will continue to be a useful aid in broader strategic planning underpinning more detailed and short term tactical planning.

Meeting Demand

A program of monitoring Court of Criminal Appeal briefs was initiated in 1999/2000 and has resulted in a notably higher volume of 201 advices given, compared with 125 in 1998/99. This represents an increase of 38% in productivity. This progress was reflected in the number of appellate appearances, which increased by 12%. Our consultations with the Registrar confirm the view of the Public Defenders that there has been a valuable contribution in the filtering-out of unmeritorious matters and a balancing increase in the number of successful appeals. In addition to High Court and Court of Criminal Appeal appellate advices, a further 73 advices were completed in a wide range of superior court matters. Regular consultation with the Solicitor-in-Charge of the Appeal Section in the Legal Aid Commission has revealed a significant improvement in the time in which advices are determined. This has had an impact on some aspects of the organisation of that section particularly in the management of regular callovers before the Registrar.

The ability of all Public Defenders to accept advice briefs has maximised the use of out-of-court time particularly when trial matters do not proceed as scheduled or are shortened.

The year saw Public Defenders appearing in 54 Supreme Court trials, compared with 49 in 1998/99. The overall growth in Supreme Court matters, including sentences and re-determined life sentences, saw an increase from 73 to 78 matters.

In the District Court, the Public Defenders have been briefed in 344 District Court trials in 2000/2001, a decline of 22% from 1998/98. There was a slight increase in sentence matters from 125 to 137, an increase of 9%. These figures reflect an overall and substantial decline in trial registrations across the state and appear proportionate to that decline. It is also to be borne in mind that trials have been extending in average length in recent years. Additionally, with the greater involvement of solicitor trial advocates by the Legal Aid Commission, the Public Defenders are now left to be briefed with the more complex and lengthy trials.

The increase in pleas of guilty and the decline of trial numbers in the District Court may also be attributable, in some measure, to the filtering effect of the Committal Pilot Scheme in Sydney and the extension of the Local Court's jurisdiction. Despite fluctuations in trial numbers in the District Court, there has been no diminution of demand for Public Defenders services. The virtual disappearance of not-reached trials, particularly in metropolitan court complexes, assists in being able to plan for maximising court time, after proper allowance for the level of preparation required for the more difficult matters in which Public Defenders are now briefed.

The overall strategy for 2001/2002 is to maintain the present levels of skill and experience through high volumes of demanding matters across the full spectrum of superior court criminal practice. We identify the Supreme Court and Court of Criminal Appeal as areas where principally a core group of

senior defenders are cost effective in returning high levels of success and efficiency. The Public Defenders have, after consultation with the Chief Judge of the District Court, entered into arrangements with the Legal Representation Office whereby representation has been provided to clients who would not otherwise be assisted. Failing such arrangements, the principles enunciated in *R v Dietrich* would have prevented the disposition of those clients' trials for as long as they remained unrepresented. These arrangements have resulted in resolving a difficult issue of delay for the court and, in one notable case, an acquittal in a much shortened and issue-focused trial.

Participation in long and complex District Court trials is an area where defenders will be committed in the coming year in Sydney. Clusters of outstanding trials in some regional courts present as an area where Public Defenders can establish mechanisms, after consultation with both the Legal Aid Commission and the Court, to identify sittings where a defender may be deployed for as long as the particular need persists.

Our relationship with ATSIC is a valued one. We are particularly proud of the work done by Dina Yehia, the Acting Public Defender specifically retained to meet our obligations under the agreement with ATSIC. In addition to Ms Yehia's work as trial counsel, other Defenders are frequently briefed in trial and appellate work for the various Aboriginal Legal Services. All defenders regard the work done on behalf of indigenous clients as a most important and satisfying part of our general charter.

In addition to direct services as counsel, there is also a valuable function of broadening the experience and skills of legal service lawyers, particularly in such areas as appeal preparation.

Developments in the Law and Law Reform

Public Defenders contribute to the development of the criminal law and to law reform by submissions to Government and Parliamentary Committees, participation in Working Groups concerned with aspects of criminal law and procedure and by providing representation in appeals on important issues of law and in relation to guideline judgments.

This year, as in others, Public Defenders contributed directly to developments in the criminal law through the Directorship by a Public Defender of the Criminal Law Review Division of the Attorney General's Department (CLRD). This included participation in various committees and written submissions relating to:

- Continuing work in sentencing law/forensic testing DNA.
- Inquiry into Increase in Prisoner Population.
- Attorney General's Inter-Departmental Committee of Review of the *Mental Health Criminal Procedure Act 1990*.
- Working Party - Review of Drug Misuse and The Health Act - Criminal Law Review Division.

- Law Council of Australia - Committee on Equalising Opportunities in the Law - Access to Justice Issues.
- NSW Law Reform Commission Report on Contempt by Publication.
- NSW Law Reform Commission - *Doli Incapax*.

ATSIC Pilot Program

The public Defenders continued their commitment to the provision of services under the ATSIC Higher Court's Project Agreement. The several Aboriginal Legal Services have briefed defenders for indigenous clients across the state, with an emphasis on guaranteeing equality of access for clients in the North and North-West. A number of Public Defenders have appeared for Aboriginal clients in higher courts up to and including appellate level. The volume of work in the regions supplements that which continues to be done in the Sydney, Sydney-West and metropolitan area.

Indigenous Barristers Program

The Public Defender's, in co-operation with the NSW Bar Association Indigenous Lawyers Committee, have put in place a program to assist indigenous barristers commence practice at the bar. The new barristers will be able to read with a Public Defender and someone at the private bar. We can provide the new reader not only with experience and training but also a room in chambers and a small amount (\$20,000 p.a.) to cover basic expenses. It is hoped, with this support, to encourage more indigenous lawyers to take up practice at the bar. Our first reader will commence the program in 2002.

ADVICE AND ADVOCACY

Appeals - Advices

A person seeking a grant of legal aid from the Legal Aid Commission in order to pursue an appeal against sentence and/or conviction (whether to the Court of Criminal Appeal or the High Court) does not receive an automatic grant. The Legal Aid Commission applies a merit test in such cases. In order to implement this merit test, the Legal Aid Commission seeks the advice of Counsel. In the majority of such cases, it is a Public Defender who advises on the merits of appeals. Legal Aid is refused for the appeal when a Public Defender advises that there is no merit in the appeal - that is, that the proposed appeal has no reasonable prospects of succeeding.

When legal aid is refused through this process, the appellant usually chooses to abandon the appeal. Thus, the "merit" advice process performs an important function of filtering out many unmeritorious appeals which would otherwise occupy valuable Court sitting time. If a Public Defender advises that an appeal has "merit" (has reasonable prospects of success) then he or she is required to settle the Grounds of Appeal and other pleadings and prepare written submissions for the Court of Criminal Appeal.

Table 1.1 of Appendix 'B' shows that 201 Appeal Advices were prepared by Public Defenders, including 7 High Court, 31 against conviction and 163 against sentence. These advices are a 61% increase on the previous year where the total number of advices prepared was 125.

Appeals - Appearances

Public Defenders appear in both the High Court and the Court of Criminal Appeal for persons who have a grant of legal aid for the purposes of pursuing an appeal. Such appeals may be against a conviction, sentence (including Crown Appeals) or both.

Public Defenders appeared in a total of 128 appeals, of which 58 were allowed. There was a 12% increase in the number of appeal appearances over the previous year 1999/2000.

A total of 56 appeals by Public Defenders were allowed (either conviction or sentence) by the Court of Criminal Appeal in 2000/2001. Special Leave to appeal to the High Court of Australia is more difficult to secure, because the appeal must raise an issue of importance - usually affecting the development of the law of Australia. The one application for Special Leave made by Public Defenders this year was regarded by the Court as having merit. Significantly, however, there has been an increase in matters in the High Court in which Public Defenders have been involved. Public Defenders appeared in 8 matters before the High Court during the currency of the present year.

Through this appearance work, Public Defenders make a significant contribution to the development of the criminal law. A glance through the Commonwealth Law Reports, the New South Wales Law Reports and the Australian Criminal Reports over the years will show that Public Defenders have appeared in many important appeals and cases at first instance. The fact that a case is reported in the Law Reports is an indication of the significance of that case to the development of the law.

Details of the numbers of appeal appearances undertaken together with the number of appeals allowed or dismissed for the period covered by this Report are set out in Table 1.2 of Appendix 'B'.

Other Advices

In addition to receiving briefs to advise on the merit of appeals, Public Defenders also receive briefs to advise in other matters including the appropriate plea, drafting No Bills, appeals from the Local Court to the District and Supreme Courts, appeals from the District Court to the Court of Criminal Appeal and Inquiries into Convictions (Section 13A of Crimes Act). Of particular interest is the 37 No Bills which were submitted. Success at this stage is not only a good result for the client but saves vast amounts of Court and legal practitioners' time. Table 1.3 of Appendix 'B' provides detail of other Advices. The number of other advices totalling 73 is significantly greater than the number of advices in 1999/2000 (6).

Trials and Sentences - Supreme Court

During 2000/2001, Public Defenders appeared in the Supreme Court in Sydney, Newcastle and Grafton. Statistics summarising this work undertaken during the period covered by the Review can be found in Table 2.1 of Appendix 'B'.

There was an increase of over 12% in trials and sentencing briefs in the Supreme Court in 2000/2001.

An additional part of sentencing work in the Supreme Court involves appearing for prisoners serving life sentences handed down prior to 1989 who make application under section 13A of the Sentencing Act 1989 to have their sentences re-determined. During 2000/2001 Public Defenders appeared for such applicants in 5 cases. It should be noted that there is a finite number of individuals entitled to make such an application and thus this area of practice is not one where statistical growth will occur.

Trials and Sentences - District Court - Sydney

During 2000/2001, Public Defenders appeared in 95 matters heard in the Sydney District Court.

The Downing Centre hosts by far the busiest District Court complex in N.S.W. There are 16 District Courts sitting simultaneously within the complex.

Where trials do proceed an important part of advocacy is negotiating with one's opponent to narrow the issues at trial or secure the Crown Prosecutor's agreement to accept a plea to lesser charge(s). Public Defenders are very active and skilled in this regard with the consequence that much Court time is saved and other government funded agencies, such as the Legal Aid Commission, Director of Public Prosecutions and Police Services, achieve cost savings.

Trials and Sentences - District Court - Western Sydney

The Western Sydney area comprises the District Courts at Liverpool, Parramatta, Campbelltown and Penrith. During 2000/2001, Public Defenders appeared in 64 matters in the Western Sydney District Courts.

District Court - Country

During 2000/2001, Public Defenders provided an increased service to Aboriginal legal services as a result of the ATSIC Higher Courts Project Agreement. There is now a Public Defender based in Dubbo (acting), Lismore and Wollongong while two are based in Newcastle. One Public Defender in Newcastle handles District Court matters while the other, an acting Public Defender, handles Newcastle Supreme Court matters and East Maitland District Court. Services are provided on the North Coast at Lismore, Port Macquarie, Grafton and Taree, and on the South Coast at Wollongong and Bega sitting at Moruya. A Public Defender services the Riverina Courts at Albury, Deniliquin, Griffith and Hay. Western Courts serviced mainly from Dubbo include Bourke, Broken Hill, Coonamble, and Wentworth. Gosford, Tamworth and Moree Courts are serviced from Sydney as are other country centres when Public Defenders are available.

2000/2001 saw a shift in country practices away from sentence matters to trials, which generally require more preparation time and more time in court. During 2000/2001, Public Defenders were briefed in 358 matters in country District Courts.

ACCESS

Location

The Public Defenders' Chambers are located at

**Carl Shannon Chambers
Level 13,
175 Liverpool Street,
SYDNEY NSW 2000**

**Telephone: (02) 9268 3111
Facsimile: (02) 9268 3168**

**DX 11545
SYDNEY DOWNTOWN**

Clerk to Chambers: Colin Longhurst

Hours

Chambers are accessible to the public between 9.00am and 5.00pm
Monday to Friday.

APPENDICES

- A Former Senior Public Defenders
 Former Public Defenders

- B Business Plan 1999 - 2000

- C Statistics
 - Table 1.1 Appeal Advices
 - Table 1.2 Appeal Appearances
 - Table 1.3 Other Advices
 - Table 2.1 Trial & Sentence Briefs
 - Table 2.2 Other Statistics

- D Submissions, Lectures and Papers Published

LIST OF FORMER PUBLIC DEFENDERS

Former Senior Public Defenders

Terrence Buddin SC
His Honour Justice Malcolm Gray
His Honour Justice Peter Hidden AM
Howard Purnell AM QC
John Shields QC
His Honour Judge Martin Sides QC

Former Public Defenders

His Honour Justice Michael Adams
Her Honour Justice Virginia Bell
His Honour Judge Robert Bellear
His Honour Justice Reg Blanch
Paul Byrne SC
Ernie Byron QC
Gordon Champion
His Honour Judge Roger Court QC
Clarrie Cullen
Greg Cusack QC
Sean Flood, magistrate
James Glissan QC
Geoffrey Graham
Michael Green QC
His Honour Judge William Hosking QC
His Honour Justice Rod Howie
Mark Ierace
Bennett Ingram
His Honour Judge Robert Keleman SC
His Honour Judge Lloyd-Jones QC
His Honour Judge Charles Luland QC
Daryl Melham MP
The Honourable Chief Justice J A Miles AO
His Honour Judge Stephen Norrish
Cliff Papayanni
Her Honour Judge Debbie Payne
His Honour Judge Ken Shadbolt
Ian Strathdee QC
Phillip Strickland
Winston Terracini SC
Fred Vizzard QC
His Honour Judge Greg Woods QC

PUBLIC DEFENDERS

BUSINESS PLAN

2000-2001

Public Defenders are independent lawyers appointed as statutory officers under the *Public Defenders Act 1995*. Funding for Public Defenders is administered within the Attorney General's Department **Program 6 : Legal Services**; the relevant objectives, description and activities of which are set out below:

ATTORNEY GENERAL'S DEPARTMENT PROGRAM - LEGAL & SUPPORT SERVICES

Objective

To provide quality legal services focusing upon criminal and allied matters to the Attorney General, Government and **to those members of the community entitled to legal assistance.**

Program Description

Provide a range of legal services for and on behalf of indigent persons, including relevant policy advice to Government, **legal representation**, legal research and information services and legal practice management.

Activities

- Legal Advice
- Legal representation
- Policy submissions

PRIMARY PURPOSE OF PUBLIC DEFENDERS

Advise and represent legally assisted accused in serious criminal matters.

PRIMARY CLIENTS

- Persons having a grant of legal assistance in relation to serious criminal offences.
- Legal Aid Commission.
- Private solicitors instructed by clients with legal assistance in relation to criminal matters.
- Aboriginal legal services.
- Community legal centres.

COST CENTRE FUNCTIONS AND COST CENTRE DESCRIPTIONS

- Public Defenders advise and represent persons who have a grant of legal assistance and who are charged with a serious criminal offence or who desire to appeal their conviction and/or sentence in relation to serious criminal offences.
- Public Defenders are independent statutory officers appointed under the Public Defenders Act 1995.
- Public Defenders appear and advise in
 - + Trial, sentence and arraignment matters in the Supreme and District Courts throughout New South Wales.
 - + Appeals against conviction and sentence in the High Court of Australia, NSW Court of Criminal Appeal, Court of Appeal, Supreme Court and District Court.
 - + Committal hearings and some criminal hearings in the Local Court and Children's Court.
 - + Related proceedings where the liberty and or guilt of the individual is in issue.
- Public Defenders advise in relation to the merit of appeals to the High Court and Court of Criminal Appeal. The Legal Aid Commission uses these advices in determining whether to grant legal aid for such appeals.

Provide a Resource/Research Service

- + Advising/assisting the legal profession.
- + Lecturing at seminars, conferences.
- + Overseeing barristers undertaking 2 week reading with PD and work experience students.

Development/Reform of Law

- + Through appeals.
- + Advice and submissions to the Attorney General and others about reform of criminal law and procedure.
- + Participation in committees that advise ministers on law reform or oversee implementation of policy.

INPUTS

- Public Defenders
 - Senior Public Defender
 - Deputy Senior Public Defender
 - 15½ Public Defenders
 - 5 Acting Public Defenders
- 6 support staff
- Clerk to Chambers
- Executive Officer (temp. Position from 1/1/2000 till Sept. 2000)
- Part-time (3/5) Research Officer
- Clerk (Grade 1-2) Information Officer
- 2 Clerical Officers Grade 1-2) - Executive Assistants

TRENDS: KEY ISSUES

- Maintaining independence of Public Defenders.
- Need to develop means of ensuring accountability meets community expectations.
- Demand for Public Defender services outstrips that which can be supplied with current numbers.
- Ability, with current establishment, to provide continuity of service in country centres where there is a significant number of grants of legal aid.
- The number of defenders practising in the Supreme Court (where they are more cost effective in comparison to the District Court) has never been adequate to meet the demand for legally assisted accused in that jurisdiction.
- Funding for extra Public Defenders to provide an adequate service to people receiving legal assistance from the Aboriginal legal services in connection with serious criminal matters.
- Liaising with ATSIC and Aboriginal Legal Services on behalf of indigenous accused persons.
- Monitoring flow of ALS work to ensure it is sufficient to engage the equivalent of two Public Defenders full time each year.
Provision of adequate accommodation so that each Public Defender in Sydney has chambers of their own.
- Provision of computer resources to allow electronic research and reduce duplication of research.
- Filling position of part time Research Officer.
- Filling position of part-time Public Defender.
- Review gradings of Support Staff.
- Creation of Executive Officer position.
- Problems connected with court listings systems (eg, delayed starts and vacated hearings).
- Quality of computer support in relation to allocations case management and accountability.
- Training/EEO.

OUTCOMES AND OBJECTIVES

- Maintain a high quality of representation and advice to clients.
- Public Defender services to be available to as many clients as possible in relevant jurisdictions and a range of locations across New South Wales.

TRAINING AND EEO

OBJECTIVES	ACTIONS	PERFORMANCE INDICATIONS
<p>1. Maintain a high quality of representation & advice to clients.</p> <p>2. Ensure that all PDs and staff are aware of current policies, practices and procedures.</p>	CONTINUING EDUCATION PROGRAM:	
	<p>1.1 Hold Annual Weekend Conference for PDs.</p>	<p>RO to report on PD attendance & satisfaction.</p>
	<p>1.2 Ensure that all PDs and support staff have access to and opportunity to participate in external and Departmental training courses by distributing relevant information.</p>	<p>RO to report on:</p> <ul style="list-style-type: none"> • distribution of information on course availability • attendance at courses • satisfaction with course • distribution course material/papers etc.
	<p>1.3 Inclusion of gender, cultural, religious, ethnic and racial issues in continuing education program.</p>	<p>RO to report on relevant topics in Continuing education program.</p>
	<p>1.4 All PD and staff to have access to relevant computer and other training courses.</p>	<p>RO to report on PD attendance & satisfaction.</p>
	<p>1.5 Analyse quality measures from Brief Completion Sheets, e.g. No. Conferences, days of preparation, outcomes of court appearances</p>	<p>Clerk/EO to prepare statistical returns from Brief Completion Sheets.</p>
	<p>2.1 Clerk to Chambers¹ maintain a Manual for PDs and staff.</p>	<p>Clerk to report:</p> <ul style="list-style-type: none"> • progressive distribution of contents; • PD & staff satisfaction with completed manual.

¹ To be referred to as Clerk.

ALLOCATION OF PDs/LISTING AND ACCOUNTABILITY

OBJECTIVES	ACTIONS	PERFORMANCE INDICATIONS
<p>3. PD services to be available to as many clients as possible in all relevant jurisdictions in a range of locations across New South Wales.</p>	<p>3.1 Following distribution of District Court Sittings Calendar SPD to review allocation of PDs to areas of work after consultation with PDs, clerk, court listing authorities, LAC and DPP.</p>	<p>SPD to report on allocations by way of jurisdiction and geographic location.</p> <p>Clerk to report on allocations to jurisdiction and location as % of total Public Defender time.</p>
	<p>3.2 Clerk to develop & implement Allocation Monitoring Program that allows effectiveness of allocation to be reviewed regularly.</p>	<p>Clerk to report on :</p> <ul style="list-style-type: none"> • % of PDs consulted • % of PDs satisfied with AMP <p>SPD to report on quality of information for review of allocation purposes.</p>
	<p>3.3 Clerk to develop means of converting Allocation Monitoring Program Reports into comprehensive computer data base to provide information to be included in PD Annual Report.</p>	<p>SPD report on:</p> <ul style="list-style-type: none"> • % PDs consulted • % PDs satisfied with guidelines. <p>Clerk to report on:</p> <ul style="list-style-type: none"> • standardisation of report forms • % PD s satisfied with report forms • quality of information available from data base for annual report.
	<p>3.4 Participate in Listing Committee meetings of Sydney District Court.</p>	<p>DSPD to report on number of meetings attended.</p>

ADEQUATE ACCOMMODATION

OBJECTIVES	ACTIONS	PERFORMANCE INDICATIONS
<p>4. Provide additional chambers at Carl Shannon Chambers.</p> <p>Provide staff amenities room.</p> <p>Enclose conference room for privacy.</p>	<p>Plans approval and orders from Capital Works.</p> <p>Oversight of works to ensure appropriate outcome.</p>	<p>EO to participate in planning, approval and on site supervision to ensure completion of all works to appropriate standard and time frame.</p>

COMPUTERS

OBJECTIVES	ACTIONS	PERFORMANCE INDICATIONS
<p>5. Ensure all PDs have access to computers:</p> <ul style="list-style-type: none"> * allow research to be electronic * access to precedents * allow access to other PD research * improve case management and accountability. 	<p>5.1 IT branch to undertake necessary purchases, installations & connections.</p>	<p>EO to report on purchases, installations & connections.</p>
	<p>5.2 Defender Bank Committee to ensure that all in-house resources are available on Public Defender's website..</p>	<p>RO report on:</p> <ul style="list-style-type: none"> • data base material installed; • level of satisfaction with it • usage of data bases.

*Appendix "C"***APPEAL STATISTICS****Table 1.1 Appeal Advices prepared 2000/2001**

Outcome	High Court	CCA Conviction	CCA Sentence	Total
Merit	2	12	46	60
No Merit	5	19	117	141
Total	7	31	163	201

Table 1.2 Appeal Appearances 2000/2001

	Appeal Allowed	Appeal Dismissed	Reserved	Prepared Not Reached	Prepared but no appearance by PD	Total
High Court	1	6	1	0	0	8
CCA Conviction	12	10	4	0	0	26
CCA Sentence	42	37	4	0	0	83
CCA Crown Appeal	2	6	0	0	0	8
CCA Interlocutory Application	1	1	1	0	0	3
TOTAL	58	76	10	0	0	128

Table 1.3 Other Advices Completed 2000/2001

Appeal from District Court to Court of Appeal	0
Appeal from Local Court to Supreme Court	1
No Bill	37
Inquiry into Conviction (Pt 13 Crimes Act)	0
Fitness to Plead	2
Other	33
TOTAL	73

Table 2.1 Trials and Sentence Briefs 2000/2001

	Supreme Court	Sydney District Court	Western Sydney District Court	Country District Court	Total
Trials	54	53	38	253	398
Sentences	9	31	23	83	146
s13A Re-sentences	5	N/A	N/A	N/A	5
Arraignments	1	3	1	10	15
Contested Applications	9	1	0	0	10
Sentence Indications Guideline Judgments	1	0	0	0	1
Appeals from Local Court to District Court	0	2	1	11	12
Other	6	7	1	1	15
TOTAL	85	95	64	358	602

Appendix "D"

Submissions, Lectures and Papers Published:

John Nicholson SC - Submission on behalf of the Public Defenders to the Legislative Council Select Committee on Increase in Prisoner Population.
Submission on behalf of the Public Defenders to the Standing Committee on Law and Justice in respect of a NSW Bill of Rights.
Moot judge for Sydney University Junior Mooting Competition finals.

Peter Zahra SC - Paper presented to Annual General Meeting of the Royal Australian and New Zealand College of Psychiatry.
Paper on *Defence of Mental Illness and "Substantial Impairment" in Murder Defences*.
Lecture to Penrith Legal Aid Commission staff and DPP staff on *DNA Evidence*.
Lecture to Dubbo Aboriginal Legal Service staff Annual Conference on *DNA*.
College of Law lecture on *DNA*.
Parramatta Legal Aid staff lecture on *DNA*.
NSW Bar Association Readers Course lecture on *Trial Preparation*.
College of Law lecture on *Cross Examination*.
Lecture to the Young Lawyers section of the Law Society on *Complicity*.
Institute of Criminology - *Recent Cases on Admissibility of DNA Evidence*.
Self-Defence- Public Defenders' Annual Conference.
Evidence Act Hypotheticals - Bar Association Readers Program.

Mark Austin - Paper on *"The Role of Health Professionals in Court Proceedings"*, delivered to a weekend conference of the Rural Doctors Association.
Lecture at the University of Wollongong on *"Identification Evidence and the Relevant Provisions of the NSW Evidence Act"*.

Helen Cox - Lecture to Sydney University Law students on *"Law, Lawyers and Justice"*.

Chris Craigie - Paper for delivery to Bar Reading students, *"Tactical Plea Making in the District Court" (new edition)*.

“Criminal Trial Advocacy” (with Zahra SC) - joint lecture to University of NSW Law School.

“Approaches to Appellate Advocacy” - lecture to University of NSW Law School.

Richard Button - Paper on *“Forensic Procedures”* delivered to NSW Young Lawyers.

Andrew Haesler
(on secondment to Criminal Law Review Division) - Paper on *“Forensic Procedures and Juveniles”* delivered to Juvenile Justice Annual Conference

Paper on *“New DNA and Forensic Procedure Laws”* delivered to Law Society Young Lawyers section; also delivered to Government Lawyers Association, Institute of Criminology Seminar; two NSW Magistrates Conferences and a NSW Director of Public Prosecutions staff conference.

Submission on the *“Review of the Public Defenders Act”*.

Workshop presentations on *“Advocacy and Cross Examination”* to Legal Aid Commission staff.

Presentation on *“Cross Examination in Sexual Assault Matters”* to NSW Department of Health, Education Unit.

Paper on *“Sentencing: Recent Trends”* to Judicial Commission staff.

Paper on *“Defence Advocacy”*, University of Wollongong.

Training seminar presentation for doctors at St George Hospital.

Paper on *“Current Issues in Criminal Law”*, NSW College of Law.

Publications:

Chapter IV of Model Criminal Code Committee Report;

Joint author of *“Damage and Computer Offences”*; Law Society Journal article, *“DNA Testing: Panacea or Inquisition?”*;

Judicial Officers’ Bulletin, Vol.12, No.10 *“The New Crimes (Forensic Procedures) Act 2000”*;

Joint author of *“Use of Cannabis for Medical Purposes”*, NSW Government Report.

Christine Nash - Paper on *“The Functions of the Legal Representation Office, Police Integrity Commission and ICAC”* delivered to Bar Readers Course.

Paper to high school and tertiary students during Law Week, *“Law as a Career”*.

- Chrissa Loukas** - Article on "*Pre-Trial Disclosure*", Judicial Officers.
Speaker at Director of Public Prosecutions staff seminar on "*Pre-Trial Disclosure*".
Paper on "*Pre-Trial Disclosure*" delivered at College of Law on two occasions, also delivered at a Western Aboriginal Legal Service seminar.
- John Stratton** - Paper to Legal Aid Commission staff on "*Prior Inconsistent Statements*".
Six articles on various legal subjects for "Direct Link" Website.
Maintained the Public Defenders Website and also own Website with extensive Criminal Law Survival Kit, which is periodically updated.
- Paul Winch** - Presentation on "*Foundational Skills*" to Australian Advocacy Institute workshop.
Australian Advocacy Institute courses taught: *General Advanced Course*; *Legal Argument*; *Foundational Skills*.
Speaker at Director of Public Prosecutions solicitors annual conference on "*Practical Advocacy*".

Committees:

- John Nicholson SC** - District Court Criminal Listing;
NSW Bar Association Education Committee;
NSW Bar Association Legal Aid Committee;
NSW Bar Association Criminal Law Committee;
NSW Bar Association Equal Opportunity Sub-Committee on Aboriginal Law Students.
- Peter Zahra SC** - Working Party Review of *Drug Misuse and Trafficking Act*, Criminal Law Review Division.
NSW Bar Association Strategic Planning Committee.
Advisory Committee Medically Supervised Injection Centre.
- Mark Austin** - Committee of the Criminal Defence Lawyers Association.
- Chris Craigie** - Criminal Listing Review Committee;
Inter-Departmental Review Committee on the *Mental Health Criminal Procedure Act 1990*;
- Chrissa Loukas** - Law Council of Australia Committee on Equalising Opportunities in the Law;
NSW Bar Association Equal Opportunity Committee.

Paul Winch - Accredited instructor, Australian Advocacy Institute.

Attendances at Conferences and Seminars:

Mark Austin - Attended University of NSW Symposium on Mandatory Sentencing as Public Defenders' representative.

Paul Winch - Attended and participated in four Australian Advocacy Institute workshops as an accredited advocacy instructor.

Dina Yehia - Attended three day workshop at University of Western Sydney on "*Forensic Law*", conducted by Dr Ian Freckleton.

Submissions Made by Public Defenders:

Submission to Standing Committee on Law and Justice Inquiry into a NSW Bill of Rights. Continuation of work done in 1999/2000, supplemented by further written submissions and evidence before the Committee by the Senior Public Defender.

NSW Law Reform Commission submission on Report on Contempt by Publication.

NSW Law Reform Commission, Peter Zahra SC submission on *Doli Incapax (Criminal Responsibility of Minors)*.