



# **ANNUAL REVIEW**

2001 – 2002

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## **SENIOR PUBLIC DEFENDER'S OVERVIEW**

The primary focus of the Public Defenders in the past year was to continue to implement practices which encourage qualitative advances. It is considered that the appropriate foundation for qualitative change is to be found in the attention to progress in individual performances.

The removal of some rigid practice area restrictions has encouraged Public Defenders to extend into more professionally complex and rewarding areas of practice. As a consequence a significant number of Public Defenders have gained experience in Supreme Court trials, appeals to the Court of Criminal Appeal, applications before the Common-Law Division of the Supreme Court and appeals to the High Court of Australia.

The widening of the individual skills has resulted in the greater utility of individual Public Defenders. This has permitted a greater ability to maximise the effectiveness of allocation of Public Defenders across the wide spectrum of demand. Public Defenders can be more readily allocated to areas of greater need as demand fluctuates often at short notice. The ability to accept briefs at short notice in all jurisdictions and in urgent matters, such as applications for injunctive relief and Crown appeals can now be more readily accommodated. Significant also has been the impact on morale and professional pride, as Public Defenders achieve recognition within the criminal justice system as being amongst the pre-eminent counsel practising in the jurisdiction.

Underlying decisions relating to allocation is recognition of equality of access as a prime concern for clients and instructing entities across the State. It is essential that the Public Defenders continue a substantial presence in Metropolitan, Sydney West and country District Courts.

This year has seen the completion of the first year of operation under the Service Level Agreement with the Legal Aid Commission. Considerable attention has been given to compliance with the agreement, particularly in meeting the demands to country and regional District Courts. The agreement has resulted in the availability of Public Defenders in more than 80 percent of regional courts.

A greater level of communication with the Legal Aid Commission through regular meetings with the Director of Criminal Law, as required under the Service Agreement, has resulted in the identification of particular areas and identified complex matters where Public Defenders may be more effectively briefed. The relationship between the Legal Aid Commission and the Public Defenders has been immeasurably strengthened as a result of the operation of the Service Level Agreement, resulting in significant benefits to the operation of both organisations. The Public Defenders (many of whom were once themselves solicitors employed by the Legal Aid Commission and its

predecessor) continue to have the utmost respect and admiration for the individual competence and dedication of the solicitors of the Commission.

The Public Defenders have considered as a matter of importance the necessity to communicate regularly with courts and other bodies, with a view to maximising the use of the limited resource of Public Defenders. This need was a matter particularly identified during the statutory review of the Public Defenders pursuant to the provisions of the Public Defenders Act. The Senior and a Deputy Public Defender frequently meet with various list judges and listing bodies in order to ascertain listing trends and changes to practice directions. The Public Defenders also attend and actively participate in the various "user groups" now established across the range of jurisdictions. This has proved extremely beneficial; not only in the managing the practices of the Public Defenders, but also because it is felt that Public Defenders have much to offer from their collective and extensive experience and background in the criminal law.

Whilst the primary focus will always remain a qualitative one, it is pleasing to report that in the pursuit of this aim a significant quantitative increase in briefs undertaken has been made in the past year. The Public Defenders are conscious of the responsibility to adopt practices which achieve a high degree of cost effectiveness. As can be seen from an examination of the accompanying tables and commentary there has been an overall increase in briefs completed during 2001-2002 of 12%. This quantitative increase is further underlined by a qualitative shift towards more complex and lengthy matters briefed. Short sentence matters in the District Court have been replaced by more complex trials in the District and Supreme Courts. There has also been a substantial increase in appeal briefs in the Court of Criminal Appeal.

A more comprehensive analysis is contained further in this report.

The past year has seen a consolidation of the relationship between the Public Defenders and the Coalition of Aboriginal Legal Services (COALS). The funding of High Court representation of indigenous persons has moved away from direct payment by the Aboriginal and Torres Strait Islander Commission (ATSIC) to the Public Defenders, to individual funding of the separate aboriginal legal services within the State. The Public Defenders have entered into a separate Service Level Agreement with the Coalition Of Aboriginal Legal Services. This agreement has also resulted in significant benefits to the legal services. Over the first year of operation of the service level agreement there has been an increase of 17 percent in the number of briefs received from the aboriginal legal services. There has been an appreciable increase in the number of trial matters in the Supreme Court and appeals in both the court of criminal appeal and the High Court. Public Defenders provide a significant mentoring of solicitors from the aboriginal legal services. This includes the provision of formal advices and informal assistance through telephone advices over the range of jurisdictions, including matters in which the Public Defenders are not formally briefed. Public Defenders make a significant additional contribution through continuing legal education of solicitors employed by the various legal services. This includes the provision

of papers and lectures to aboriginal legal service solicitors at regional venues and at annual conferences. Public Defenders are also briefed in more serious matters at a very early stage (sometimes soon after arrest). This facilitates appropriate guidance might be given to solicitors. Pursuant to the service level agreement there are also regular meetings with managing solicitors of the various legal services at COALS conferences in order to maximise the use of Public Defenders. Public Defenders recognise the importance of the continuing provision of representation of indigenous persons of the highest order provided by the aboriginal legal services for in order to overcome particular accepted disadvantages. The Public Defenders wish to acknowledge the dedication of the representatives of COALS and to the individual solicitors to the increasing professional standards of their organisation.

The Public Defenders have continued to discharge a number important additional functions in areas of continuing legal education and law reform. As can be seen from the schedules attached Public Defenders contribute extensively to continuing legal education in the form of articles and lectures to the various universities and teaching establishments in the State and to various professional bodies. There is active participation in programs run by the bar association, Law Society, College of law, Institute of criminology and the DPP.

The defenders consider their membership of the Bar Association as an important function. Many Public Defenders are members of bar association committees and contribute extensively. In the past year Public Defenders have embraced moves by the bar association to implement programs of continuing professional development. This has included in the provision of speakers and conference room facilities.

Public Defenders continue to participate in the various university undergraduate student placement schemes. A number of students have successfully completed this component of their studies with the Public Defenders during 2001-2002. The Public Defenders have also continued to support school student placement and provided some assistance to Newington College students in preparation for the 2002 National Schools Mooting Competition, at which they emerged as the national champions.

Public Defenders continue to play a significant role in law reform. In the past year numerous submissions have been made to the Law Reform Commission and the Criminal Law Review Division concerning changes to legislation and practice. Public Defenders also actively participate in the various committees established by these organisations to inquire into various statutory proposals and review existing legislation. As can be seen in the attached schedules Public Defenders carry out a great deal of work in this area. Public Defenders have played a significant role (both representing parties and in pursuance of the Senior Public Defenders a statutory right to appear) in the various applications for guideline judgments argued in the Court of Criminal Appeal.

At an administrative level efforts have been made to streamline the various administrative processes to achieve further efficiencies. This has included work on electronic systems of data collection and case tracking.

We wish to acknowledge the commitment of the individual Public Defenders. Achievements in the past year are attributable solely to their dedication, energy and professionalism.

We record with sadness the untimely passing of His Honour Judge Charles Luland QC, a member of the District Court bench and a distinguished former Public Defender and Deputy Senior Public Defender. We salute Charles' service to the law and recall with particular affection his friendship, expressed through a continuing interest in the defenders and in our work long after his departure from our chambers.

Peter Zahra SC  
Senior Public Defender

Chris Craigie SC  
Deputy Senior Public Defender

## **PUBLIC DEFENDERS**

### ***After Sixty Years of Service, Looking Forward***

#### **Marking The Anniversary**

Last year the Annual Report recorded the achievement of sixty years service to the community and to the administration of justice. The dinner celebrating that event was held in the Bar Association's common room on Friday 20<sup>th</sup> July 2001. John Nicholson SC officiated as Master of Ceremonies, in his last duty as Senior Public Defender, prior to his swearing in as a judge of the District Court on the following Monday. The event was attended by a large number of former and present Public Defenders, they included his Honour Chief Justice Miles, Chief Justice of the Australian Capital Territory, members of the New South Wales Supreme Court, District Court and of the Federal Parliament. The present Public Defenders were also honoured by the presence of Ms Ruth McColl, President of the New South Wales Bar Association and that of Mr Bill Grant, the then Deputy Director General of the Attorney General's Department, who shortly thereafter was to become the Chief Executive of the New South Wales Legal Aid Commission. The evening reflected on past achievements, with the assistance of a detailed and amusing speech by John Shields QC, a Public Defender from 1971 and Senior Public Defender from 1983-86. The attendance of so many defender alumni also gave some indication of the continuing corporate value of all Public Defenders to the justice system.

#### **A Brief History**

The first Public Defender, Gordon Champion, was appointed in 1941. It was felt then that there was a need for counsel to be retained for indigent defendants. Such persons had hitherto been represented by the Legal Aid Office, originally set up to administer provisions of the **Poor Persons Legal Remedies Act 1918**. Legal aid under the latter act originally provided aid only in civil matters in the Supreme Court and the then Quarter Sessions [now District Court]. Criminal defence for the indigent was, in the main left to the traditions of the Bar via the payment of a small fee for the provision of a dock brief defence on the day of hearing. This system had its obvious limitations, although it persisted into the 1960's.

The first public glint of the embryonic organisation in the eye of Parliament is to be found in a "Dorothy Dix" question asked in the Legislative Assembly of the Attorney General Mr C.E. Martin by Mr Horsington [member for Sturt] on the 24<sup>th</sup> July 1941. Mr Horsington asked if it was intended to appoint a Public Defender to act in Criminal Cases and whether such a service would cover the metropolitan area, only, or the whole state. Before the Attorney's answer Mr Treatt [member for Woollahra] asked, on the same question, whether the assistance of the Public Defender would be forthcoming "in all cases or only in cases where the interests of Justice require it?" Having assured the House that services would extend to the country and that the Public Defender would

“defend in appropriate cases” the Attorney then made an observation more in keeping, perhaps, with the spirit of our own times.

“ I might add that for too long in this State many people without adequate defence, have stood in danger of losing their freedom, and the Government believes that at a time such as this , when we are striving for democracy and freedom, the rights of individuals should be preserved.”

Spoken as they were at a time of turmoil abroad, soon to spread to near our own shores, the Attorney’s words have some resonance still.

The first Public Solicitor, Fred Vizzard was appointed in 1944. He became the second Public Defender in 1945, on the death in office of Gordon Champion. It was not until 1953 that Clarrie Cullen was appointed as an extra Public Defender to assist Mr Vizzard. Slowly a succession of lawyers joined Fred Vizzard, in what was a long but still thin line through the sixties and into the seventies. In that period the appointments were from the ranks of senior lawyers in Government Service. A notable addition was Howard Purnell , described in 1967 in a major Sydney Morning Herald article profile of the then three Public Defenders, Vizzard QC, Cullen and Purnell, as a “former RAAF war ace” and, with Bellanto QC senior, one of the two most emotional counsel in the State. The latter observation was no doubt intended to be complimentary in the article, entitled “ Along Gaol Corridors: “Get a Public Defender” by James Irwin 18 May 1967. The latter notional advice was said to reflect the growing popularity of Public Defenders and of Mr Purnell in particular, who it was noted had a notable record of success in murder trials. The Public Defenders were well established as a valuable part of the legal system.

The approach to legal aid and the representation of disadvantaged people at all levels changed markedly over the decades. Mid-way through Howard Purnell QC’s tenure as Senior Public Defender up to 1983 the Wran Government dramatically increased resources to the then Public Solicitor’s office , with the appointment of many new duty solicitors to the then Petty Sessions branch and others to the criminal indictable branch. A number of these young lawyers were later called to the Bar and are amongst the present Public Defenders. The mid 1970’s growth in services and demand was reflected in the gradual expansion of the Public

Defenders and their rise in status and seniority, with a number of Defenders coming from the wider bar and [as had Purnell QC] from the Crown Prosecutors and the appointment of Defenders as Queens Counsel, with a frequency reflecting the standard and gravity of the work undertaken. In 1979 the Legal Services Commission replaced the Public Solicitor’s office. The Public Solicitor remained as Principle Solicitor of the Commission until the office of Public Solicitor was abolished in 1985 and the Legal Services Commission reconstituted as The Legal Aid Commission. In 1995 the Public Defenders Act 1969 was supplanted by a new Public Defenders Act , maintaining the statutory basis of independence and more clearly outlining the functions of defenders and ,the Senior and Deputy Senior Public Defenders and providing the basis for more flexible delivery of service to community legal aid centres and such bodies as Aboriginal Legal Services.

## **A Changing Justice Climate**

The numbers of matters heard in all jurisdictional levels has grown enormously over the decades, as has a concern that proper representation be obtained as the fundamental indication of a just system. This proposition is now to be regarded as indispensable, following the High Court's Decision in **Dietrich v The Queen** (1992) 177 CLR 575.

In Mr Irwin's 1967 article it was noted to be a rare event for Senior Counsel to accept a legal aid assignment, even in a murder trial and the difference between assigned rates of payment to counsel in the Supreme Court, as opposed to Quarter Sessions was a handsome additional \$2 for the first day of hearing. Often, one of the few Public Defenders or the generosity of the wider Bar had to be relied upon if there was to be any prospect of a fair trial. Fortunately the tolerance of Government, the community and much of the profession would not permit such a situation today. In the contemporary setting it remains vitally important to the proper administration of criminal justice that there be a strong and vigorous defence Bar, with the Public Defenders in its midst.

## **The Public Defenders and The Bar**

The present Public Defenders comprise twenty two permanent and two acting office holders. This makes an interesting and basis for comparison with the three defenders in 1967. There were then a little more than 400 barristers on the roll. There are presently just over 2000. Of course, much else has changed, including a wider involvement of the profession in aspects of the legal aid system and the growing use of solicitors as advocates in the Local and District Courts. Dock briefs have certainly long passed, as has the prominence of legal assistance administered, in great measure, through the professional bodies. This is to be distinguished from the present dominance of Government funded assistance with a lesser but valuable role for pro bono schemes. The notion has also now, thankfully, passed of applying considerations of merit to the granting of Legal Aid for trials. This was an exercise in 1967 still related in part to an assessment of the extent of an applicant's criminal record by the Deputy Clerk of the Peace, effectively a senior officer in the prosecution process.

It is less appropriate now than ever before to regard Public Defenders as in any sense apart from the bar in general. A large proportion of Public Defenders have been appointed from the wider Bar. Public Defenders continue to be elected to and serve upon on the Bar Council and regularly serve on relevant Bar Association Committees, including Criminal Law, Legal Aid and Professional Conduct.

## **Continued Professional Development**

The Senior and Deputy Senior Public Defenders have been active proponents of the Bar's recently introduced compulsory Continuing Professional Development programme. The Bar Practice Course for new barristers has a significant and frequently supplemented component of written and lecture content contributed by Public Defenders. Symbolic of the close identification of Public Defenders with the Bar has been the frequent provision of the

chambers seminar room as a venue for Bar CPD lectures. There has been continuing consultation with the Bar's CPD Director of Studies, as to course content in criminal law related areas of practical training.

As will seen in the list of activities contained in Annexure C, in addition to activities focused on the Bar there has been continuing engagement of Public Defenders with the law faculties at the University of Sydney , University of New South Wales, The University of Technology, Sydney and Wollongong University. Contact with these institutions has been a several levels, including student placements and papers and lectures given by Public Defenders. The standing of Public Defender expertise in specialist areas has been indicated by the appreciative response to Public Defender lectures and seminars given as part the Director of Public Prosecutions training programme and to members of the New South Wales Police Service. There have been a number of lectures at training sessions conducted for Aboriginal Legal Service staff on such topics as identification evidence. The latter was the subject of a lecture delivered by Senior Public Defender in Dubbo. Public Defenders conduct CLE lectures under the auspices of The College of Law and that of regional law societies. The body of expertise reflected in constantly updated material permits defenders on circuit to extend the benefit of lectures to regional practitioners who might otherwise find it difficult to access expertise in such specialist areas as DNA evidence, mental illness defences. Public Defenders have been accredited as lecturers with Australian Advocacy, in whose work we participate and support.

### **Institutional Value and Values**

In a number important of aspects the Public Defenders continue to pursue and meet the Attorney General Martin's stated aims of 1941. A concern that the whole state be served efficiently and with equity of access is met by the terms and implementation of the Service Level Agreement entered into with the Legal Aid Commission. Under the provisions of the agreement there are formal and minuted meetings between the Senior Public Defender and a nominated Legal Aid Commission Officer, usually the Manager Criminal Law. These meetings are supplemented by much more frequent consultation, to implement the terms of an allocation schedule. The schedule is constantly under review and designed to match resources to the demands of particular metropolitan and regional sittings of the District Court and to the requirements of the Supreme Court and the Court of Criminal Appeal. Meetings and frequent informal contacts with the relevant heads of jurisdiction and their Registrars enables identification and tracking of demand trends which may call for adjustment in the allocation schedule.

In addition to work undertaken, either directly for the Legal Aid Commission or for private solicitors to whom aid is assigned, there has been a growing commitment of service to Aboriginal clients through the Confederation of Aboriginal Legal Services [COALS] and its member Services. This is perhaps the most pertinent area of effort for the benefit of those who most frequently stand "in danger of losing their freedom". Counsel's services for aboriginal accused under this scheme are governed by a separate Service Level Agreement with COALS and are provided both in the form of the provision of a

Public Defender at regional and metropolitan trial courts and in appellate courts , including the High Court of Australia. A prominent illustration of the latter structure was the appearance of Public Defenders in all levels [including re-trial and acquittal] of the recent and important matter of **Mundarra Smith v The Queen** (2001) 206 CLR 650. Appellate advice and advocacy for the various Aboriginal Legal Services has been a significant part of a general growth in appellate work, together with an increased focus on Supreme Court homicide trials. Both these areas represent a growing focus on high value contributions to the justice system. The Public Defenders have also obtained great satisfaction from the assistance given to COALS and their clients and in the role in the furthering the professional skill development of ALS lawyers.

At present the Public Defenders have , through strategic placements and review of allocations, been able to extend services to 80% of the State's superior courts in the past year. This has been achieved without an increase in numbers and holds the promise of greater efficiencies in all areas, with refinements and initiatives such as an electronic tracking system for Court of Criminal Appeal Matters and anticipated increased use of video conferences, from the facility now established in chambers.

The work of the Public Defenders has great value in the output of the individual members of chambers. There is also a less easily assessed, but no less important value in the existence of the corporate entity composed of combined experience. The average experience of Public Defenders as legal practitioners is twenty years, average call as a barrister is over thirteen years. Such is the concentrated nature of experience and levels of difficulty in almost every matter undertaken by Public Defenders that there is an inherent asset for whole the justice in the existence of such a the body of knowledge and commitment. This fact is often the subject of comment by senior judicial figures and is recognised by the particular status now accorded the Senior Public Defender or his nominee via a statutory right of audience as intervener in the Guideline Judgment process. There is a strong and growing demand for Public Defenders to continue their contribution to law reform , through membership of interdepartmental and other committees of legislative review, frequent written submissions , often at the exposure draft stage of legislation and evidence and submissions to committees of the Parliament and to those of interstate Parliaments.

The future of the Public Defenders is a matter partly in the hands of the occupants of the Public Defenders' chambers but ultimately in the hands of the people of New South Wales and their representatives. The Public Defenders are conscious of the observation of the 1994 Public Accounts Committee, to the effect that, in contrast with almost every other group organisation, the better they perform their core task of criminal defence the less popular they are likely to be. Trusting the prevalence of a broader and deeper response to their labours, The Public Defenders look forward to the next sixty years of challenge and service.

## **REVIEW OF ACTIVITIES 2001-2002**

The role of the Public Defenders is to:

- provide legal representation to people who have committed serious criminal offences and who have been granted legal aid; and
- act on briefs by Aboriginal Legal Services, community legal centres, solicitors employed by the Legal Aid Commission or private solicitors.

### ***Highlights***

#### **Improving service delivery**

2001-2002 was the first year of operation of Service Level Agreements between the Public Defenders, Legal Aid Commission and the Coalition of Aboriginal Legal Services (COALS), which represents various Aboriginal Legal Services in NSW. The Service Level Agreements seek to formalise working arrangements and facilitate a responsive approach to the placement of Public Defenders and the nature of matters in which they are involved.

The agreements also recognise the assistance and support Public Defenders provide through the provision of ad hoc advice, participation in continuing legal education and submissions to relevant bodies, such as the Law Reform Commission.

#### **Representation for the disadvantaged**

Public Defenders accepted 163 briefs for Aboriginal clients from the various Aboriginal Legal Services located throughout the State this year, 627 from the Legal Aid Commission, 272 from the private profession and 8 from other agencies, including the Legal Representation Office and Community Legal Centres. Of these matters, 334 were written advice and 736 were court appearances in various jurisdictions, including the High Court, Court of Criminal Appeal, Supreme Court, and the District Court.

#### **Other achievements**

- Public Defenders has continued to provide ongoing advice and research facilities through its website;
- participation in the development and implementation of the cross justice agency video conferencing service, including the installation of video conference facilities in Chambers;
- a review of the position descriptions for Public Defender support staff; and
- Public Defender, Chrissa Loukas, received a Woman Lawyer of Achievement 2002 Award from the Women Lawyer's Association of NSW.

#### **The year ahead**

The key priorities for the Public Defenders Office in the year ahead are to:

- revise and settle the Service Level Agreements with the Legal Aid Commission and the Coalition of Aboriginal Legal Services;

- conduct a client survey of key professional clients;
- develop and implement a computerised monitoring system for Court of Criminal Appeal matters;
- participate in a Council on Cost and Quality of Government Review and respond to any recommendations which may arise as a result of that process; and
- receive and respond to the statutory review of the *Public Defenders Act 1995* (NSW) being undertaken by the Legislation and Policy Division of Department.

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

Colin Scouler retired from his position as a Public Defender on 2.11.2001, after having been appointed a Public Defender on 22.6.81.

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

#### **Senior Public Defender**

Peter Zahra SC, appointed as Acting Senior Public Defender on 24.7.2001 and permanent Senior Public Defender on 25.10.2001 (originally appointed as Public Defender on 3.4.89).

#### **Deputy Senior Public Defenders**

Chris Craigie SC, appointed as Acting Deputy Senior Public Defender on 14.11.2001 and permanent Deputy Senior Public Defender on 24.01.2002 (originally appointed as Public Defender on 5.9.94). He was appointed Senior Counsel on 27.9.2001.

Peter Berman SC, appointed a Deputy Senior Public Defender on 4.3.2002. Appointed a judge of the District Court on .....

#### **Public Defenders**

Mark Austin	5.6.1995	
John Booth	9.8.2001	
Chris Bruce	26.4.1988	
Robyn Burgess	13.12.2000	Acting Part-time Public Defender
Richard Button	6.5.1991	
Anthony Cook	21.10.1999	Acting Public Defender
Helen Cox	17.7.1995	Part-time Public Defender
Sean Egan	19.6.1996	
Leonie Flannery	15.7.1996	
Andrew Haesler	24.1.1995	
Ron Hoenig	6.10.1987	
Chrissa Loukas	17.7.1995	
Catherine Lyons	23.2.1981	
Christine Nash	11.11.1985	
Anthony Parker	23.2.1994	
Peter Pearsall	06.12.2001	
George Ritchie	20.10.1986	
John Stratton	10.3.1997	

Eric Wilson	9.8.2001	
Paul Winch	21.10.1999	
Angus Webb	15.7.1996	
Dina Yehia	28.7.1999	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.

### **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. Furthermore, she is the Public Defenders' web author which means she regularly updates and maintains our website.

#### **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.

### **Policy Officer**

Michelle Huntsman has been seconded from the Criminal Law Review Division of the Attorney General's Department. She advises and assists with the preparation and collation of material for a review by the Council on the Cost and Quality of Government. The review, anticipated to take place in 2001-2002, will now be conducted during 2003. In the interim, Michelle continues to perform valuable work in preparation for the review and in streamlining the Public Defenders' administrative procedures.

### **Job Share Pilot Program Continues**

The program commenced on 29 June, 1998 and continued with success in 2001-2002. 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 represented, 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.

### **The Public Defenders' Website**

Public Defenders' website at [www.lawlink.nsw.gov.au/pdo.nsf/pages/first](http://www.lawlink.nsw.gov.au/pdo.nsf/pages/first) is an extremely helpful legal resource tool which is updated and maintained by Lyn Wilson, whose work on this site is an invaluable asset to chambers, legal practitioners, law students and members of the public accessing the site.

The site contains articles and papers by Public Defenders together with access to "Short Notes" and various Tables of cases dealing with specific offences. Short Notes comprise concise summaries of both reported and unreported criminal cases. These notes have been published since 1997 and continue to prove a valuable resource.

### **Student Placements**

Public Defenders have been involved in the External Placement Program (EPP) of Sydney University and the University of Wollongong. In the case of the University of Sydney, the External Placement Program is a capped elective for specially selected final year students interested in having field experience with an organization involved in public interest work. The students spend up to one day per week at the placement site over the course of a

thirteen week semester. At the end of the course, a student will be expected to have acquired a better sense of the professional and personal responsibilities associated with the practise of law; developed an appreciation that the law is a people profession; observed and participated in a high level of problem solving flowing from real case files or references; been introduced to the basic inter-personal skills involved in the practise of law; been introduced to aspects of the practise of law such as legal writing, legal research and time management; developed the character and habits of a reflective practitioner.

In addition to the above schemes, Chrissa Loukas, Public Defender, has hosted a number of University of New South Wales and University of Technology Sydney law students visiting chambers as part of the Bar Association's equal opportunity program. The Public Defenders have been delighted by the continued interest of both tertiary and senior secondary students who visit our chambers and appear to value their period of experiencing our work.

## KEY ISSUES

### Guideline Judgments and Independence

Last year in this section of the review reflected on the mechanisms required to maintain a balance between the independence of the Public Defenders and the accountability which is appropriately required of a publicly funded organisation. The former of these factors appears to be in a healthy state, the independence of the Public Defenders being most notably recognised by the insertion of section 38(1) in the **Crimes Sentencing Procedure Act 1999**. This provision places particular responsibility upon the Senior Public Defender as a leader of the criminal bar and extends a statutory right of audience in Guideline Judgments, in order that the Senior Public Defenders may appear and [s.38(1)] "do any one or more of the following:

- (a) oppose or support the giving of a guideline judgment by the Court,
- (b) make submissions with respect to the framing of the guidelines,
- (c) inform the Court of any relevant pending appeal with respect to sentence,
- (d) assist the Court with respect to any relevant matter.

The Senior Public Defender or his delegate has appeared in exercise of the above right of intervener in each the guidelines since the insertion of the above provision. In the review period the Senior Public Defender intervened through in the *R v Sharma (2002)54 NSWLR 300* . Public Defenders appeared for parties in a number of the appeals related to the guideline matter. These proceedings indicate an inherent level of trust placed in the office of Senior Public Defender and a perceived value from the existence of an independent body of such experience as resides in the Public Defenders Chambers.

### Accountability

The demands of accountability are met by compliance with the proper requirements of administrative over-sight, of which this review is but one aspect. During the course of the past year there has been continuation of; both the formal consultation processes under the Service Level Agreement with the Legal Aid Commission and less formal , but no less important consultation with those who have a direct interest in the defenders and the services which we may provide. The Senior Public Defender and the Deputy Senior Defender have obtained great benefit in the planning of Public Defender allocations from discussions with judicial officers, notably the Chief Judge in Common Law and the Chief Judge of the District Court. Such contacts, together with those of the Registrars of the jurisdictions have assisted long-term planning and enabled us to make fine adjustments where, for instance a fluctuation in trial loads at a particular sittings suggests utility in allocating or re-allocating a defender. A review of the functions and performance of the Public Defenders was completed the Attorney General's Department during the review period. That report was favourable and particularly pleasing in the positive comments of senior judicial offices who were consulted for their assessment of the Public Defenders' performance of

their functions. The Council on the Cost and Quality of Government will be conducting an audit of the Public Defenders in the course of 2003. This is anticipated with confidence in the values and procedures in place and with willingness to learn and adjust where necessary.

During the review period a number of new electronic data storage and retrieval systems were designed and trialed. In the coming year it is anticipated that the new systems for record keeping and tracking of matters, particularly in the Court of Criminal Appeal will all be integrated as part of a more general refurbishment of computer resources due in late 2002. Amongst the systems will be a fully electronic system for the easy collection of statistical data by counsel on the completion of a brief. Considerable time has also been put into a tracking system which complements new Court of Criminal Appeal rules to operate from July 2002 in which time standards are of the essence.

Each of the above features of the review period suggests that the principle issues for the coming period will continue to be related to maintained and improved communication with those with whom we work in the judiciary the Legal Aid Commission and Aboriginal Legal Services. Our membership of the Bar Association, participation in its committees and those of the Courts' administration continues as an essential adjunct to the aspiration of improved service through knowing and meeting the needs of those who place reliance upon us.

### **Meeting Demand**

The end of the 2001-2002 year sees the completion of the first year of operation of the Service Level Agreements with the Legal Aid Commission and the Coalition of Aboriginal Legal Services in New South Wales. The data accompanying this report reveals a substantial increase in the briefs undertaken by the Public Defenders.

An analysis of Appendix "C" reveals both a qualitative and quantitative shift in the nature of briefs completed during 2001-2002.

Table 1.1 relating to appeal advices indicates a total increase of 46% in appeal advices prepared. There has been a significant increase in the number of High Court advices (30%); CCA conviction advices (71%) and CCA sentence advices (42%).

The overall increase of 46% during 2001-2002 is built on the foundation of an increase of 38% in 2000-2001. This continuing trend is largely the result of a practice, implemented over a number of years, where all Public Defenders accept advice briefs in the Court of Criminal Appeal. Whilst appellate appearances are largely confined to a small core of Public Defenders, all Public Defenders have experience in appeals courts. Advice work largely evens out the variations in trial workload that may fluctuate with changes in plea or length of hearing. Out-of-court time is consequently more effectively utilised.

The skilling of all Public Defenders in this jurisdiction has had a positive impact on professional development and has enabled a significant increase in

productivity. Appeal appearances (table 1.2) have increased by 11% (on top of an increase in 2000-2001 of 12%).

Other Advices Completed (Table 1.3) have increased 32% over the previous year.

The number of Trial briefs completed in Sydney, Western Sydney and Country District Courts is similar to the number for 2000-2001. (339 compared with 344 for 2000-2001). In this analysis it is important to note the trend, previously identified, that with the use of solicitor-advocates by the Legal Aid Commission in District Court trials, Public Defenders are now briefed in the lengthier and more complex trials in the District Court. Additionally, more Public Defenders are now briefed in trials in the Supreme Court. These trials, involving charges of murder, are traditionally longer and involve more complex issues. The number of trials completed in that jurisdiction has increased by 15% in 2001-2002. The movement towards this concentration has been identified during meetings with the Legal Aid Commission, pursuant to the Service Level Agreement, as the most effective use of the limited resource of the Public Defenders. It is expected that this trend will continue in the coming year.

The Legal Aid Commission has identified and has briefed the Public Defenders in a number of lengthy Supreme Court trials in 2003. The difference in the total number of briefs completed in Table 2.1 (576 compared with 602 in 2000-2001) is referable to the reduction in sentence briefs in the District Court. These matters are now almost exclusively handled by solicitor-advocates from the Legal Aid Commission. Table 2.1 reflects the changing emphasis in briefing practices brought about by the operation of the Service Level Agreement. The number of trial briefs has increased with particular concentration on lengthy and complex trials in the Supreme Court and District Court. At the same time however, the Public Defenders recognise the need to continue to provide equality of access to Public Defenders in Metropolitan and Regional District Courts throughout New South Wales. A pilot program in the Campbelltown District Court involving the allocation of a full-time Public Defender to that court in the first half of 2002 identified a number of limitations. Cost effectiveness is difficult to achieve in multiple court complexes where listing practices make it difficult for Public Defenders to be briefed in more than one trial at a given time. During the 2002-2003 term a new briefing practice has been established in the Sydney Western District Courts (Penrith, Campbelltown and Parramatta) where a number of Public Defenders have been allocated to accept briefs from those courts. A protocol has been established where complex trials listed in those courts will be identified and briefed to Public Defenders. This will allow access to Public Defenders in those courts in the more difficult matters thereby complementing rather than duplicating the work of the Solicitor-Advocates.

The tensions between Appellate and Trial work; between trials in the Supreme Court and District Court; between city/metropolitan and regional District Courts constantly requires adjustments. The balance is difficult to achieve, given limited resource and the particular demands and representations made by each of the jurisdictions. Public Defender communication with list judges, involvement in user-groups and regular consultation with registrars has

assisted greatly in identifying areas where Public Defenders might be greater utilised. Regular meetings with the Director of Criminal Law (LAC) have ensured that allocations are directed to areas of most benefit to the Legal Aid Commission. Similarly, Meetings with solicitors-in-charge of the various Aboriginal Legal Services have resulted in the expansion of the provision of Public Defenders in those regional areas where there is greater need.

The overall strategy for 2002-2003 is to continue develop high levels of skills across the range of jurisdictions. This will allow for the greatest flexibility and efficiency in resolving the tensions between briefing demands. The proper resolution of these tensions can only be met by maintaining high levels of communication with those who have an interest in the provision of quality representation by Public Defenders.

### **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 including the NSW Law Reform Commission and the Criminal Law Review Division; participation in working groups concerned with particular aspects of the criminal law and procedure; advancing the common law by providing representation in appeals on important issues and as intervener in applications for guideline judgments pursuant to a statutory right under the Crimes (Sentencing Procedure) Act 1999.

For part of the year, 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).

Some of the more significant submissions during 2001-2002 included:

- Review of the *Mental Health (Criminal Procedure) Act*.
- Law Enforcement (Powers and Responsibilities) Act.
- Submissions on the *Model Criminal Code (Theft, Fatal Offences)*
- New South Wales Legislative Council Review of the *Crimes (Forensic Procedures) Act*.
- NSW Law Reform Commission-“Sentencing Children”
- NSW Ombudsman-“DNA Testing of Prisoners”
- Pre-Trial Disclosure.
- Amendments to the *Crimes (Sentencing Procedure) Act*
- Victorian Parliament Law Reform Committee: *Inquiry into Forensic Sampling and DNA Databases in Criminal Investigations*.

*Appendix “D” provides a more comprehensive list of Submissions, Lectures and Papers Published by Public Defenders during 2001-2002.*

### **Appearing for Indigenous Persons**

Public Defenders have for some years been briefed directly by solicitors from the various Aboriginal Legal Services within New South Wales to appear for Aboriginal clients. Between 1999 and 2001 this relationship was formalised by the “ATSIC Higher Courts Project Agreement”. This agreement provided for the extensive briefing of Public Defenders throughout New South Wales. The funding of this agreement was provided directly by ATSIC.

In July 2001 ATSIC determined that the funding for briefing of counsel in criminal matters be controlled by the individual Aboriginal Legal Services. These Legal Services were provided with separate allocations for that purpose. Subsequent to the decentralisation of funding a consultant was engaged by the legal services to determine the most effective briefing practices. The representative organisation of those Legal Services, the Coalition of Aboriginal Legal Services (COALS), on the recommendation of that consultant determined to continue briefing Public Defenders. A Service Level Agreement was entered into between the Public Defenders and COALS, which provided for the briefing of Public Defenders in both trial matters in the Supreme Court and District Court and appearances in the Court of Criminal Appeal. That Service Level Agreement has operated to effectively utilise the scarce resources of the Aboriginal Legal Aid system. During the period of the first agreement (2001-2002) there was a significant increase (of seventeen percent) on the number of briefs completed by Public Defenders. The increases have come about because of the greater availability of Public Defenders in regional areas and the greater tendency for the individual legal services to retain briefs in matters in the Court of Criminal Appeal and the Supreme Court. This retention has come about by Public Defenders being briefed at earlier stages, often at times soon after arrest, so that solicitors can be advised through each step of the proceedings. In matters before the Court of Criminal Appeal assistance has also been given as to compliance with procedural matters. This has led to a greater level of expertise amongst solicitors of the legal services. Public Defenders provide the additional benefit of an extensive advice service to solicitors of the legal services for matters in all jurisdictions. Public Defenders have contributed to a number of continuing legal education programmes conducted by the Aboriginal Legal Services. ( see appendix "D"). These have included papers presented at annual and regional conferences and practical training of solicitors in electronic research in seminars held by Jennifer Wheeler, the Public Defenders researcher. The Public Defenders take pride in assisting solicitors from the Legal Services. Many of the Public Defenders have a background in Aboriginal Legal Aid and understand the hardship in which the solicitors work. The 2002 Annual Report of the Coalition of Aboriginal Legal Services notes:

“Over the past twelve months, the relationship between the regional Aboriginal Legal Services (RALS) and the NSW Public Defenders has continued to move in positive directions. Although COALS has had the opportunity to meet regularly with the Senior Public Defender over a number of years now, this arrangement has become particularly invaluable over the past year, with questions of service delivery and support now able to be pro-actively addressed at an early stage. The RALS acknowledge the significant support that has been provided by the Public Defenders, not only in terms of the provision of representation of indigenous clients, but also as a resource for expert criminal lawyers. For RALS staff, particularly those who work in country areas, telephone access to criminal law expertise has been extremely beneficial.”

### **Indigenous Barristers Program**

The Public Defenders, in co-operation with the New South Wales Bar Association, have put in place a program to assist indigenous barristers commence practise at the Bar. Readers are assisted with a small amount of money to cover basic expenses (20,000 p.a.) and access to the facilities of the Public Defenders. A Public Defender also acts as a tutor for the criminal component of the reading program. Our first reader unfortunately failed to complete all his Bar exams. Two readers will, subject to passing, start the program in February 2003.

## **THE NATURE OF PUBLIC DEFENDERS' WORK 2001-2002**

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 in writing 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. Advice leading to a refusal of legal aid is reviewable by the Legal Aid Review Committee. The written merit advice of the Public Defender often the focal point of the Committee's consideration.

Table 1.1 of Appendix "C" shows that 214 Appeal Advices were prepared by Public Defenders, including 10 High Court, 53 against conviction and 231 against sentence. There has been an overall increase of 46% in appeal advices prepared. This increase is on top of an increase in advices in 2000-2001 of 38%.

### **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 142 appeals, of which 70 were allowed. There was an increase of 11% in the number of appeal appearances over 2000-2001. This increase was on top of a 12% increase in the previous year. There has been an increase in the matters in the High Court in which Public Defenders have appeared.

Through their appellate 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 "C".

### **Other Advices**

In addition to receiving briefs to advise on the merit of appeals, Public Defenders 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 represents considerable savings in Court time and that of practitioners. Table 1.3 of Appendix "C" provides detail of "Other Advices". The number of advices totalling 96 is 32% greater than advices given in 2000-2001.

### **Trials and Sentences - Supreme Court**

During 2001-2002, 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 "C".

There was an increase of over 15% in trials and sentencing briefs in the Supreme Court in 2001-2002.

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 2001-2002, Public Defenders appeared for such applicants in 4 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 2001-2002, Public Defenders appeared in 80 matters heard in the Sydney District Court.

The Downing Centre hosts by far the busiest District Court complex in New South Wales. There are 16 District Courts sitting simultaneously within the complex.

### **Trials and Sentences - District Court - Western Sydney**

The Western Sydney area comprises the District Courts at Liverpool, Parramatta, Campbelltown and Penrith. During 2001-2002, Public Defenders appeared in 54 matters in the Western Sydney District Courts.

Whilst there has been a slight decline in the number of matters completed in the Sydney and Sydney Western District Courts, this is largely due to the reduction in short sentence matters now handled by solicitor-advocates of the Legal Aid Commission. This enables the greater ability for Public Defenders to accept trial briefs, particularly longer trials.

### **District Court - Country**

There is a Public Defender based in Dubbo, Lismore and Wollongong, while two are based in Newcastle. One Public Defender in Newcastle handles District Court matters while the other 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, Nowra and Bega. A Public Defender services the Riverina Courts at Albury and Griffith. Western Courts serviced mainly from Dubbo include Bourke, Broken Hill and Coonamble. Gosford, Tamworth, Armidale, Inverall, Goulburn, Bathurst, Queanbeyan and Moree Courts are serviced from Sydney as are other country centres when Public Defenders are available.

As with Sydney and Sydney Metropolitan District Courts, the focus of the Public Defenders' regional work is more on trial work than in sentence matters which are, in the main, handled by solicitor-advocates.

## **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**

**Website: <http://www.lawlink.nsw.gov.au/pdo.nsf/pages/first>**

**Clerk to Chambers: Colin Longhurst**

### **Hours**

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

## **LIST OF FORMER PUBLIC DEFENDERS**

### **Former Senior Public Defenders**

His Honour Justice Terrence Buddin  
His Honour Justice Malcolm Gray  
His Honour Justice Peter Hidden AM  
His Honour Judge John Nicholson SC  
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 Judge Peter Berman SC  
His Honour Justice Reginald Blanch  
Paul Byrne SC  
Ernest Byron QC  
Gordon Champion  
His Honour Judge Roger Court QC  
Clarrie Cullen  
Gregory Cusack QC  
Sean Flood, Magistrate  
James Glissan QC  
Geoffrey Graham  
Michael Green QC  
His Honour Judge William Hosking QC  
His Honour Justice Rodney Howie  
Mark Ierace  
Bennett Ingram  
His Honour Judge Robert Keleman SC  
His Honour Judge John 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 Deborah Payne  
Colin Scouler  
His Honour Judge Kenneth Shadbolt  
Ian Strathdee QC  
Phillip Strickland  
Winston Terracini SC  
Fred Vizzard QC  
His Honour Judge Gregory Woods QC

## **PUBLIC DEFENDERS**

### **BUSINESS PLAN**

**2001-2002**

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 **Programme 6 : Legal Services**; the relevant objectives, description and activities of which are set out below:

#### **ATTORNEY GENERAL'S DEPARTMENT PROGRAMME - LEGAL & SUPPORT SERVICES**

##### **Our Role**

**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.**

##### **Our Commitment to the Community**

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.

### **Key Stakeholders**

- 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.

### **PUBLIC DEFENDERS - FUNCTIONS AND 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.
- \* Implementing Indigenous Lawyers' Scheme

**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.
- \* Submissions and appearances in Guideline Judgements.

## INPUTS

- Public Defenders
  - Senior Public Defender
  - Deputy Senior Public Defender
  - 21 ½ Public Defenders
  - 3 ½ Acting Public Defenders
  
- 6 support staff including:
  - Clerk to Chambers
  - Executive Officer
  - Part-time (3/5) Research Officer
  - Clerk Grade (1-2) Information Officer
  - 2 Clerical Officers Grade (1-2) - Executive Assistants

## KEY ISSUES

- The independence of the Public Defenders is an important plank to the proper administration of Criminal Justice.
- Demand for Public Defender services outstrips that which can be supplied with current numbers.
- The demand for Public Defender Services across the range of Jurisdictions within the Criminal Justice System creates a tension, the resolution of which is necessary to achieve the greatest benefit.
- The cultivation and development of highly skilled Public Defenders in all jurisdiction is a necessary prerequisite to providing quality of representation and to providing key stakeholders with counsel who provide the greatest benefit and utility.
- Additionally it is recognised that the greatest utility and benefit to key stakeholders can only be achieved by communication and consultation with relevant agencies who are dependent on Public Defender services.

**CHALLENGES IN OUR  
COMMITMENT TO THE COMMUNITY**

To Provide the highest standards of representation; advice and submissions	To devise and implement protocols for effective practice management	To work with others who are dependent on Public Defender Services to ensure the efficient provision of quality services and equality of access.
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<b>CHALLENGE</b>	<b>RESPONSE</b>	<b>TIME FRAME</b>	<b>PERFORMANCE INDICATORS</b>
<b>1. To provide the highest standards of representation; advice and submissions.</b>	1.1 To ensure that individual Public Defenders are given opportunities to enhance their professional skills through challenging work and by encouraging professional development	Dec 2001 June 2002  Ongoing	<ul style="list-style-type: none"> <li>• Professional development plan prepared and implemented</li> <li>• Number of programmes on continuing Legal Education</li> <li>• Participation in training courses</li> <li>• Post training evaluation</li> </ul>
	1.2 Ensure that all Public Defenders and Support staff have access to and opportunity to participate in external and departmental training courses by distributing relevant information.	Review each 6 months.	

CHALLENGE	RESPONSE	TIME FRAME	PERFORMANCE INDICATORS
1.	<p>1.3 To hold annual conferences for Public Defenders</p> <p>1.4 To review and develop Public Defender I.T. skills and encourage use of electronic research</p> <p>1.5 To provide framework of Access to electronic research tools particularly for those Public Defenders in Sydney Metropolitan and Country New South Wales</p> <p>1.6 To incorporate an internal database of Public Defenders' precedents including advices; opinions and submissions.</p> <ul style="list-style-type: none"> <li>• Researchers to examine I.T. options including voice recognition software</li> <li>• Defender Bank Committee to ensure that all in-house resources are available on Public Defenders website</li> </ul>	<p>June 2002</p> <p>June 2002</p> <p>Dec 2001 Ongoing</p> <p>June 2002</p> <p>June 2002</p>	<ul style="list-style-type: none"> <li>• Annual conference conducted or (Number of conferences)</li> <li>• Review of feedback</li> <li>• Paper prepared on key issues for implementation</li> <li>• IT training plan developed</li> <li>• IT support training courses</li> <li>• Access system developed in co-ordination with researchers, Library Committee and Defender Bank Committee.</li> <li>• Database material installed.</li> <li>• Level of satisfaction.</li> <li>• Usage of database.</li> <li>• Hardware plan approved and installations in place.</li> </ul>

CHALLENGE	RESPONSE	TIME FRAME	PERFORMANCE INDICATORS
<p><b>2. To devise and implement protocols for effective practice management.</b></p>	<p><b>2.1</b> To implement service level agreement with the Legal Aid Commission.</p> <p><b>2.2</b> To monitor the effectiveness of the operation of the service level agreement.</p> <p><b>2.3</b> To allocate Public Defenders to work which provides maximum efficiency and equality of access to clients.</p> <p><b>2.4</b> To enter Agreement and devise briefing protocols with Coalition of Aboriginal Legal Services (COALS) to provide consistency in access to Public Defenders particularly in Regional NSW</p>	<p>Within first quarter</p> <p>Review each quarter</p> <p>Review each 6 months</p> <p>December 2001</p>	<ul style="list-style-type: none"> <li>• Agreement is negotiated and settled</li> <li>• Quarterly meetings assess effectiveness of agreement.</li> <li>• Review effectiveness of current allocations and demand for services.</li> <li>• Review effectiveness of Public Defenders appearing in the Court of Criminal Appeal</li> <li>• Improvement plan developed</li> <li>• Agreement negotiated and settled.</li> </ul>

CHALLENGE	RESPONSE	TIME FRAME	PERFORMANCE INDICATORS
2.	<p><b>2.5.</b> To revise Brief Completion sheets; statistical collection and monitoring.</p> <p><b>2.6</b> To appraise duties of support staff and assess staff levels and gradings.</p> <p><b>2.7.</b> Develop and implement I.T. Plan to improve case management and accountability.</p> <p><b>2.8.</b> To liaise with other agencies within the Attorney General's Department to ensure full assistance and guidance in the proper management of the Public Defenders</p> <p><b>2.9.</b> To strengthen relationships with other agencies within the Attorney General's department.</p>	<p>December 2001 June 2002</p> <p>December 2001 June 2002</p> <p>December 2001 Review in June 2002</p> <p>Review each 6 months</p> <p>Review within 6 months</p>	<ul style="list-style-type: none"> <li>• Improved data collection procedures</li> <li>• Audit Score on timelines and accuracy of data</li> </ul> <p>Assessments and appraisals completed Implementation of recommendations</p> <ul style="list-style-type: none"> <li>• Preparation of I.T. Plan.</li> <li>• I.T. plan implementation as per schedule.</li> <li>• Meetings of Programme Managers.</li> <li>• Bi-annual proactive forums.</li> <li>• Senior Management training.</li> <li>• Effectiveness of response to requests for submissions and organisational data.</li> </ul>
2.	<p><b>2.10.</b> To ensure proper administrative support and facilities to those Public Defenders' practising in Sydney metropolitan and Country NSW.</p>	Half yearly reviews	<ul style="list-style-type: none"> <li>• Adequacy of P.D. facilities in Sydney metropolitan and Country NSW including provision of chambers; computer access and access to I.T. Research tools..</li> </ul>

CHALLENGE	RESPONSE	TIME FRAME	PERFORMANCE INDICATORS
<p><b>3. To work with others who are dependent on Public Defender services to ensure the efficiency provision of quality services and equality of access.</b></p>	<p>3.1 To open regular dialogue with the Legal Aid Commission in order to determine strategies for efficient placement of Public Defenders</p> <p>3.2 To open regular dialogue with the Court of Criminal Appeal, Supreme Court and District Court Courts administration.</p>	<p>Review each quarter</p> <p>Review each 6 months</p>	<ul style="list-style-type: none"> <li>• Service level agreement to be implemented with particular emphasis on quarterly meetings provided in that agreement.</li> <li>• Regular reviews with L.A.C. Criminal Appeals and Indictable Sections.</li> <li>• Liaison with Chief Justices of Supreme Court and Chief Judge of District Court.</li> <li>• Participation in court listings meetings of District Court.</li> <li>• Contribution to users group meetings of the Court of Criminal Appeal.</li> <li>• Lines of communication with Registrars of various jurisdictions</li> <li>• Report on listing trends</li> </ul>

	<b>3.3</b> To open regular dialogue with ATSIC; COALS and OIC of individual A.L.S.	Review each 6 months	<ul style="list-style-type: none"><li>• Liaison with ATSIC in order to assess operation of agreement.</li><li>• Liaison with individual ALS in order to determine satisfaction levels and equality of access to Public Defender services.</li></ul>
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Challenge	Business Centre Response	Timeframe	Performance Indicator (s)	Achievements
<b>Eliminating discrimination against people with disabilities in our services and workplaces (Disability Strategic Plan)</b>	<ul style="list-style-type: none"> <li>• Appropriate training to be provided to Public Defenders and staff at regular meetings</li> <li>• Provide a copy of "Flexible Service Delivery Quick Tips" to all staff</li> <li>• Include item on Brief Completion Sheet for identification of disabled client and detail of assistance given</li> </ul>	<ul style="list-style-type: none"> <li>• ONGOING</li> <li>• Oct. 2001</li> <li>• Oct. 2001</li> </ul>	<ul style="list-style-type: none"> <li>• Number of disabled clients assisted as reported on Brief Completed Sheets</li> </ul>	
<b>Improving client service to our diverse community (Ethnic Affairs Priority Statement)</b>	<ul style="list-style-type: none"> <li>• Ensure adequate interpreter services provided for non-English speaking clients</li> <li>• Include item on Brief Completion Sheet for details of interpreter service used</li> </ul>	<ul style="list-style-type: none"> <li>• ONGOING</li> <li>• Oct. 2001</li> </ul>	<ul style="list-style-type: none"> <li>• No. of interpreters used</li> </ul>	
<b>Promoting equal employment on the grounds covered by EEO legislation. (EEO Strategic Management Plan and ATSI Employment Strategy)</b>	<ul style="list-style-type: none"> <li>• Provide staff development opportunities</li> </ul>	<ul style="list-style-type: none"> <li>• ONGOING</li> </ul>	<ul style="list-style-type: none"> <li>• Number of courses attended or other opportunities provided</li> </ul>	

<b>Improving safety in the workplace</b>	<ul style="list-style-type: none"> <li>• Ensure all potential risks reported to Executive Officer or Clerk to Chambers</li> </ul>	<ul style="list-style-type: none"> <li>• ONGOING</li> </ul>	<ul style="list-style-type: none"> <li>• Number of reports of risks and action taken</li> </ul>	
<b>Promoting an ethical and harassment free workplace (Code of Conduct)</b>	<ul style="list-style-type: none"> <li>• Respond promptly and appropriately to any allegations of unethical behaviour or harassment</li> </ul>	<ul style="list-style-type: none"> <li>• ONGOING</li> </ul>	<ul style="list-style-type: none"> <li>• Number of allegations dealt with</li> </ul>	
<b>Management response to the Employee Survey results</b>	<ul style="list-style-type: none"> <li>• Promote response to survey</li> <li>• Conduct regular staff meetings</li> <li>• Complete PP&amp;D for all staff</li> <li>• Review position descriptions</li> <li>• Submit position descriptions for evaluation</li> <li>• Support training as appropriate</li> </ul>	<ul style="list-style-type: none"> <li>• October 2001</li> <li>• ONGOING</li> <li>• Oct./Nov 2001</li> <li>• Nov /Dec 2001</li> <li>• Jan 2001</li> <li>• ONGOING</li> </ul>	<ul style="list-style-type: none"> <li>• No. of responses</li> <li>• No. of meetings</li> <li>• No. completed</li> <li>• No. completed</li> <li>• Submitted for evaluation</li> <li>• No. of courses attended</li> </ul>	
<b>Savings on Corporate Services</b>	<ul style="list-style-type: none"> <li>• Operate within Budget</li> <li>• Maintain quarterly meetings with Budget Officer, Financial Services, to review budget and evaluate expenditure patterns</li> </ul>	<ul style="list-style-type: none"> <li>• ONGOING</li> <li>• Quarterly</li> </ul>	<ul style="list-style-type: none"> <li>• Expenditure within budget</li> <li>• Budget monitored and enhancement submission completed</li> </ul>	
<b>Risk Management</b>	<ul style="list-style-type: none"> <li>• Review current activities and procedures to identify any new risks and revise procedures if required</li> </ul>	<ul style="list-style-type: none"> <li>• ONGOING</li> </ul>	<ul style="list-style-type: none"> <li>• Up to date procedures</li> </ul>	

## Appendix "C"

## APPEAL STATISTICS

Table 1.1 Appeal Advices prepared 2001/2002

Outcome	High Court	CCA Conviction	CCA Sentence	Total
Merit	<i>*(2)</i> 3	<i>*(12)</i> 15	<i>*(46)</i> 56	<i>*(60)</i> <b>74</b>
No Merit	<i>*(5)</i> 7	<i>*(19)</i> 38	<i>*(117)</i> 175	<i>*(141)</i> <b>220</b>
<b>Total</b>	<i>*(7)</i> <b>10</b>	<i>*(31)</i> <b>53</b>	<i>*(163)</i> <b>231</b>	<i>*(201)</i> <b>294</b>

*\*(2000/2001 in italics)*

Table 1.2 Appeal Appearances 2001/2002

	Appeal Allowed	Appeal Dismissed	Reserved	Prepared but other counsel completed	Total
High Court	<i>*(1)</i> 4	<i>*(6)</i> 6	<i>*(1)</i> 0	<i>*(0)</i> 2	<i>*(8)</i> <b>12</b>
CCA Conviction	<i>*(12)</i> 7	<i>*(10)</i> 12	<i>*(4)</i> 7	<i>*(0)</i> 1	<i>*(26)</i> <b>27</b>
CCA Sentence	<i>*(42)</i> 47	<i>*(37)</i> 25	<i>*(4)</i> 6	<i>*(0)</i> 3	<i>*(83)</i> <b>81</b>
CCA Crown Appeal	<i>*(2)</i> 12	<i>*(6)</i> 6	<i>*(0)</i> 0	<i>*(0)</i> 4	<i>*(8)</i> <b>22</b>
CCA Interlocutory Application	<i>*(1)</i> 0	<i>*(1)</i> 0	<i>*(1)</i> 0	<i>*(0)</i> 0	<i>*(3)</i> <b>0</b>
<b>TOTAL</b>	<i>*(58)</i> <b>70</b>	<i>*(60)</i> <b>49</b>	<i>*(10)</i> <b>13</b>	<i>*(0)</i> <b>10</b>	<i>*(128)</i> <b>142</b>

*\*(2000/2001 in italics)*

**Table 1.3 Other Advices Completed 2001/2002**

Appeal from Local Court to Supreme Court	<i>*(1)</i> 3
No Bill	<i>*(37)</i> 41
Inquiry into Conviction (Pt 13 Crimes Act)	<i>*(0)</i> 0
Fitness to Plead	<i>*(2)</i> 7
Other	<i>*(33)</i> 45
<b>TOTAL</b>	<i>*(73)</i> <b>96</b>

*\*(2000/2001 in italics)***Table 2.1 Trials and Sentence Briefs 2001/2002**

	Suprem e Court	Sydney District Court	Wester n Sydney District Court	Countr y District Court	Local Court <i>(not reported 2000/ 2001)</i>	Total
Trials	<i>*(54)</i> 62	<i>*(53)</i> 49	<i>*(38)</i> 41	<i>*(253)</i> 249	11	<i>*(398)</i> <b>412</b>
Sentences	<i>*(9)</i> 7	<i>*(31)</i> 30	<i>*(23)</i> 10	<i>*(83)</i> 72	0	<i>*(146)</i> <b>119</b>
Life Sentence Redeterminations	<i>*(5)</i> 4	N/A	N/A	N/A	0	<i>*(5)</i> <b>4</b>
Arraignments	<i>*(1)</i> 2	<i>*(3)</i> 0	<i>*(1)</i> 0	<i>*(10)</i> 5	0	<i>*(15)</i> <b>7</b>
Contested Applications	<i>*(9)</i> 5	<i>*(1)</i> 0	<i>*(0)</i> 0	<i>*(0)</i> 3	0	<i>*(10)</i> <b>8</b>
Guideline Judgments	<i>*(1)</i> 3	<i>*(0)</i> 0	<i>*(0)</i> 0	<i>*(0)</i> 0	0	<i>*(1)</i> <b>3</b>
Appeals from Local Court to District Ct.	N/A	<i>*(2)</i> 0	<i>*(1)</i> 0	<i>*(11)</i> 7	0	<i>*(12)</i> <b>7</b>
Committals <i>(not reported 2000/2001)</i>	0	1			8	<b>9</b>
Other	<i>*(6)</i> 4	<i>*(7)</i> 0	<i>*(1)</i> 0	<i>*(1)</i> 1	2	<i>*(15)</i> <b>7</b>
<b>TOTAL</b>	<i>*(85)</i> <b>87</b>	<i>*(95)</i> <b>80</b>	<i>*(64)</i> <b>51</b>	<i>*(358)</i> <b>337</b>	<b>21</b>	<i>*(602)</i> <b>576</b>

## **Submissions, Lectures and Papers Published:**

### **Peter Zahra SC**

#### **Committees:**

- Supreme Court's Users Group
- District Court's Criminal Listing Review Committee
- Court of Criminal Appeal Users Group
- Bar Association Strategic Planning Committee

#### **Lectures, Papers, Submissions:**

- Aboriginal Legal Service Annual Conference
- Legal Aid Commission - DNA Lecture
- Director Of Public Prosecutions Sydney DNA
- Director Of Public Prosecutions Newcastle DNA
- Director Of Public Prosecutions Parramatta Self Defence
- Director Of Public Prosecutions DNA Session
- Lecture At Wentworth Hotel Re Drug Court
- Identification Evidence - College Of Law
- Sydney University Institute Of Criminology - Surveillance Conference
- Darling Harbour Conference - Director Of Public Prosecutions
- Safe Injection Room - Coogee Conference
- Police Powers Legislation - College of Law
- Trial Preparation - Bar Assoc Readers Course
- Justice Sperling Expert Evidence In Supreme Court
- Identification Evidence At Dubbo - Western Aboriginal Legal Service
- Samuels Enquiry Into Director Of Public Prosecutions

### **Chris Craigie SC**

#### **Committees:**

- Attorney General's Inter-Departmental Committee of Review of the *Mental Health (Criminal Procedure) Act 1990*
- Supreme Court's Users Group
- District Court's Criminal Listing Review Committee
- Court of Criminal Appeal Users Group
- Bar Association Strategic Planning Committee

#### **Lectures, Papers, Submissions:**

- Bar Conference Re Guideline Judgments
- NSW State Parliament Public Accounts Committee-evidence and supplementary submissions on mentally ill persons and inter-state models of practice.
- Appellate Practice lecture University of Technology Criminal Specialists Day
- Applications in the absence of the jury- lecture Bar Practice Course
- Tactical Plea Making- 2002 version of annual paper- Bar Practice Course

- Guideline Judgments Battered, then Patched-Up- article Law Soc. Journal Feb 02.

### **Peter Berman, SC**

#### **Committees:**

- Bar Association Criminal Law committee
- Management Committee of Australian Advocacy Institute

#### **Lectures, Papers and Submissions:**

- Sydney University - Evidence In Chief
- Teacher Training Workshop - Family Court
- Downing Centre- Advocacy Workshop
- Downing Centre- Advocacy Workshop
- Article On Evidence In Chief

### **Richard Button**

#### **Committees:**

- Australian Advocacy Institute, Monash University (teacher)
- Bar Association Criminal Law committee
- Co-Editor, Criminal Law News

#### **Lectures, Papers and Submissions:**

- Legal Aid Commission conference - Accessorial Liability
- Bar Readers Course - Pleas of Guilty in the Local Court
- Western Aboriginal Legal Service and Criminal Defence Lawyers - Accessorial Liability - Dubbo
- Campbelltown Director of Public Prosecutions - Accessorial Liability
- Australian Advocacy Institute Sydney - teaching sessions
- contributions to Model Criminal Code - Fatal Offences
- Submission to Model Criminal Code concerning theft la reform proposals.
- Co-authored article - Criminal Law News - Article

### **Andrew Haesler**

#### **Committees:**

- Model Criminal Code Committee
- Australian Law Reform Commission
- NSW Institute of Criminology
- Redfern Legal Centre Publishing Board of Directors

#### **Lectures, Papers and Submissions:**

- Health Department, Training film "Doctors in Court".
- University of Wollongong, lecture - "Defence Practice"
- Present Seminar, 10<sup>th</sup> Annual Conference of Obstetrics and Gynaecology - giving evidence as a medical practitioner.
- Submission and evidence New South Legislative Council Review of the Crimes (Forensic Procedures) Act Public Hearing
- Moot Judge University of Wollongong

- Lecture NSW Young Lawyers “Sentencing”
- PD Submission to NSW Law Reform Commission - “Sentencing Children”
- Submission to Criminal Law Review Division - “Police Powers Bill”
- Submission to Ombudsman NSW “DNA Testing of Prisoners”
- Lecture, College of Law “Police Powers”
- Lecture to College of Law “Sentencing 2002” plus paper.
- Lecture to Aboriginal Legal Service “Sentencing Practice and Procedures”
- Lecture at Ballina NSW, for NSW Department of Health “Doctors in Court”
- Assist with RLCP publication “Surviving Rape”
- Moot Court Judge, University of Wollongong

## **Chrissa Loukas**

### **Committees:**

- Bar Council Member 2002. (Elected Position).
- Member, Equalising Opportunities in the Law Committee, Law Council of Australia.
- Member, Criminal Law Committee NSW Bar Association, 2002.
- Member, Legal Aid Committee, NSW Bar Association, 2002.
- Member, Equal Opportunity Committee, NSW Bar Association, 2002.
- Panel Member, Innocence Panel (DNA). Appointed October 2001

### **Lectures, Papers, Submissions:**

- Director Criminal Law Review Division 14.8.2000 - 14.9.2001.
- Judicial Member, Administrative Decisions Tribunal, Equal Opportunities Division NSW.
- Winner, Woman Lawyer of Achievement Award presented by Women Lawyer’s Association NSW, June 2002.
- Article, Pre-Trial Disclosure, Judicial Officers Bulletin, July 2001. Volume 13, Number 6.
- Article, Pre-Trial Disclosure, Law Society Journal, November 2001.
- Speaker, Recent Developments in the Criminal Law, NSW Bar Association Conference, June 2002.
- Speaker, Do Prison’s Work?, Sydney Leadership, Benevolent Society, October 2002.
- Speaker, The Innocence Panel, College of Law, March 2002.
- Speaker, Pre-Trial Disclosure Seminar, NSW Bar Association.
- Speaker at Seminar, Marrickville High School, Legal Studies Class, Criminal Law, 26.9.01.
- Speaker, Law as a Career, organised by Women Lawyers Association for Law Week, 16.5.02 for High School students and law students.
- Speaker, Greek Australian Women’s Conference, Women and the Law, March 2002.
- Conference Participant, International Society for the Reform of Criminal Law, Canberra, 30 August 2001.
- Moot Judge, Judicial Training Exercise, Family Law Court Judges, July 2001.
- Committee Member, organising Women Barrister’s Function.

- Supervisor for Law Students, Sydney University, Workplace Placement.

### **John Stratton**

- Maintained his own personal website: Criminal Law Survival Kit, which is periodically updated
- Paper on Identification Evidence presented to the Children's Legal Service
- Three lectures on The Evidence Act presented to the Criminal Lawyers Association
- Paper on Hearsay Evidence presented to the Aboriginal Legal Services conference
- Paper on Preparation of Complex Trials presented to Legal Aid Commission Annual Conference

### **Paul Winch**

- Taught for Australian Institute of Advocacy.
- Gave a paper at the Aboriginal Legal Services Annual Conference.

### **Dina Yehia**

- Presented papers on Brief Preparation and Advocacy to Aboriginal Legal Service solicitors in Moree /Narrabai.
- Presented papers on Brief Preparation and Advocacy to Western Aboriginal Legal Service solicitors, Dubbo.

## Professional Profile of Public Defenders Office

*Appendix "E"*

Public Defender	Date Appointed as Public Defender	Date admitted as Solicitor	Date Admitted as Barrister
Peter Zahra SC (16.9.99)	03.04.89 Senior Public Defender 16.9.99	22.06.77	08.04.88
Chris Craigie SC	05.09.94 Deputy Senior Public Defender	16.07.76	03.06.80
Peter Berman SC	04.03.02, Deputy Senior Public Defender	08.07.83	01.02.88
Mark Austin	5.6.95	05.07.85	03.08.90
John Booth	As Acting Public Defender 07.01.98, Permanently appointed 09.08.2001		06.07.84
Chris Bruce	26.04.88	11.02.77	03.08.84
Robyn Burgess	As Acting Part-time Public Defender 13.12.00	11.02.77	04.08.89
Richard Button	06.05.91	06.07.84	30.06.89
Anthony Cook	21.10.99 Acting Public Defender	18.12.83	20.12.85
Helen Cox	17.7.95 Part-time Public Defender from 13.12.00	10.07.81	09.02.90
Sean Egan	19.06.96	10.03.78	20.06.96
Leonie Flannery	15.07.96	05.07.85	03.08.90
Andrew Haesler	24.01.95	16.12.81	06.04.90
Ron Hoenig	06.10.87	13.02.81	28.09.87
Chrissa Loukas	17.07.95	05.07.85	28.12.89
Catherine Lyons	23.02.81	08.03.74	13.02.81

Christine Nash	11.11.85 (On secondment to position of Director, Legal Representation Office from 26.1.00)		16.12.81
Anthony Parker	23.02.94	31.07.70	21.02.94
Peter Pearsall	As Acting Public Defender 28.07.99, appointed permanently 06.12.2001.	19.12.79	03.08.90
George Ritchie	20.10.86	22.06.73	19.09.75
John Stratton	10.03.97	10.07.81	03.08.90
Eric Wilson	27.01.98 as Acting Public Defender, appointed permanently 09.08.01	21.12.77	02.08.91
Paul Winch	21.10.99	25.07.74	20.09.85
Angus Webb	15.07.96	11.02.77	08.08.94
Dina Yehia	28.07.99	20.12.89	06.08.99

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