

Consultation on the impact of court closures in South Australia

Submission

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Introduction

Victim Support Service ('VSS') is a not-for-profit organisation that provides therapeutic and practical support to 30,000 victims and witnesses each year in South Australia. We have a local presence in every major community throughout the State. Through our advocacy, we give a voice to victims within the criminal justice system.

Since 1979, we've been helping people affected by crime to face the future with hope. We support them therapeutically, emotionally, and practically, helping them to *cope* and *recover* after crime.

This can range from helping a woman assaulted by her partner to get extra home security, to supporting families as they cope with the aftermath of the murder of a loved one. We often support people through challenging and traumatic times, helping them to get their lives back on track.

We are also there to help victims, witnesses and their families in every criminal court in South Australia. Our Court Companion Service supported more than 300 people in the run up to a trial and during the court process in 2013-14, helping them to feel informed and supported so that they could give evidence confidently and promote justice.

We do not do this alone. We work with many organisations, including police, courts, Office of the Director of Public Prosecutions, and the judiciary to provide the most effective assistance to victims.

VSS welcomes the opportunity to comment on the CAA's proposal to restructure operations of the Magistrates Court in the metropolitan area and surrounds, in particular the intention to progressively close Magistrates courthouses at Port Adelaide, Holden Hill, Mount Barker, and Tanunda.

To ensure the voices of victims were heard during the CAA's consultation process, VSS invited crime victims to complete an online survey. The views of the victims who completed the survey have informed this Submission.

Executive Summary

VSS is concerned about the CAA's proposal to progressively close the Holden Hill, Port Adelaide, Mount Barker, and Tanunda Magistrates Courts. Cutting these courts will closely follow the closure of four country registries, the closure of the Sturt Street Courts, and cuts made to country court circuits last year. In this context, it appears the CAA's current proposal forms part of an ongoing strategy to rationalise court services. It will be vital that victims are given reassurance that the next round of cuts will be the last in the current funding cycle.

Even if such reassurances could be made, our survey of victims tells us that they are very concerned that the pending court closures will decrease the capacity of the courts to efficiently process cases. They were most concerned about the proposal to close the Port Adelaide Magistrates Court.

We also asked victims if court closures could be partly ameliorated by the introduction of new technologies such as video evidence and more online services. The majority of respondents expressed strong support for implementing technology in court processes.

These issues are explored further in our Submission.

Key Recommendations

VSS recommends that:

Recommendation 1

The CAA seeks hypothecated funding from the State government and/or additional tenants of the building to keep open the Port Adelaide Magistrates Court

Recommendation 2

The Victim Satisfaction Survey, currently being developed by the Office of Crime Statistics and Research ('OCSAR'), should be used to assess the impact of court closures on the victim's experience of a rationalised court structure

Recommendation 3

The CAA should commit to the continuation of the Nunga Court supported by Aboriginal Justice Officers

Recommendation 4

The CAA should confirm how the current court services operating from the Nunga Court will be preserved elsewhere if the proposed closures go ahead

Recommendation 5

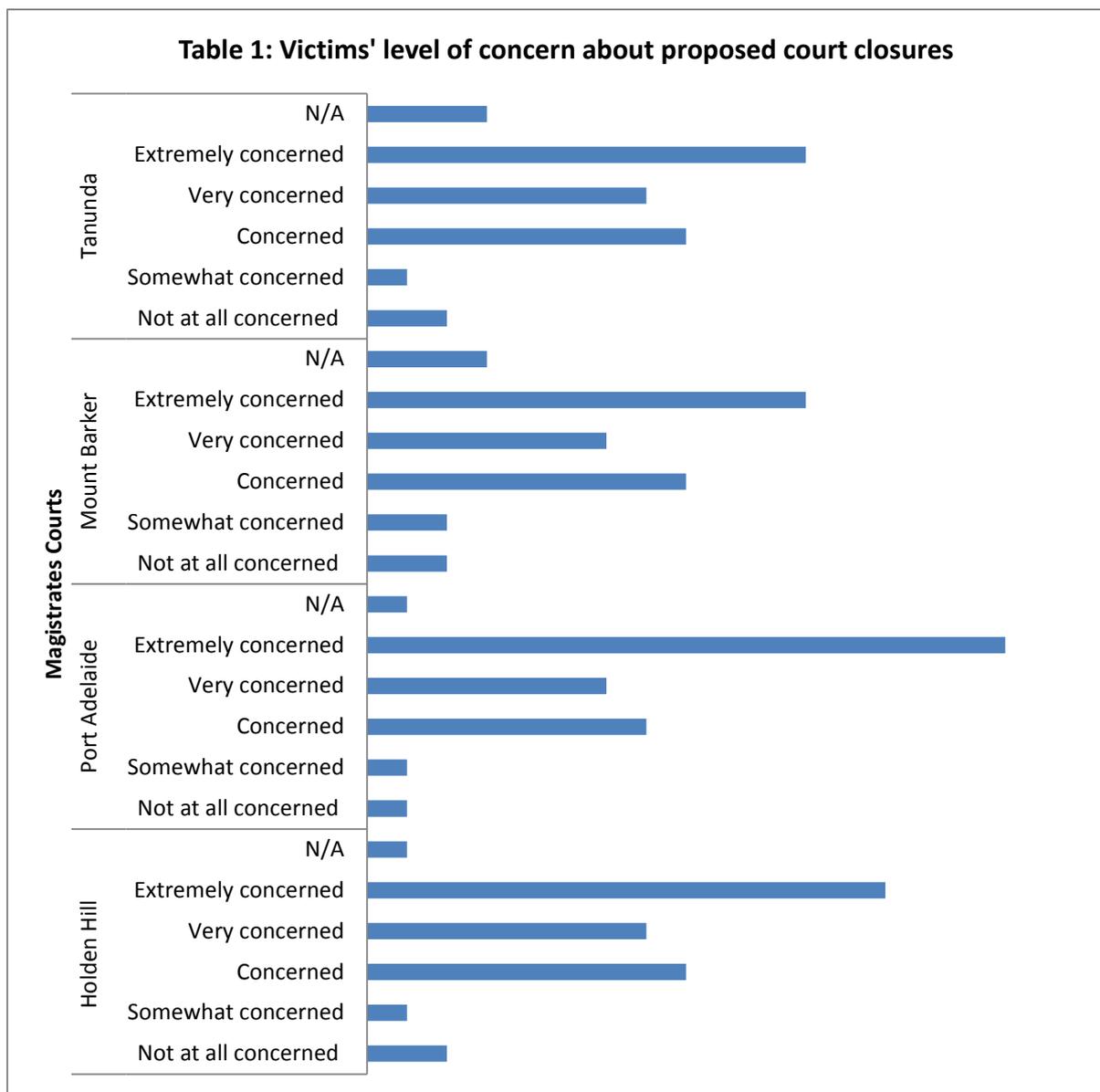
The CAA should lead a working party, inclusive of victims of crime, to identify new ways of incorporating technology into the court process

Detailed response

Victim feedback about court closure locations

We asked victims of crime to rate their level of concern about each of the courts the CAA has proposed to close.

Findings indicate that the victims we surveyed are most concerned about the proposal to close the Port Adelaide Magistrates Court (see Table 1).



In reflecting the views of our clients, VSS is very concerned that the closure of these courts, particularly the Port Adelaide Magistrates Court, will have a significant detrimental impact on the CAA's capacity to meet the service expectations of victims of crime.

Recommendation 1

The CAA seeks hypothecated funding from the State government and/or additional tenants of the building to keep open the Port Adelaide Magistrates Court

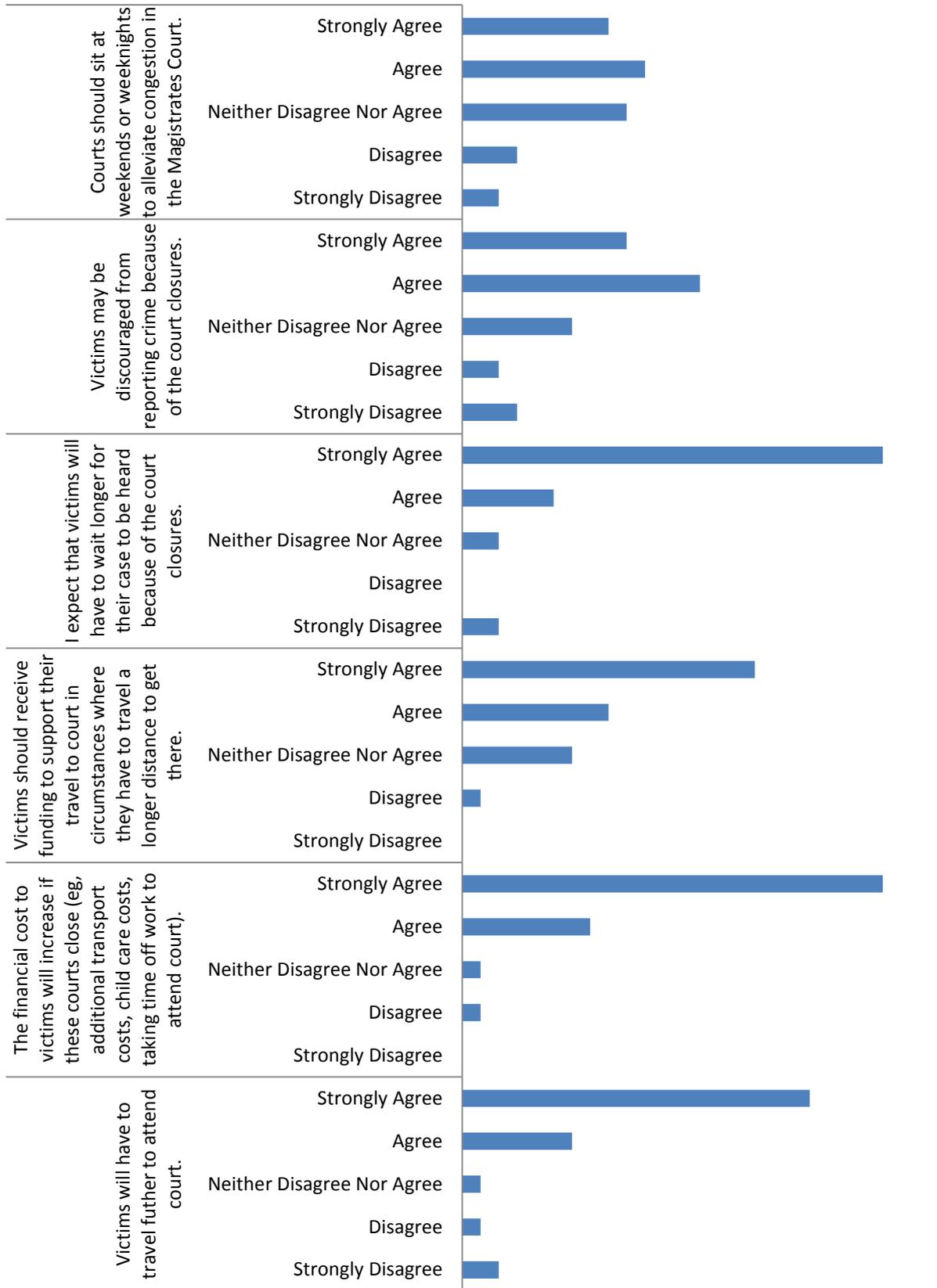
Adverse impacts on victims of crime, witnesses and their families resulting from the proposed closures

We asked survey respondents to tell us how they thought the proposed closures would adversely affect victims of crime (see Table 2). The majority of respondents strongly agreed that the closures will force victims to travel further to attend court and increase the financial cost to them. Most were unaware that they could seek reimbursement from the Witness Assistance Service ('WAS') or Police Prosecutors. Half of the survey respondents thought that victims should have their travel costs automatically reimbursed in circumstances where their local Magistrates Court has been closed, forcing them to travel from one suburb to another, or to the City.

Victims were also concerned that the court closures will mean that they will have to wait longer for their case to be heard. However, support for the introduction of court sittings at weekends or weeknights to help alleviate congestion in the Magistrates Courts was mixed.

The majority of victims also thought that court closures would discourage victims of crime from reporting.

Table 2: Impact of court closures on victims of crime



Recommendation 2

The Victim Satisfaction Survey, currently being developed by the Office of Crime Statistics and Research ('OCSAR'), should be used to assess the impact of court closures on the victim's experience of a rationalised court structure.

Adverse impacts of the proposed court closures on the Aboriginal Sentencing Court ("Nunga Court")

VSS is particularly concerned that the closure of the Port Adelaide Magistrates Court will include the closure of the Nunga Court.

The Nunga Court was developed to address:

- the overrepresentation of Aboriginal and Torres Strait Islander ('ATSI') people in the criminal justice system;
- recommendations made by the Royal Commission into Aboriginal Deaths in Custody ('RCIADIC') to reduce Indigenous incarceration and to resolve disputes and deal with offenders in culturally appropriate ways; and
- to recognise the need to build a better, and more culturally appropriate, system of justice for Aboriginal people in South Australia.

Research shows that ATSI Australians continue to be over-represented in the criminal justice system. The rate of imprisonment for Aboriginal and Torres Strait Islander ('ATSI') prisoners is 13 times higher than the rate for non-Indigenous prisoners. The Aboriginal and Torres Strait Islander Social Justice Commissioner Mick Gooda recently described the over-representation of Indigenous Australians in prison as one of the most urgent human rights issues facing Australia today.

It is our understanding that 11 Aboriginal Justice Officers ('AJOs') have been appointed in response to the specific needs of Indigenous people in contact with the courts at the Port Adelaide, Adelaide, Elizabeth, and Port Augusta courthouses, and the Adelaide Youth Court. VSS supports the role of the AJOs in assisting Aboriginal court users to understand how the courts and the criminal justice system operate. They provide a vital role in advising Judicial Officers and staff about Aboriginal culture, communities, and service providers.

In light of the continued overrepresentation of Indigenous peoples in the justice system, VSS strongly supports the continuation of the Nunga Court supported by AJOs. If lost, a significant culturally appropriate link between the Aboriginal community and the courts would be damaged.

Recommendation 3

The CAA should commit to the continuation of the Nunga Court.

Recommendation 4

The CAA should confirm how the current court services operating from the Nunga Court will be preserved elsewhere if the proposed closures go ahead.

Technology and the courts

Victims generally welcomed the intent of the CAA to increase accessibility to the courts through technology in response to changing community expectations for online and other electronic services.

The victims of crime we surveyed indicated that they would support the use of technology to allow victims, witnesses, prosecutors, and defence lawyers to appear by video link instead of in person in court.

Survey participants were also asked to identify other technology they would like to see used by the courts. Victims identified Smart TVs and tablet devices as technology they would like the courts to introduce. Some victims also expressed support for an integrated information management system that would link all agencies in the justice system together.

Table 3: Would you support the use of technology to allow victims, witnesses, prosecutors and defence lawyers to appear by video link instead of in person in court?



Table 4: Is there other technology you would like to see used by the Courts?



Recommendation 5

The CAA should lead a working party, inclusive of victims of crime, to identify new ways of incorporating technology into the court process.