



NEW SOUTH WALES

## THE CHIEF MAGISTRATE OF THE LOCAL COURT

27 June 2014

Mr John Miller  
Inquiry Manager  
Inquiry into Debt Recovery  
Parliament House  
SYDNEY NSW 2000

Dear Mr Miller

I write in response to the supplementary questions sent to me following my appearance before the Inquiry into Debt Recovery in NSW. My response to the questions is hereunder numbered in accordance with the sequence sent to me. Should there be a need to contact my office further please feel free to do so.

1. Not in my view. Current processes are well established and widely known commercially. There are no difficulties either at law or administratively within the procedures of the Local Court that create systemic difficulties.
2. As the Head of Jurisdiction of a body of the Judiciary it is not my function to collect the information to which reference is made. This is an administrative function which should fall within the responsibilities of the Attorney Generals Department. I have made enquiry as to whether information is available on the Department's computer base that might assist in providing a response. Regrettably I have been informed that this information is not available.
3. Every application to a court in its civil jurisdiction is required to be assessed on its merits. Limiting access to justice in a mathematical sense has the capacity to operate unfairly. Ultimately this is a matter for government however I am not aware of any widespread abuse of the time to pay opportunity within the civil jurisdiction of the Local Court.
4. It is not appropriate for me to answer this question. Bankruptcy issues are dealt with at the Supreme Court and Federal Court level, not within the Local Court.

5. It is not clear what is meant by this question. There appears to be confusion about the role of the Registry and the role of the judiciary. They are separate and distinct. The question lacks clarity regarding the background of the suggestion, issues to do with the source of information, privacy etc. It is not an area in which the judiciary of the Local Court has any significant experience and it is questionable whether the Local Court has a power that would entitle it to order access to the records of an external agency having such information.

I trust the foregoing is of assistance and as indicated above, am happy to answer further queries should they arise.

Yours sincerely



Judge Graeme Henson  
Chief Magistrate