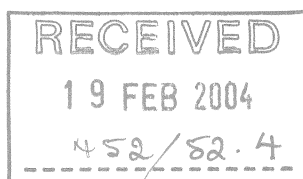




*The Chief Judge
District Court of NSW*

The Hon C Robertson MLC
Committee Chair
Standing Committee on Law and Justice
Parliament House
Macquarie Street
SYDNEY 2000

19 FEB 2004



17 February, 2004

Dear Ms Robertson,

Inquiry into Pre-Trial Disclosure

Thank you for your letter of 12 February. I advise that so far as I am aware no pre-trial disclosure order has been made by this Court. Most of the time I am the List Judge in the criminal jurisdiction in this Court in Sydney and I would be the person most likely to make such an order if one were required. I have only been requested to make an order on two or three occasions since the legislation came into effect and I have refused the application on each occasion.

Although the stated purpose of the legislation was to speed up the criminal trial process, the making of orders under this legislation would, in fact, have the opposite effect of slowing down the criminal trial process. The solution to delays which used to exist in the criminal trial process in New South Wales was a management solution in the hands of the Courts themselves. As you would be aware, those delays have now been eliminated and in the District Court, where almost all the trials in New South Wales occur and there is no longer a problem. The Productivity Commission has established a national standard that no more than 10% of criminal lodgments pending completion should be more than 12 months old. In the recent report of that Commission, it was said: "In the Supreme Court, Queensland was the only jurisdiction that met this standard. In the District Court, New South Wales was the only jurisdiction that met this national standard."

You have also asked for comments on the new requirement for the presentation and amendment of indictments. That requirement is that the prosecution present its indictment within one month of committal and cannot then change the indictment without leave of the Court unless the defence consents. This has been a most important and significant change.

Clearly the defence cannot be expected to prepare cases until they know what the charges are and the earlier there is certainty to the charges, the more speedy the process can become. To my observation the Offices of the Director of Public Prosecutions do not have any great problem complying with this requirement. They do on occasions request an extension of time but the Court can now control that process and this has been a significant contributing factor to the achievements made by this Court. The trials coming into the District Court are all cases where the DPP prosecuted the matter in the Local Court and there is no reason why the settling of the charge within one month of committal should be a problem.

Yours sincerely,

A handwritten signature in dark ink, appearing to be 'R.O. Blanch', with a long horizontal flourish extending to the right.

The Hon. Justice R.O. Blanch, A.M.
CHIEF JUDGE.