



6 June 2011

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RB;rp

The Honourable John Rau MP  
Attorney-General  
DX 336  
ADELAIDE SA

Dear Mr Attorney

**Smart Justice: Building Safer Communities, Increasing Access to the Courts, and Elevating Trust and Confidence in the Justice System**

I refer to your letter of 6 April 2011 and thank you for providing the Society with the opportunity to comment on the above Report, by Judge Peggy Fulton Hora (ret). The Society responds as follows:

- 1 We note the Summary of Recommendations between pages vii and xi of the Report. The Summary is divided into five Sections and whilst we agree with the concepts embraced by the headings to the Sections, some of the individual recommendations contained within the Sections are more problematic.
- 2 We note that some of the recommendations have already or are in the process of being implemented (for instance, Recommendation 3.1 relating to sentencing discounts). Conversely, some of the proposed recommendations will need lengthy consideration and a significant review of the manner in which our Court system operates (for instance Recommendation 3.8 relating to consolidation of the trial courts).
- 3 It would appear to us that the adoption of the concepts embraced by Recommendation 1, "2020 vision for the Justice System", is crucial not only to the potential delivery of some of the recommendations contained in the Report but also to the improvement and enhancement of our justice system. In particular, we recommend that Recommendation 1.1 be implemented. This will enable proper submissions to be put forward for long term aspects of the Recommendations to be properly budgeted for.
- 4 Some of the individual recommendations are not likely to be capable of implementation unless appropriate budgetary support is provided (for instance, Recommendation 5.3 regarding the Courts Administration Authority website).
- 5 Recommendation 2, which deals with "Building safer communities by being smart on crime" contains a number of sub-paragraphs. Whilst we agree in principle that the topics identified by the sub-paragraph headings need attention, whether or not each of the recommendations contained under those headings is appropriate is debatable. (For instance, Recommendation 2.16 is not likely to be financially realistic given the general profile of offenders).

- 6 The body of the Report then contains a summary of information gathered and the rationale behind the recommendations. The recommendations should not be seen as the only potential outcomes from the Report and an in depth analysis of the balance of the Report should be undertaken for the purposes of identifying other potential proactive initiatives. For instance, within issues such as drug and alcohol abuse and domestic violence, a preventative education program could potentially be developed.

Whilst recognising that it is not feasible to consider adopting all of the recommendations (and for that matter any others that may be identified) contained within the Report, the Report is a useful tool for the purposes of promoting discussion. This should continue, particularly in relation to the development of a ten-year plan. The Society would welcome the opportunity to be involved in the development of such a plan.

Yours sincerely



Ralph Bönig  
**PRESIDENT**