



13 June 2013

Veronica Chan
Assistant Policy Officer – Justice Policy
Department of Attorney General and Justice
GPO Box 6
Sydney NSW 2000

KINGSFORD
LEGAL CENTRE

via email: veronica_chan@agd.nsw.gov.au

Dear Ms Chan,

IMPACT OF THE COST OF TRANSCRIPTS ON ACCESS TO JUSTICE IN NSW

The Kingsford Legal Centre (KLC) thanks you for the opportunity to make submissions on the impact of the cost of transcripts on access to justice in NSW. Our feedback is drawn from the experiences of our clients and staff on this subject.

KLC is a community legal centre (CLC) that provides free advice and casework on a wide range of legal matters to people living, working or studying in the Botany and Randwick local government areas. We also provide a specialist discrimination law advice and representation service throughout New South Wales. We actively participate in law reform and policy projects as well as community legal education.

National Association of Community Legal Centres

KLC is a member organisation of the National Association of Community Legal Centres (NACLC).

Summary

In our experience the costs associated with obtaining transcripts of court and tribunal proceedings in NSW can act as a barrier to individuals accessing justice. The case studies below demonstrate some of our concerns.

Case study

Housing NSW initiated proceedings in the NSW Guardianship Tribunal against Jane, an older Aboriginal woman receiving Centrelink. During the proceedings, Jane thought she heard the Housing NSW representative make racist comments about Aboriginal people. Jane contacted a CLC solicitor who advised her that if she obtained the transcript of the proceedings, and there was evidence of racist comments, she may be able to make a complaint about Housing NSW to Housing NSW, the NSW Ombudsman or the NSW Anti-*

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Discrimination Board. A private agency, who managed requests for transcripts, advised Jane's solicitor that it would cost in excess of \$600 for a copy of the transcript of the 2 hour proceedings in the Guardianship Tribunal. No fee waiver was available. Jane could not afford to pay for the transcript and therefore could not be sure whether racist comments were made and could not consider taking action against Housing NSW if racist comments had indeed been made.

Case Study

We represented Sam who was a victim of domestic violence. She had an apprehended domestic violence order (ADVO) to protect her from her husband. Sam's husband continued to call and harass her after the ADVO was made. Sam's husband was charged with breaching the ADVO, however he was not convicted. Sam wanted to complain about the Police Prosecutor because she believed they did not put forward enough evidence to show that her husband had breached the ADVO. We needed a copy of the court transcript in order to complain about the Police Prosecutor. We were advised it would cost several hundred dollars to obtain a copy of the transcript. Sam could not afford to pay for the transcript.*

Conclusion

Excessive transcripts fees can prevent people asserting their basic civil and political rights, such as the right to seek redress and legal remedies.

KLC submits that in order to ensure better access to justice, fees for transcripts should be reduced and fee waivers made available for socioeconomically disadvantaged people seeking transcripts in all NSW courts and tribunals.

Please feel free to contact us should you have any questions about this submission.

Yours faithfully,
KINGSFORD LEGAL CENTRE



pp Anna Cody
Director

* The client's real name has not been used.