



JUSTICE, POLICY AND PLANNING

Providing an equitable
and just legal system
for the community

Aboriginal Justice Advisory Council

Executive Officer: Marcia Ella-Duncan

- Advises the Government on law and justice issues affecting Aboriginal people.
- Develops proposals for change and monitors programs relating to the impact of the criminal justice system on Aboriginal people.

Bureau of Crime Statistics and Research

Director: Dr Don Weatherburn

- Provides policy makers and administrators with statistical information and research to help reduce crime and improve the NSW criminal justice system.
- Provides information and advice to the public to promote more informed public debate about crime and criminal justice.

Crime Prevention Division

Director: Peter Homel

- Provides the Government with advice on crime prevention policy and programs in NSW.
- Coordinates efforts to reduce crime through the development and promotion of effective crime prevention strategies.
- Implements the NSW *Strategy to Reduce Violence Against Women*.

Criminal Law Review Division

Director: Chrissa Loukas

- Provides advice and support to the Attorney General on criminal law and has responsibility for the Attorney General's legislative program relating to the reform of criminal law and procedure.

Law Reform Commission

Executive Director: Peter Hennessy

- Conducts research and provides advice to the Attorney General on reforming the law in NSW.

Legislation and Policy Division

Director: Maureen Tangney

- Advises the Attorney General, the Department and other Government Departments on legal policy, and legislative procedural reform.
- Provides the Attorney General with parliamentary support and maintains the management information systems which monitor the scheduling and progress of the Attorney General's legislative program.

Aboriginal Justice Advisory Council

The Aboriginal Justice Advisory Council consists of six Aboriginal community representatives (one from each of the six Aboriginal and Torres Strait Islander Commission (ATSIC) regions of NSW), a chairperson (appointed by the Government) and the Executive Officer (located in the Attorney General's Department).

There are also regional Aboriginal Justice Advisory Councils within each ATSIC region. While the central Council identifies issues, provides advice and develops proposals for changes to the justice system, the regional Councils work locally on criminal justice issues affecting Aboriginal people and promote cooperation between law and justice agencies, and local Aboriginal communities.

Goal: Contribute to the development of a legal system and laws in NSW that further the principles of justice and contribute to the achievement of the goals of the Government.

This year, the Aboriginal Justice Advisory Council (AJAC) continued to advise the Attorney General on law and justice issues and adopted a proactive approach to improving relations between criminal justice agencies and the Aboriginal community. This included actively liaising with the National Aboriginal Justice Advisory Committee (NAJAC). NAJAC is comprised of representatives from all State and Territory AJAC's and meets quarterly to discuss criminal justice issues that have an impact on Aboriginal and Torres Strait Islander people and reports to the National Standing Committee of Attorneys General.

AJAC also chaired a sub-committee of the Youth Justice Advisory Committee to examine barriers to the referral of young Aboriginal people to cautions and conferences under the *Young Offenders Act 1997*. The sub-committee has identified three strategies to increase the referral rate and is in the process of undertaking information and education sessions with each of the key Government agencies with responsibilities under the Act. The sub-committee is also advocating for key agencies to conduct information sessions in local Aboriginal

communities. The sessions will improve Aboriginal and young people's understanding of the Act and how they can improve their access to legal advice.

AJAC released a discussion paper during the year on the use of the Canadian model of Circle Sentencing for Aboriginal offenders. This mode of sentencing would involve the Aboriginal community in identifying suitable sentencing outcomes for Aboriginal offenders which are endorsed by the court. The model incorporates principles of restorative justice and ensures significant victim participation in the sentencing process in a way that promotes community empowerment, victim and community restitution, and addresses the causes of the offending behaviour.

A report called *A Fraction More Power* was released which provided an assessment of the impact of the *Children (Protection and Parental Responsibility) Act 1997* on Aboriginal people in Moree and Ballina. The report found that the powers granted to police under the legislation were not being used in Ballina but were being used, principally against Aboriginal young people, in Moree.

AJAC also released the *Policing Public Order: Offensive Language and Conduct. The Impact on Aboriginal People* report. This report examined in detail the impact of offensive language and behaviour charges on Aboriginal people, and examined the reasons for the massive over representation of Aboriginal people facing those charges.

A key focus for AJAC during the year was to widely communicate its work to Aboriginal communities, policy makers, government workers, administrators and community workers both within Australia and beyond. A monthly AJAC E-news was emailed to an international subscription list of approximately 600 people and a comprehensive site on Aboriginal Justice Issues

This report examined the reasons for over representation of Aboriginal people facing offensive language and behaviour charges.



The Executive Unit of the Aboriginal Justice Advisory Council, Marcia Ella-Duncan, Brendan Thomas and Gayle Kennedy. The key focus for AJAC during the year was to widely communicate its work to Aboriginal communities, policy makers, government workers, administrators and community workers both within Australia and beyond.

was developed on the Department's website, *LawLink NSW*. AJAC also distributed *Ngija*, a quarterly newsletter. *Ngija* is an Aboriginal word from the Ngiyampaa language and means "word, talk, the law". The newsletter informs the Aboriginal and broader communities about the purpose and structure of AJAC, and discusses current issues under consideration by the Council.

Other achievements for AJAC during the year include:

- consolidating regional AJAC's and improving the Aboriginal community's access to both the regional and central Councils;
- consulting with Government agencies to develop a cohesive and comprehensive approach across agencies to reduce the over representation of Aboriginal people in the criminal justice system;
- negotiating with the Department's Crime Prevention Division to improve the Aboriginal community's participation in crime prevention planning, and to increase the Aboriginal community's access to crime prevention resources; and

- identifying the priority needs of Aboriginal women in relation to the criminal justice system and advocating for change where appropriate.

The Year Ahead

The key priorities of AJAC in the coming year will be to:

- advise on service and program delivery for Aboriginal prisoners;
- develop closer linkages with other Aboriginal organisations such as Aboriginal Legal Services and the Aboriginal and Torres Strait Islander Commission;
- develop sentencing alternatives and diversionary strategies for Aboriginal people and young people;
- finalise an evaluation of the implementation of the recommendations of the Royal Commission into Aboriginal Deaths in Custody, and develop a proposal for further reporting on Royal Commission recommendations and the outcomes of the 1997 National Summit on Aboriginal Deaths in Custody;
- conduct a comprehensive survey of incarcerated Aboriginal women and girls;
- commence a thorough examination of Aboriginal access to bail; and
- develop a discussion paper on Customary Law in NSW which sets out the Aboriginal community's perspective on the issue.

Bureau of Crime Statistics and Research

The Bureau of Crime Statistics and Research (BOCSAR) conducts research with the aim of improving the operation of the criminal justice system.

Goal: Contribute to the development of a legal system and laws in NSW that further the principles of justice and contribute to the achievement of the goals of the Government.

BOCSAR conducts research on criminal justice to provide information for policy makers.

The key findings from its research this year on the criminal justice system are:

- The willingness from Australian women to report violence and use the services available for victims of violence is low. Women who are assaulted without being injured and women assaulted by their current partner are particularly unlikely to report violence or use victims services. These findings are based on analysis of data on 412 victims of physical assault and 139 victims of sexual assault drawn from the 1996 *Women's Safety Survey*, a nationally representative sample survey conducted by the Australian Bureau of Statistics. Further research is required to determine why these groups of women are less likely than other women to report violence and use services.
- Participants in Youth Justice Conferences, including victims, offenders and those who attend to support offenders, are satisfied with all aspects of the conferencing process. This finding is based on a survey of nearly 1,000 participants in Youth Justice Conferences held in NSW in 1999. The survey found very high levels of satisfaction on a wide range of issues associated with the conferences in which they participated, including the information they received before the conference, the way the conference was run, the outcome of the conference, and the "fairness" of the conferencing process.
- BOCSAR assessed the feasibility of developing a model of the criminal justice system. Better data on the bail status of court cases registered, the bail status of pending court cases, and the numbers of prisoner discharges should lead to more accurate estimations of the parameters and better predictive performance of the model.

Goal: Reduce social disharmony through programs which prevent crime and protect human rights.

BOCSAR also conducts research on crime to provide information for policy makers. This year's key findings from the Bureau's research on factors associated with crime are:

- Street-level drug law enforcement encourages heroin users to enter treatment programs and also encourages unsafe injection practices among some heroin users. These findings are based on personal interviews with more than 500 heroin users, who had had very high levels of contact with police and the criminal justice system, and two-thirds of whom had tried methadone treatment at least once. The implications of these findings for policing are that police need to take into account the effect drug law enforcement has on entry into treatment while avoiding enforcement practices which increase needle-sharing and thereby pose a threat to public health.
- It is estimated that in a 12-month period more than a quarter of a million people in NSW are offered goods they suspect are stolen. Young males living in high-crime areas are the most likely to be offered goods they think are stolen. Goods are most likely to be offered on the street or at a pub or club. These are the main findings from the first representative sample survey of the NSW population focusing on the issue of receiving stolen goods. Over 5,000 people were surveyed by telephone in May and June 1999. The results suggest that crime prevention strategies might benefit from targeting community groups who are most likely to be offered stolen goods, such as young males in high-crime areas, and locations which are likely to be repeatedly used to sell stolen goods such as pubs and clubs in high-crime areas.

Goal: Continuously improve our services and increase satisfaction among our diverse clients.

A new series of short reports was published by BOCSAR during the year to improve the information service to policy makers and administrators in the NSW criminal justice

Findings from research showed the willingness from women to report violence is low.



system. The *Bureau Briefs* provide timely information on recent trends and topical issues. BOCSAR also improved public access to its research findings by loading all newly published *Crime and Justice Bulletins* on its website, in both text and *Adobe Acrobat Reader* formats.

BOCSAR continued to respond promptly to requests for information from the public. On average about 100 requests for information were received each month. Ninety-eight per cent were dealt with within the time standard of one working day. In addition, an average of 15 data requests requiring computer extraction of data from the crime and court databases were received each month. Of these, 97.5 per cent were dealt with within the time standard of 20 working days.

The Year Ahead

The key priorities for BOCSAR for the coming year are to:

- conduct drug research related to the 1999 Drug Summit and the evaluation of the Drug Court;

Representatives from the Crime Prevention Division and other business centres participated in the 2000 Sydney Gay and Lesbian Mardi Gras where the key theme was to create a safe space for everyone free from discrimination, harassment and vilification.



- further develop the criminal justice system model; and
- improve data quality and coverage in the databases of criminal court appearances.

Crime Prevention Division

The Crime Prevention Division provides the Attorney General with advice on a range of crime prevention issues, and assists government agencies to work together to address crime issues and make communities safer.

Goal: Reduce social disharmony through programs which prevent crime and protect human rights.

The Crime Prevention Division (CPD) worked with local communities during the year to develop local solutions for crime issues. Another five additional local crime prevention plans were endorsed by the Attorney General as *Safer Community Compacts* at Byron Bay, Orange, Kempsey, Wollongong and Lismore. *Safer Community Compacts* is a framework to endorse crime prevention plans of local councils. Councils that have endorsed crime prevention plans can apply to the Safer Communities Development Fund for financial assistance to support the implementation of the plans. All five councils have already received grants from the Fund, which is administered by CPD.

The Safer Communities Development Fund provided \$792,593 to local communities during the year to assist with the implementation of local crime prevention initiatives, such as the Bryon Shire's *Safe New Year's Eve* project and the Ballina and Miyay Birray (Moree) *Streetbeat* projects. A further \$337,307 was provided to a range of community organisations to develop and implement innovative approaches to crime prevention. These include projects developed by Fairfield Council (*Family Connections*), the Hunter Star Foundation (*Creating Partnership for Change*) and the University of New England (*Crime Prevention on Farms*).

Specific grants were also provided from the Fund for projects such as the *One2One Mentoring* project. This project aims to provide mentoring support for young people who are engaging in



The Violence Against Women Specialist Unit continued to implement the *NSW Strategy to Reduce Violence Against Women*. Specialists from around the State get together for their quarterly meeting.

criminal behaviour, and who do not have the type of social support or the adult role models that could give them positive alternatives to a continuing pattern of offending.

CPD established several major initiatives under the NSW Government's *Graffiti Solutions* program during the year. This includes the Beat Graffiti Grants Program, which funded 30 projects designed to steer young people away from graffiti vandalism, the trial of *Graffiti Blasters* cleaning equipment in two local government areas and working with local councils to use offenders on community service orders to clean up graffiti.

The Violence Against Women (VAW) Specialist Unit, located within CPD, continued to implement the *NSW Strategy to Reduce Violence Against Women*. The Unit is funded by the Attorney General's Department, NSW Health, the NSW Police Service and the Department of Community Services, and facilitates a coordinated response of these four agencies to the issue of violence against women. It also provides support to the NSW Council on Violence Against Women.

This year, the VAW Specialist Unit assisted the NSW Council on Violence Against Women to develop a statewide public education campaign. The campaign, which will be implemented at a State and regional level, is designed to:

- increase the unacceptability of violence against women;
- stimulate discussion among men who would not normally discuss the issue;
- encourage men to have a broader understanding of what is violence against women; and
- encourage men to have an understanding of the ramifications of such violence and abuse.

The VAW Specialist Unit held a State-wide forum with agency and community representatives to exchange information on planning a project to pilot programs for perpetrators of domestic violence. The Unit also coordinated the publication of a position paper on programs for perpetrators of domestic violence, prepared by the NSW Council on



An advisory committee with representatives from gay, lesbian and transgender organisations has been established.

Violence Against Women.

Action plans and projects aimed at reducing violence against women in local communities were developed and implemented during the year through the network of Violence Prevention

Specialists in 17 regions.

The impact of these projects will be measurable in the coming year following the development of an approach for qualitative analysis of regional activities.

A Policy Officer (Gay and Lesbian Liaison) was appointed to CPD this year to develop policies and programs to reduce or prevent violence and crimes against gay men, lesbians and transgender people. This position is also responsible for promoting more effective discussions between these communities and the Department.

The first priority of the Policy Officer has been to complete a major program of consultation with the Department, gay and lesbian communities and other government agencies. As a result of this consultative process, a report has been developed which highlights current priorities for crime prevention and law reform. This report will form the basis of the Policy Officer's work for the next year. An advisory committee, with representatives from the major gay, lesbian and transgender organisations, has been established to support the work of the Policy Officer and provide advice on improving access to the legal and justice systems in NSW, information and education about legislative rights and obligations, and advice on issues of violence against gay men, lesbians and transgender people.

CPD also prepared a number of publications to better inform the community of its work and the crime prevention projects. These included a regular newsletter, a summary of projects funded by the Safer Communities Development Fund and publication of a directory of Government crime prevention programs.

Other achievements for CPD during the year include:

- assisting with the development of the program design and evaluation framework for the *Youth Drug Court* trial project and the *Lismore Magistrates Early Referral into Treatment Court* trial project;
- publishing *Government Policy and Guidelines for the Operation of Closed Circuit Television in Public Places*; and
- convening more than 30 crime prevention training, consultancy and facilitation events throughout NSW.

The Year Ahead

The key priorities of CPD in the coming year will be to:

- analyse the recommendations of the report *Crime Prevention through Social Support* by the Standing Committee on Law and Justice;
- develop initiatives to improve crime prevention outcomes for Aboriginal communities;
- develop the *Pathways Project*, which will trial the implementation of a range of early intervention strategies and programs to achieve long term results in crime reduction and prevention at a local community level;
- develop and implement a common framework for planning and action in crime prevention by State Government departments and agencies;
- manage the Department's involvement in drug-crime diversion programs;
- develop and manage the *Graffiti Solutions Program* and encourage the preparation of anti-graffiti strategic plans by local councils;
- develop the *Strategy to Reduce Violence Against Women* to address identified needs emerging from research, legislative changes and regional analysis;
- continue community education initiatives aimed at increasing the unacceptability of violence against women;
- promote a whole-of-government approach to the prevention of violence against lesbians, gay men and transgender people; and

- implement a community education campaign to increase awareness and understanding of the new rights and responsibilities under the amendment to the *Property (Relationships) Act 1984*.

Criminal Law Review Division

The Criminal Law Review Division (CLRDR) has a charter to reform and monitor the effectiveness of criminal laws.

Goal: Contribute to the development of a legal system and laws in NSW that further the principles of justice and contribute to the achievement of the goals of the Government.

CLRDR undertook a comprehensive program of law reform this year. This included preparing legislation dealing with improvements to the laws relating to:

- damage to monuments and war memorials;
- terrorist activities;
- intoxicated persons;
- search warrants;
- listening devices;
- victims of crime and missing persons;
- pre-trial disclosure; and
- witnesses with intellectual disabilities.

CLRDR is often called upon to provide urgent advice to the Attorney General on topical aspects of the criminal justice system. This year, the Division provided briefings and advice to members of Parliament with regard to the Government's legislative proposals, along with legal policy advice to various areas of Government.

Following the NSW Drug Summit, CLRDR has been involved in the development of a number of significant initiatives at the policy, legislative and implementation stages. These include:

- advising on legal matters relating to the *Safe Injecting Room* trial;
- cannabis and other drug cautioning schemes;

- changes to the *Drug Court Act 1998* and continued monitoring of its operation;
- changes to the *Children (Criminal Procedure) Act 1987* and policy developments to assist the commencement of a Children's Drug Court;
- changes to the *Bail Act 1978* to allow for diversion to rehabilitation;
- the Magistrates *Early Referral into Treatment* pilot based at Lismore Court to identify drug offenders who would benefit from rehabilitation programs;
- changes to sentencing law to allow for diversion of those offenders in need of rehabilitation; and
- participation with other agencies and departments in a whole-of-government approach to the problems caused by drug and alcohol use and addiction.

A discussion paper called *Apprehended Violence Orders: A Review of the Law* was released in August 1999, inviting submissions on a number of key issues relating to Apprehended Violence Orders. Following consideration of these submissions, a number of significant reforms were introduced by the *Crimes Amendment (Apprehended Violence) Act 1999*. These included separating Apprehended Domestic Violence Orders involving persons in a domestic relationship, from Apprehended Personal Violence Orders (APVO), all other matters, providing authorised justices with a discretion to refuse to issue an APVO and requiring the police to record reasons for not taking action in response to reported breaches.

In partnership with the Commonwealth, and as part of the *Model Criminal Code* project, legislation has been developed to allow for NSW to take part in the *National DNA Data Base* scheme. The new regime will provide a comprehensive regime for taking forensic samples including DNA samples and matching them with crime scenes. It involves a careful balance of law enforcement, evidentiary and civil liberties issues. Forensic procedure laws enabling testing of suspects and offenders were introduced this year.

CLRDR, on the Attorney General's behalf, instructed the Crown Advocate and the



Crown Solicitor in the first Attorney General's application for a sentencing guideline for break enter and steal offences, leading to a comprehensive review of sentencing laws in this area. A further guideline matter on guilty pleas was heard in the Court of Criminal Appeal on 12 May 2000.

It is expected that, by the end of the year, a Model Criminal Code for Australia will be complete. The Criminal Law Review Division has been actively involved in this project since its inception.

Other achievements for CLRD this year include:

- the development of new sentencing laws which implement a significant number of the NSW Law Reform Commission's recommendations in its *Report on Sentencing*;
- a review of the age of criminal responsibility of children;
- the development of legislation providing for forensic procedures, pre-trial disclosure, and terrorist actions; and
- the release of draft exposure Bills for public comment and discussion on issues such as computer, property, and fraud offences, public order offences, police powers, and criminal procedures involving people with an intellectual disability and the mentally ill.

The Year Ahead

The key priorities of CLRD in the coming year will be to:

- implement legislative initiatives on:
 - forensic procedures;
 - new Apprehended Violence Order laws;
 - Children's Drug Court;
 - Drug Summit initiatives; and
 - pre-trial disclosure laws;
- provide support for Attorney General's applications for sentencing guidelines;
- review legislation by release of Draft Exposure Bills on:

- intellectual disability/mental health and criminal procedure;
- police powers;
- property, fraud and related offences;
- criminal appeal and review; and
- continue to review laws relating to people with intellectual disabilities.

Law Reform Commission

The Law Reform Commission (LRC) is an independent statutory authority which conducts research and provides advice to the Attorney General on reforming the law of NSW.

Goal: Contribute to the development of a legal system and laws in NSW that further the principles of justice and contribute to the achievement of the goals of the Government.

LRC published five reports during the year which provided the Attorney General and the Government with advice on how key areas of law may be amended to better meet the needs of the people of NSW. These reports are:

- Report No 90: Review of the *Community Services (Complaints, Appeals and Monitoring) Act 1993* (NSW);
- Report No 91: Review of the *Disability Services Act 1993* (NSW);
- Report No 92: Review of the *Anti-Discrimination Act 1977* (NSW);
- Report No 93: Review of Section 316 of the *Crimes Act 1900* (NSW);
- Report No 94: Set-off.

Three reports (*Right to Silence, Sentencing of Aboriginal Offenders, the Rule in Pigot's Case*) that the Commission programmed to complete will be finished in the first quarter of the next financial year. The report *Uniform Succession Laws: Family Provision* is being published as part of a national program coordinated by the Queensland Law Reform Commission. The Commission is awaiting finalisation of a draft Bill by the QLRC before the report can be printed. The report on *Aural and Visual*

Surveillance Devices will be published in two parts – an interim report in late 2000, and a final report in mid 2001.

Other areas of the law which LRC is currently reviewing include:

- contempt by publication;
- the law relating to third party guarantees;
- the *Property (Relationships) Act 1984* (NSW);
- Part 10 of the *Legal Profession Act 1987* (NSW); and
- sentencing: the Commission has published a report on the general principles of sentencing (Report 79) and will shortly publish a report on sentencing of Aboriginal offenders. It will then proceed to examine issues relating to the sentencing of juveniles, women, people from a non-English-speaking background, people with disabilities, and corporate offenders.

During the last financial year, LRC commenced work on a project to review interlocutory procedures in the Supreme and District Courts, focusing in particular on discovery and interrogatories. This year, the Commission deferred work on this project because of overlapping reviews being undertaken by other agencies, or by the Courts themselves.

Goal: Continuously improve our services and increase satisfaction among our diverse clients.

The LRC continued its *Community Law Reform* program during the year which enables members of the community to put forward suggestions for law reform. LRC extensively consults individuals and community groups on all its projects. In order to test the effectiveness of its consultation processes, LRC surveyed individuals and organisations who had made submissions or participated in public consultations as part of the Commission's review of the *Disability Services Act 1993*. The Commission had published its issues papers in a number of alternative formats, and on the Commission's website.

LRC's consultations were conducted in venues which were accessible for people with disabilities, including the availability of hearing

loop technology. The survey of participants indicated strong support for the methodology adopted by the Commission. A copy of the survey report is available on the LRC's website at www.lawlink.nsw.gov.au/lrc.

The Year Ahead

The key priorities for LRC for the coming year are to complete reports on:

- a review of Part 10 of the *Legal Profession Act 1987* (NSW);
- a review of the *Listening Devices Act 1984* (NSW) and the use of video surveillance in public places;
- uniform succession laws – administration of estates;
- contempt by publication; and
- the rule in Pigot's case.

Legislation and Policy Division

The Legislation and Policy Division (LPD) is the major policy area of the Department and assists other business centres, such as the Courts, to develop and implement significant policy changes. The Division also provides legal policy advice to many other government agencies, concerning procedural and structural reforms, and legislative proposals.

Policy development by the Legislation and Policy Division drives legislative and organisational reform in the Department, including the Courts and other institutions within the Attorney General's responsibilities, such as the legal profession. The Division reviews and revises legislation within the Attorney General's portfolio, and has carriage of the Attorney General's legislative reform projects. The reforms initiated by the Division enhance the justice system, by

The LRC's Community Law Reform program enables members of the community to put forward suggestions for law reform.



This Act now makes it clear that those who solicit prostitutes in or near prohibited areas commit an offence.

protecting the rights of its clients while improving efficiency.

Goal: Contribute to the development of a legal system and laws in NSW that further the principles of justice and contribute to the achievement of the goals of the Government.

This year, LPD was responsible for significant reforms in many areas of the law. These reforms included:

- *Criminal Procedure (Sexual Assault Communications Privilege) Act 1999*

This Act clarified and expanded the privilege that could be claimed with respect to confidences given and received in the course of sexual assault counselling. The amendments were necessary as a result of the Court of Criminal Appeal case of *R v Young* [1999] NSWCCA 166 which found that the privilege was not available for documents produced on subpoena and declined to extend the common law of public interest immunity to cover confidences given and received in the course of sexual assault counselling.

- *Local Courts Amendment (Part-Time Magistrates) Act 1999*

The Act amended the *Local Courts Act 1982* to make specific provision for the appointment of part-time magistrates.

- *Professional Standards Amendment Act 1999*

This Act provides that a limited liability scheme which has been approved by the Professional Standards Council can provide for members of an occupational association to opt out of the scheme.

- *Crimes and Courts Legislation Amendment Act 1999*

This Act amended the *Summary Offences Act 1988* to create the offences of intimidatory use of vehicles and vessels and “offences involving prostitution” and to make it clear that those

who solicit prostitutes in or near prohibited areas commit an offence. The Act also amended the *Young Offenders Act 1997* to allow that Act to be applied in certain circumstances as an alternative to the issuing of penalty notices.

- *Electronic Transactions Act 2000*

This Act facilitates electronic commerce and provides for the authentication of digital signatures.

- *Evidence (Audio and Audio Visual Links) Amendment Act 2000*

This Act allows for evidence to be taken by video link.

- *Protected Estates Amendment (Investment) Act 2000*

This Act amends the investment powers of the Office of the Protective Commissioner in the light of the amendments to the *Trustee Act 1925* introducing the prudent person rule.

- *Supreme Court Amendment (Referral of Proceedings) Act 2000*

This Act amends the *Supreme Court Act 1970* to permit proceedings in equity to be referred to arbitration and to provide for proceedings, other than criminal proceedings, to be referred to mediation or neutral conciliation without the consent of the parties.

- *Victims Compensation (Amendment) Act 2000*

This Act contains amendments arising from the recommendations of the Parliamentary Joint Select Committee on victims compensation.

- *Legal Profession Amendment (Solicitors Mortgage Practices) Act 2000*

This Act reviews the legislative provisions relating to the regulation of solicitors’ mortgage practices in the light of the revised regulatory policy released by the Australian Securities and Investment Commission.

- *Anti-Discrimination Amendment (Carers’ Responsibility) Act 2000*

This Act prohibits discrimination on the basis of family responsibilities.

- *Administrative Decisions Tribunal Amendment Act 2000*

This Act merges further tribunals into the Administrative Decisions Tribunal (ADT) and confers jurisdiction on the ADT with respect to surveyors and architects, and creates a revenue division.

In addition to the development of legislative proposals, LPD was also engaged in a number of major projects. Some highlights include:

- revising and updating a comprehensive manual of practices and procedures in Local Courts;
- convening a Strategic Quality team to streamline civil litigation processes across the court system;
- participating in implementation committees for the *Young Offenders Act 1997* and the *Children (Protection and Parental Responsibility) Act 1997*;
- participating in the implementation of the *Children and Young Persons (Care and Protection) Act 1998*, with particular emphasis on the new Children's Court;
- conducting a comprehensive review of court fees;
- providing administrative support and organisation for the Constitutional Centenary Foundation, including the arranging of debates and discussions on the Federal Constitution and its role in the community;
- participating in the review of the Land and Environment Court's role in reviewing development applications;
- participating in the Parramatta Drug Court Trial – Monitoring and Evaluation Committee; and
- assisting the Department's GST implementation team, particularly with regard to coordinating any necessary amendments to Acts or regulations.

The Year Ahead

The key priorities of LPD in the coming year will be to:

- develop legislative proposals including amendments to the *Criminal Records Act 1991*, amendments arising from a comprehensive review of the *Justices Act 1902* and amendments arising from a review of the *Sheriff Act 1900*;
- make recommendations to the Attorney General concerning further amendments to various statutes to reflect the policy contained in the *Property (Relationships) Legislation Amendment Act 1999*;
- make recommendations to the Attorney General concerning implementation of the Law Reform Commission Report on the Review of the *Anti-Discrimination Act 1977*;
- assist with the preparation of the Report into the review of the Land and Environment Court's role in reviewing development applications;
- make recommendations to the Attorney General concerning implementation of the Law Reform Commission's report on *Neighbour and Neighbour Relations*; and
- continue involvement in the implementation of various strategies arising from the Drug Summit, including the Parramatta Drug Court Trial, and adult diversion programs.