

# The Rawhide principle

Too often we see major changes to the law come about as a knee jerk reaction to some supposed inadequacy. "Law and Order" political campaigns often take on a Rawhide feeling with the various parties wanting to "rope and throw and brand them" to demonstrate how concerned they are about whatever the current problem might be.

And to "keep them doggies (sic) movin'" they "...don't try to understand 'em", our leaders instead grasp blindly for that security blanket of all politicians – legislative changes to show they are acting.

Tougher drug laws, mandatory sentencing, higher penalties, more police, keep 'em movin', movin', movin' through the court system – the catch cries are matched by the hysteria whipped up by the media.

But to keep 'em movin' we need to have a basically sound court system and currently the Northern Territory Government is carrying out a review of the Local Court of Darwin Registry.

Up until about four years ago the local profession was absolutely satisfied with the level of service from the Local Court Registry.

But, for whatever reason, that level of service has deteriorated.

Since that time there has been a high staff turnover, with the loss of very experienced staff, and there has been concern about the lack of adequate resourcing of the courts generally, particularly against a perceived increase in the court's work.

There may be other factors that have contributed to the problem that are unseen by the profession. What is certain is that the Registry process is suffering and, as a result, the ability to keep 'em movin' is somewhat eroded.

I do not wish the summary of some of the more notable problems to be offensive to the court staff who I acknowledge work hard and do their best with the resources available. But the profession is genuinely concerned and with that in mind the Society has submitted its views to Stanton Partners, the West Australian consultants carrying out the review of the Registry.

In making our submission, the Society highlighted some areas and I have set those out below, in no particular order

nor asserting these problems have occurred for the entire period of time referred to previously.

## 1. Delays and processing

The 'same day' service previously offered by the Local Court Registry has extended out now to almost a month in some cases. Currently it takes about two weeks to actually get documents back from the Registry stamped for service. That of course extends the period of time until the matter can be heard.

## 2. Experience of staff

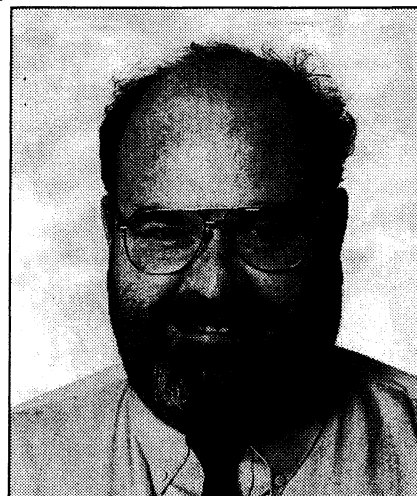
It seems that there is a lack of in-depth knowledge of the acts operated by the Local Court Registry. The processing appears to be done without that knowledge and suffers accordingly. There have been occasions where registry staff have refused to issue proceedings, relying on brochures produced by the court for distribution to the public instead of what was actually required by the act and rules.

## 3. Administration

There has been a great deal of difficulty in arranging a suitable and effective diary system for court dates. The Work Health Judicial Registrars struggle every day with the electronic diary system that is on their computer and have now apparently returned to a written diary to introduce some certainty in the listing system.

On other occasions matters have been set down for hearing with a lead time of over three months only for the parties to discover that no Magistrate is available for the hearing and the matter has to be adjourned.

Both Magistrates and Registrars have had difficulty in having documents filed in the court brought to the file when they are in court and, in the face of the court saying that a particular document is not on the file, quite often one hears a practitioner saying that the



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document had been filed some three or four days before the hearing.

There is also difficulty in tracking the files through the court. It seems that there is no file tracking system, which enables the current location of any file to be identified.

Some of these comments may seem nit-picky, but for practitioners using the Registry, these difficulties are part of the reason why, in our already cluttered court system, we can't move 'em on, head 'em up.

So how can we help? The Society has offered, via the review, to provide senior practitioners to talk with court staff about the operation of any of the relevant acts, and to assist in the preparation of any manuals or other aids that would assist in retaining the corporate knowledge of the registry.

I believe there also needs to be a much needed increase in resources at the courts. After all, if political rhetoric is to be believed, the Territory is on the brink of a "boom". More people equals the need for more services equals the need for more resources.

And in this age of being tough on crime and on negligence, it is not just a matter of "just rope 'em, throw and brand 'em". To work efficiently and effectively, the justice system needs more than just whips and spurs. And, as they say, you can't make a silk purse from a catfish's ear. ①