



# **ANNUAL REVIEW**

2002 – 2003

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## **Senior Public Defender's Overview**

The preparation of the Public Defenders' Annual Report is an opportunity to pause and reflect on the achievements and challenges of the past year.

One of the challenges in reporting on what we do is to convey meaningful information on both the quantity and quality of our work. This report details the nature and volume of the briefs undertaken by the Public Defenders. However, some qualitative evaluation and observation may be made from an examination of the data.

The data and the associated commentary chart the significant productivity trends emerging over the year. Public Defenders are acutely aware of the limited resources available for the provision of legal aid in criminal matters and the responsibility to ensure the effectiveness and efficiency of the operation of chambers. Public Defenders will, however, always forcefully argue that quality and equality of representation is at all times our primary consideration.

Notwithstanding a proper concern for efficiency, quality of service has continually remained the focus of those who have been appointed to this statutory office for over sixty years. Achieving cost effectiveness, whilst not necessarily the predominant purpose, is the primary by-product of quality representation.

The efficient management of legal aid resources for the provision of counsel is dependent upon skilled practitioners being briefed, be they salaried or private practitioners. This ensures firstly, that justice is being served in the individual case. Secondly, it guards against the immense cost and hardship of unnecessary appeals, unjust imprisonment of the individual and ensures that the court's time is not wasted and that court delays are minimised.

The integrity of the process of criminal courts in New South Wales is enhanced by the skill of experienced defence counsel. The system of Public Defenders in this State recognises the importance of this factor and provides for the concentration of highly experienced counsel exclusively concerned in the practise of criminal law. It is this quality that is increasingly being noticed overseas and in other Australian jurisdictions.

In December 2002, we were visited by Mr Geoffrey Robinson QC, the Chief Judge of Appeal, International Criminal Court. He advised that he had particular regard to the operation of the NSW Public Defenders as a model for the public defender scheme in the International Criminal Court.

In July 2003, a Victorian delegation that included the Attorney General, Mr Hulls visited New South Wales with a view to examining the operation of the Public Defenders in this State. The delegation consulted with senior members of the judiciary and the legal profession and attended chambers. The

delegation indicated that in their consultations there was considerable praise for the role and work of the Public Defenders.

In September 2003, the Senior Public Defender was invited to speak at the International Bar Association's Annual Conference in San Francisco on the operation of the Public Defenders in this State. Those who attended remarked favourably on the resources devoted to the NSW Public Defender system, the level of expertise and experience of counsel within the Public Defenders and the positive relationship and respect between the Public Defenders and the NSW Bar.

The Senior Public Defender and Deputy Senior Public Defender met in Sydney with his Honour Judge Rea of the New Zealand District Court who was in Australia to examine case management in NSW courts. The operation of NSW Public Defenders was of particular interest as trial programs for the introduction of Public Defenders in New Zealand were being implemented.

The end of this reporting period marks the completion of the second year in the operation of service level agreements with both the NSW Legal Aid Commission and the Coalition of Aboriginal Legal Services (COALS). These agreements have had a significant bearing on the direction of briefing practises of the Public Defenders. The past year has seen the continued emphasis on the presence of Public Defenders in those jurisdictions which are of the greatest utility to these organisations.

We have significantly increased our representation in the High Court, Court of Criminal Appeal, the Supreme Court, Country District Courts and in longer District Court trials in Sydney metropolitan regions. This change in priority has reduced our ability to provide representation in short District Court trials and sentence matters in the Sydney Metropolitan and Sydney West areas. This decrease is reflected in the tables accompanying this report. Additionally, due to budgetary constraints, the replacement of Public Defenders had to be delayed for much of the reporting period.

In short, we are able to accept somewhat fewer briefs but generally at higher jurisdictions and difficulty levels, occupying all available Public Defenders at maximum efficiency.

At the same time, the concentration of Public Defenders in country District Courts has increased. Public Defenders are more cost effective in country courts, which are largely single court sittings, because they can be briefed in all the legal aid trials in that sitting.

Further, it is an important consideration that equality of access to Public Defenders across the State be maintained. In the past year, Public Defenders have been allocated to over 75% of country District Court sittings.

When these matters are considered it can be readily observed from the accompanying tables that the productivity of Public Defenders has been further enhanced in the past year. Whilst the number of briefs completed is

relatively static the productivity increases reported in last year's report (approximately 12%) have been maintained, even with the concentration of a number of Public Defenders in longer and more complex trials. It is expected that this trend will continue in coming years.

Whilst the primary function of Public Defenders under the *Public Defenders Act* is to appear in legally aided matters, the collective experience of counsel within the Public Defender's chambers has achieved benefits in other areas. The Public Defenders are actively engaged in the provision of continuing legal education to the profession and students. There has been a very positive response to our participation in seminars, conferences and other educational activities.

Public Defenders also continue to play an important role in law reform. Numerous submissions have been made to the Australian and NSW Law Reform Commissions, the NSW Criminal Law Review Division and various NSW and interstate Parliamentary Committees.

In April 2003, the Senior Public Defender was appointed to the NSW Sentencing Council and has acted as intervenor (pursuant to a statutory right) in the two Guideline Judgment applications argued in the Court of Criminal Appeal during the past year. The Public Defenders also contribute as members to court user groups of the Court of Criminal Appeal, the Common Law Division of the Supreme Court and the NSW District Court.

As indicated in recent annual reports, the primary focus of the Public Defenders is on practises which encourage qualitative advances. Public Defenders have continued to gravitate towards more professionally complex and rewarding areas of practice. The widening of skills of individual Public Defenders has resulted in their greater utility. Increased flexibility in briefing practises has resulted in a greater ability to accommodate the growing demand for Public Defenders. The consequent widening of the skill base has enhanced the standing of the Public Defenders and has improved both morale and professional pride.

Peter Zahra SC  
Senior Public Defender

## About the Public Defenders

The Public Defenders are governed by the *Public Defenders Act 1995*. This Act sets out the role and functions of Public Defenders and conditions of appointment.

Public Defenders are appointed as statutory officers by the Governor on the recommendation of the Attorney General. The chambers are led by the Senior Public Defender with the assistance of the Deputy Senior Public Defenders.

The average experience of Public Defenders as legal practitioners is over twenty years, and the average call as a barrister is over fourteen years. Such is the concentrated nature of experience and levels of difficulty in almost every matter undertaken by Public Defenders that there is an inherent asset for the whole justice system in the existence of such a body of knowledge and commitment.

### **The functions of Public Defenders are set out in S.10 of the Act as follows :**

- *to advise and appear in criminal proceedings, and other proceedings in the nature of criminal proceedings, on behalf of legally assisted persons*
- *to advise on matters referred to the Public Defender by the Senior Public Defender*
- *to carry out such related functions as may be specified by the Attorney General in consultation with the Senior Public Defender.*

Legally assisted persons are those who are eligible for legal aid from the NSW Legal Aid Commission, Aboriginal Legal Services and Community Legal Centres. Public Defenders may also appear in coronial and other Government enquiries.

### **Independence**

A number of mechanisms exist which promote the independence of the Public Defenders. It is recognised that in order to ensure the integrity of the criminal justice system that counsel appearing for accused persons, as with prosecuting authorities, retain and exercise their independence. Where that counsel is retained by Government, care should be taken to ensure that nothing is done to create a perception that independence is in some way compromised. A balance therefore needs to be struck between independence and the proper requirements of accountability for a publicly funded organisation.

Tenure provided to Public Defenders is one such mechanism however, this is not the only factor. Other manifestations include such provisions as section 38(1) of the *Crimes Sentencing Procedure Act 1999*. This provision places

particular responsibility upon the Senior Public Defender as a leader of the criminal bar and extends a statutory right of audience in Guideline Judgments. Under the provisions of section 38 (1), the Senior Public Defender may appear and “do any one or more of the following”:

- (a) Oppose or support the giving of a guideline judgment by the Court;
- (b) Make submissions with respect to the framing of the guidelines;
- (c) Inform the Court of any relevant pending appeal with respect to sentence;
- (d) Assist the Court with respect to any relevant matter.

The Senior Public Defender or his delegate has appeared in exercise of the above right of intervener in each of the guidelines since the insertion of the above provision.

## Highlights and achievements

### Continuing improvement in service delivery

The end of the current reporting period has marked the second full year of the operation of service level agreements between the Public Defenders, Legal Aid Commission and the Coalition of Aboriginal Legal Services (COALS). The service level agreements formalise working arrangements and facilitate a responsive approach to the placement of Public Defenders and the nature of matters in which they are involved.

The frequent dialogue resulting from the service level agreements has been particularly effective in maximising Public Defender placements, not only generally throughout the State and across the various jurisdictions, but also importantly at times on a brief by brief basis.

### Representation

Public Defenders provided representation and/or advice for:

- **154 superior court appeal hearings (including 10 High Court appeals)**
- **297 appeal advices**
- **324 trials**
- **114 sentence matters**
- **26 “No-Bill” applications**
- **8 “fitness to plead” matters**

More detailed statistics are set out in Appendix “C”.

### Guideline Judgments

In the review period the Senior Public Defender intervened in two applications by the Attorney General in the Court of Criminal Appeal for a guideline. In one of those applications seeking a guideline for the offence of “Assault Police” (Attorney General No.2), the Senior Public Defender successfully argued that the application be declined.

### High Court Appeals

Public Defenders have continued to place important matters before the High Court, with 33 High Court briefs (hearings and advices) being completed this year. One significant matter argued before the High Court challenged the constitutionality of amending legislation touching upon life sentence redeterminations.



## **Key issues**

### **Accountability**

The demands of accountability are met by compliance with the proper requirements of administrative oversight, of which this review is but one aspect. During the course of the past year we have continued to consult with the Legal Aid Commission and the Coalition of Aboriginal Legal Services (COALS) as part of the formal arrangements under the respective service level agreements.

Less formal, but no less important, are consultations with those who have a direct interest in the Public Defenders and the services we provide. The Senior Public Defender and the Deputy Senior Public Defender continue to obtain great benefit in the planning of Public Defender allocations from discussions with heads of jurisdictions and Registrars. These discussions have assisted long-term planning and enabled the Public Defenders to make fine adjustments where, for instance, a fluctuation in trial loads at particular sittings suggests utility in allocating or re-allocating a Public Defender.

The Council on the Cost and Quality of Government (COQOG) conducted a detailed and extensive audit of the Public Defenders during the review period. The Public Defenders welcome such enquiry as a necessary and important process designed to ensure transparency and confidence in the integrity of management of Public Defenders.

During the review period further planning and implementation of electronic data collection has progressed. In the coming year it is anticipated that systems of record keeping, particularly Court of Criminal Appeal case tracking, will be fully implemented.

Our membership of the Bar Association, participation in its committees and those of the Courts' administration continues as an essential adjunct to the aspiration of improved service through knowing and meeting the needs of those who place reliance upon us.

### **Meeting Demand**

The end of the 2002-2003 year marks the completion of the second year of operation of the service level agreements with the Legal Aid Commission and the Coalition of Aboriginal Legal Services in New South Wales.

The impact of the service level agreements on the nature of the work carried out by the Public Defenders may now be more fully assessed. During the first year of operation of the agreements, productivity measured by the number of briefs received increased by twelve percent. That increase in productivity has been maintained during the past year.

Five Public Defenders were briefed in trials, which ran between four to six months. This represents significant cost savings for the NSW Legal Aid Commission.

The most significant change brought about by the service level agreements has been a qualitative change in the nature of the briefs completed. Public

Defenders are now briefed in the more complex and lengthy matters in the Court of Criminal Appeal, Supreme Court and District Court. This priority has been largely dictated by the specific provisions in the agreements and reflects the view of the Legal Aid Commission that greater utility of the Public Defenders is achieved in these jurisdictions.

Whilst productivity assessments based on the number of briefs completed has served up until now as a suitable performance indicator, the change in the balance of work towards longer and more complex matters in higher jurisdiction now requires changes to such assessments to reflect this qualitative shift. This is not any easy task, as for any assessment to be valid, many factors need to be given different weight. For example, measuring the mere length of trials undertaken may be of little value in any qualitative analysis.

Work will be undertaken to develop more sophisticated performance measures in collaboration the Attorney General's Department.

All Public Defenders can be briefed in matters before the Court of Criminal Appeal. Whilst appellate appearances are largely confined to a small core of Public Defenders, all Public Defenders have experience in appellate matters. Advice work largely evens out the variations in trial workload that may fluctuate with changes in plea or length of hearing. Out-of-court time is consequently used more effectively.

Due to the difficulty in filling a senior vacancy in the current year, the level of appellate work directed by the Legal Aid Commission was spread to a number of Public Defenders who are primarily engaged in trial work. This led to some tensions in the level of trial work completed, particularly with shorter trials in the District Court. The resolution of this tension in favour of maintaining the level of appellate work is determined by the priority of briefing provided for in the service level agreements.

The briefing of all Public Defenders in matters before the Court of Criminal Appeal has had a positive impact on professional development and has enabled an increase of approximately 8.5% in the number of appeal appearances over the past year.

The number of Supreme Court trial briefs completed has been maintained over the past year. Supreme Court trials have increased 15% compared to the previous year. The maintenance of this level of briefing is particularly pleasing considering that five Public Defenders were engaged in lengthy trials in this jurisdiction of between four to six months.

The level of representation in the Sydney District Court has also been maintained. Again, the focus has been on longer and more complex trials. Increased consultation with senior solicitors of the criminal divisions and the referrals unit of the Legal Aid Commission have led to the better identification of longer and complex trials and resulted in more effective use of limited Public Defender resources.

This has however, resulted in a reduction of the number of shorter District Court trials briefed to Public Defenders, particularly in Sydney West. This trend is expected to continue in coming years and is a significant by-product

of continued implementation of the service level agreements, which give priority to longer and more complex trials.

Consultation with list Judges, Registrars and involvement in user-groups has assisted greatly in identifying areas where Public Defenders might be better utilised. Regular meetings with the Director of Criminal Law, Legal Aid Commission, have ensured that allocations are directed to areas of most benefit to the Legal Aid Commission. Similarly, meetings with principal solicitors of the various Aboriginal Legal Services have resulted in the expansion of the provision of Public Defenders in those regional areas where there is greater need.

The overall strategy for 2003-2004 is to continue to develop high levels of skills across the range of jurisdictions. This will allow for the greatest flexibility and efficiency in resolving the tensions between briefing demands.

### **Developments in the Law and Law Reform**

Public Defenders contribute to the development of the criminal law and to law reform by;

- submissions and participation in reviews undertaken by the NSW Law Reform Commission;
- submissions and participation in law reform projects of the Criminal Law Review Division;
- participation in working groups concerned with particular aspects of the criminal law and procedure;
- advancing the common law by providing representation in appeals on important issues; and
- as intervener in applications for Guideline Judgments pursuant to a statutory right under the *Crimes (Sentencing Procedure) Act 1999*.

The appointment of the Senior Public Defender to the Sentencing Council provides a further opportunity to participate in the development of criminal law practice and procedure in this State.

*Appendix "D" provides a list of Public Defender representation on committees, completion of submissions, lectures given and papers published by Public Defenders during 2002-2003.*

### **Appearing for Indigenous Persons**

Public Defenders have for some years been briefed directly by solicitors from the various Aboriginal Legal Services within New South Wales to appear for Aboriginal clients. A service level agreement between the Public Defenders and COALS continues to form the basis for the briefing of Public Defenders in both trial matters in the Supreme and District Courts and appearances in the Court of Criminal Appeal.

During the period of the first two agreements (2001/2002 and 2002/2003) there was a significant increase (18%) on the number of briefs completed by Public Defenders. The increases have been achieved because of the greater

availability of Public Defenders in regional areas, coupled with the practise of individual legal services retaining briefs for matters in the Court of Criminal Appeal and the Supreme Court. This retention has occurred by Public Defenders being briefed at earlier stages, often at times soon after arrest, so that solicitors can be advised through each step of the proceedings. In matters before the Court of Criminal Appeal assistance has also been given as to compliance with procedural matters.

Public Defenders provide the additional benefit of an extensive advice service to solicitors of the legal services for matters in all jurisdictions. Public Defenders also continue to contribute to a number of continuing legal education programs conducted by the Aboriginal Legal Services - (see Appendix "D").

## **Key activities**

### **Appellate work**

A person seeking a grant of legal aid from the Legal Aid Commission in order to pursue an appeal against sentence and/or conviction (whether to the Court of Criminal Appeal or the High Court) does not receive an automatic grant. The Legal Aid Commission applies a merit test in such cases. In order to implement this merit test, the Legal Aid Commission seeks the advice of Counsel. In the majority of such cases, it is a Public Defender who advises in writing on the merits of appeals. Legal Aid is refused for the appeal when a Public Defender advises that there is no merit in the appeal - that is, that the proposed appeal has no reasonable prospect of succeeding.

When legal aid is refused through this process, the appellant usually chooses to abandon the appeal. Thus, the "merit" advice process performs an important function of filtering out many unmeritorious appeals that would otherwise occupy valuable Court sitting time. If a Public Defender advises that an appeal has "merit" (has reasonable prospects of success) then he or she is required to settle the Grounds of Appeal and other pleadings and prepare written submissions for the Court of Criminal Appeal. Advice leading to a refusal of legal aid is reviewable by the Legal Aid Review Committee. The written merit advice of the Public Defender is often the focal point of the Committee's consideration.

### **Appeal Advices**

In 2002-2003, Public Defenders prepared a total of 297 appeal advices including 23 High Court appeals; 54

conviction appeals; 208 appeals against sentence; and 12 matters in the Common Law Division of the Supreme Court.

An analysis of our statistics (Appendix "C") indicates a continuing qualitative and quantitative shift in the nature of briefs completed during 2002-2003.

The number of appeal advices (Table 1.1) continues to increase. This has been achieved despite the delay in filling the vacancy of one of the positions of Deputy Senior Public Defender for a period of approximately nine months. That position in the previous year was allocated exclusively to appellate work. There has also been a significant increase in the number of High Court advices in the current year.

### **Appeals - Appearances**

Public Defenders appear in both the High Court and the Court of Criminal Appeal for persons who have a grant of legal aid for the purposes of pursuing an appeal. Such appeals may be against a conviction, sentence (including Crown Appeals) or both.

Public Defenders appeared in a total of 154 appeals, of which 60 were allowed.

Through their appellate appearance work, Public Defenders make a significant contribution to the development of the criminal law. A glance through the Commonwealth Law Reports, the New South Wales Law Reports and the Australian Criminal Reports over the years will show that Public Defenders have appeared in many important appeals and cases at first instance. The fact that a case is reported in the Law Reports is an indication of the significance of that case to the development of the law.

Details of the numbers of appeal appearances undertaken, together with the number of appeals allowed or dismissed for the period covered by this Report, are set out in Table 1.2 of Appendix "C".

### **Other Advices**

In addition to receiving briefs to advise on the merit of appeals, Public Defenders receive briefs to advise in other matters. These include advice on the appropriate plea; drafting No Bill applications; appeals from the Local Court to the District and Supreme Courts; appeals from the District Court to the Court of Criminal Appeal; and Inquiries into Convictions (section 13A of the *Crimes Act*). Of particular interest are the 26 No Bill applications which were submitted. Success at this stage is not only a good result for the client but represents

considerable savings in court time and that of practitioners. Table 1.3 of Appendix "C" provides details of "Other Advices". The number of advices totalling 72 is less than in previous years when Supreme Court Common Law Division advices were included in this category.

### **Trials and Sentences - Supreme Court**

Public Defenders appeared in 82 matters in the Supreme Court during 2002/2003. An additional part of sentencing work in the Supreme Court involves appearing for prisoners serving life sentences handed down prior to 1989 who make application to have their sentences redetermined under section 13A of the *Sentencing Act* 1989. During 2002-2003, Public Defenders appeared for such applicants in 5 cases. It should be noted that there is a finite number of individuals entitled to make such an application and thus this area of practice is not one where statistical growth will occur.

### **Trials and Sentences - District Court**

#### **Sydney**

During 2002-2003, Public Defenders appeared in 83 matters heard in the Sydney District Court.

#### **Western Sydney**

The Western Sydney area comprises the District Courts at Liverpool, Parramatta, Campbelltown and Penrith. During 2002-2003, Public Defenders appeared in 40 matters in the Western Sydney District Courts.

#### **Country**

There is a Public Defender based in Dubbo, Lismore and Wollongong, while two are based in Newcastle. One Public Defender in Newcastle handles District Court matters while the other handles Newcastle Supreme Court matters and East Maitland District Court. Services are provided on the North Coast at Lismore, Port Macquarie, Grafton and Taree, and on the South Coast at Wollongong, Nowra and Bega. A Public Defender who is based in Sydney services the Riverina Courts at Albury and Griffith. Western Courts serviced mainly from Dubbo include Bourke, Broken Hill and Coonamble. Gosford, Tamworth, Armidale, Inverell, Goulburn, Bathurst, Queanbeyan and Moree Courts are serviced from Sydney, as are other country centres when Public Defenders are available.

As with Sydney and Sydney Metropolitan District Courts, the focus of the Public Defenders' regional work is more

on trial work than in sentence matters which are mostly handled by solicitor-advocates.

### **Continuing Professional Development**

The Public Defenders have been active proponents of the Bar's compulsory Continuing Professional Development (CPD) program. Public Defenders are regular lecturers at the Bar Practice Course for new barristers. We also consult with the Bar's CPD Director of Studies, as to course content in criminal law related areas of practical training.

As will be seen in the list of activities contained in Annexure "C", in addition to activities focused on the Bar, there has been continuing engagement of Public Defenders with the law faculties at the University of Sydney, University of New South Wales, the University of Technology Sydney and Wollongong University. Contact with these institutions has been on several levels, including student placements and papers and lectures given by Public Defenders.

We also participate in the Director of Public Prosecutions training program, and training for the New South Wales Police Service and Aboriginal Legal Service staff in metropolitan Sydney.

Additionally, Public Defenders have contributed to continuing legal education (CLE) programs in regional centres, particularly those held by the Western Aboriginal Legal Service in Dubbo. Public Defenders continue to conduct CLE lectures under the auspices of the College of Law and that of regional law societies. In the current year there has been significant input by Public Defenders into successful CLE programs undertaken by Young Lawyers.

The body of expertise reflected in constantly updated material permits Public Defenders on circuit to extend the benefit of lectures to regional practitioners who might otherwise find it difficult to access expertise in such specialist areas as forensic evidence and practice and procedure.

Public Defenders have been accredited as lecturers with Australian Advocacy, in whose work we participate and support.

### **Indigenous Barristers Program**

The Public Defenders, in co-operation with the New South Wales Bar Association, have implemented a program to assist indigenous barristers commence practise at the Bar.

Readers are assisted with a small amount of money to cover basic expenses (\$20,000 p.a.) and access to the facilities of the Public Defenders. A Public Defender also acts as a tutor for the criminal component of the reading program.

Our first Reader, Lincoln Crowley commenced the program in February 2003. He is now successfully established in practice.

### **The Public Defenders' Website**

Public Defenders' website at [www.lawlink.nsw.gov.au/publicdefenders](http://www.lawlink.nsw.gov.au/publicdefenders) is an extremely helpful legal resource tool which is updated and maintained by Lyn Wilson, whose work on this site is an invaluable asset to chambers, legal practitioners, law students and members of the public accessing the site.

The site contains articles and papers by Public Defenders together with access to "Short Notes" and various tables of cases dealing with specific offences. "Short Notes" comprise concise summaries of both reported and unreported criminal cases. These notes have been published since 1997 and continue to prove a valuable resource.

### **Student Placements**

Public Defenders have been involved in the External Placement Program (EPP) of Sydney University and the University of Wollongong. In the case of the University of Sydney, the External Placement Program is a capped elective for specially selected final year students interested in having field experience with an organisation involved in public interest work. The students spend up to one day per week at the placement site over the course of a thirteen-week semester. At the end of the course, a student will be expected to have acquired a better sense of the professional and personal responsibilities associated with the practise of law; developed an appreciation that the law is a people profession; observed and participated in a high level of problem solving flowing from real case files or references; been introduced to the basic inter-personal skills involved in the practise of law; been introduced to aspects of the practise of law such as legal writing, legal research and time management; and developed the character and habits of a reflective practitioner.

In addition to the above schemes, Chrissa Loukas, Public Defender, has hosted a number of University of New South Wales and University of Technology Sydney law students visiting chambers as part of the Bar Association's equal opportunity program. The Public Defenders have been delighted by the continued interest of both tertiary and senior secondary students who visit our chambers and appear to value their period of experiencing our work.



## Staffing

### Movements and Appointments as of 30/6/2003

Catherine Lyons and Christine Nash retired from their positions as Public Defenders. The Public Defenders holding office during 2002-2003 and their dates of appointment are as follows:

#### Senior Public Defender

Peter Zahra SC, appointed as Acting Senior Public Defender on 24.7.2001 and permanent Senior Public Defender on 25.10.2001 (originally appointed as Public Defender on 3.4.89).

#### Deputy Senior Public Defenders

Chris Craigie SC, appointed as Acting Deputy Senior Public Defender on 14.11.2001 and permanent Deputy Senior Public Defender on 24.01.2002 (originally appointed as Public Defender on 5.9.94).

Peter Berman SC, appointed a Deputy Senior Public Defender on 4.3.2002 was appointed a judge of the District Court on 13.9.02.

Robert Hulme SC was appointed Deputy Senior Public Defender on 9 July 2003.

#### Public Defenders

Mark Austin	5.6.95	
John Booth	9.8.01	
Chris Bruce	26.4.88	
Robyn Burgess	13.12.00	Acting Part-time Public Defender
Richard Button	6.5.91	
Anthony Cook	21.10.99	
Helen Cox	17.7.95	Part-time Public Defender
Sean Egan	19.6.96	
Leonie Flannery	15.7.96	
Andrew Haesler	24.1.95	
Ron Hoenig	6.10.87	
Chrissa Loukas	17.7.95	
Catherine Lyons	23.2.81	(retired 16.2.03)
Christine Nash	11.11.85	(retired 14.2.03)
Anthony Parker	23.2.94	
Peter Pearsall	06.12.01	
George Ritchie	20.10.86	
John Stratton	10.3.97	
Eric Wilson	9.8.01	
Paul Winch	21.10.99	
Angus Webb	15.7.96	
Dina Yehia	28.7.99	
Philip Young	24.7.02	

There are 7 female Public Defenders out of a total of 23. This is well above the prevailing ratio at the NSW Bar, generally, and reflects the Public Defenders' adherence to the principles of Equal Employment Opportunity.

### **Job Share Pilot Program Continues**

The program commenced on 29 June 1998 and continued with success in 2002-2003. Helen Cox and Robyn Burgess are the two Public Defenders presently participating in the program. They are both highly skilled and valued advocates, each with strong trial and appellate practices. They each work a 5-day fortnight on different days, 3 days one week and 2 days the following week. This permits trial work to be undertaken by both Public Defenders, i.e. one Monday trial and one Wednesday trial per fortnight. In addition, both undertake sentence matters and Court of Criminal Appeal advices and appearances when appropriate, having regard to the allocations of all defenders.

The above arrangements represented, so far as is known, the first occasion any statutory office holder has been offered permanent part-time employment. It has proven successful and, no doubt, may prove an employment precedent for other statutory appointments, where the needs of women seeking to balance other demands with a desire to be involved in high-level professional work can be met. The productivity and continued access of the services of these two fine counsel resulting from these arrangements has been very beneficial to the organisation and its clients. The scheme represents a significant equal employment development.

### **Administration and Support Staff**

The Public Defenders are assisted by ;

Clerk to Chambers - Colin Longhurst

Executive Officer - Robert McGregor

Legal Research Officers - Jennifer Wheeler/ Prita Supomo  
(Part time job share position)

Clerk/Stenographer & Information Officer - Lyn Wilson

Executive Assistants (2) - Eleana Farfan/Giuliana Traversari

## **LIST OF FORMER PUBLIC DEFENDERS**

### **Former Senior Public Defenders**

His Honour Justice Terrence Buddin  
His Honour Justice Malcolm Gray  
His Honour Justice Peter Hidden AM  
His Honour Judge John Nicholson SC  
Howard Purnell AM QC  
John Shields QC  
His Honour Judge Martin Sides QC

### **Former Public Defenders**

His Honour Justice Michael Adams  
Her Honour Justice Virginia Bell  
His Honour Judge Robert Bellear  
His Honour Judge Peter Berman SC  
His Honour Justice Reginald Blanch  
Paul Byrne SC  
Ernest Byron QC  
Gordon Champion  
His Honour Judge Roger Court QC  
Clarrie Cullen  
Gregory Cusack QC  
Sean Flood, Magistrate  
James Glissan QC  
Geoffrey Graham  
Michael Green QC  
His Honour Judge William Hosking QC  
His Honour Justice Rodney Howie  
Mark Ierace  
Bennett Ingram  
His Honour Judge Robert Keleman SC  
His Honour Judge John Lloyd-Jones QC  
His Honour Judge Charles Luland QC  
Catherine Lyons  
Daryl Melham MP  
The Honourable Chief Justice J A Miles AO  
His Honour Judge Stephen Norrish  
Cliff Papayanni  
Her Honour Judge Deborah Payne  
Colin Scouler  
His Honour Judge Kenneth Shadbolt  
Ian Strathdee QC  
Phillip Strickland  
Winston Terracini SC  
Fred Vizzard QC  
His Honour Judge Gregory Woods QC

## **PUBLIC DEFENDERS**

### **BUSINESS PLAN**

**2002-2003**

Public Defenders are independent lawyers appointed as statutory officers under the *Public Defenders Act 1995*. Funding for Public Defenders is administered within the Attorney General's Department **Programme 6: Legal Services**; the relevant objectives, description and activities of which are set out below:

#### **ATTORNEY GENERAL'S DEPARTMENT PROGRAMME - LEGAL & SUPPORT SERVICES**

##### **Our Role**

**To provide quality legal services** focusing upon criminal and allied matters to the Attorney General, Government and **to those members of the community entitled to legal assistance.**

##### **Our Commitment to the Community**

Provide a range of legal services for and on behalf of indigent persons, including relevant policy advice to Government, **legal representation**, legal research and information services and legal practice management.

### Key Stakeholders

- Persons having a grant of legal assistance in relation to serious criminal offences.
- Legal Aid Commission.
- Private solicitors instructed by clients with legal assistance in relation to criminal matters.
- Aboriginal legal services.
- Community legal centres.

### PUBLIC DEFENDERS - FUNCTIONS AND DESCRIPTIONS

- Public Defenders advise and represent persons who have a grant of legal assistance and who are charged with a serious criminal offence or who desire to appeal their conviction and/or sentence in relation to serious criminal offences.
- Public Defenders are independent statutory officers appointed under the Public Defenders Act 1995.
- Public Defenders appear and advise in
  - \* Trial, sentence and arraignment matters in the Supreme and District Courts throughout New South Wales.
  - \* Appeals against conviction and sentence in the High Court of Australia, NSW Court of Criminal Appeal, Court of Appeal, Supreme Court and District Court.
  - \* Committal hearings and some criminal hearings in the Local Court and Children's Court.
  - \* Related proceedings where the liberty and or guilt of the individual are in issue.
- Public Defenders advise in relation to the merit of appeals to the High Court and Court of Criminal Appeal. The Legal Aid Commission uses these advices in determining whether to grant legal aid for such appeals.

Provide a Resource/Research Service

- \* Advising/assisting the legal profession.
- \* Lecturing at seminars, conferences.
- \* Overseeing barristers undertaking 2 week reading with PD and work experience students.
- \* Implementing Indigenous Lawyers' Scheme

Development/Reform of Law

- \* Through appeals.
- \* Advice and submissions to the Attorney General and others about reform of criminal law and procedure.
- \* Participation in committees that advise ministers on law reform or oversee implementation of policy.
- \* Submissions and appearances in Guideline Judgements.

## INPUTS

- Public Defenders
  - Senior Public Defender
  - 2 Deputy Senior Public Defenders
  - 20 Public Defenders
  
- 6 support staff including:
  - Clerk to Chambers
  - Executive Officer
  - Part-time (3/5) Research Officer
  - Clerk Grade (1-2) Information Officer
  - 2 Clerical Officers Grade (1-2) - Executive Assistants

## KEY ISSUES

- The independence of the Public Defenders is an important plank to the proper administration of Criminal Justice.
- Demand for Public Defender services outstrips that which can be supplied with current numbers.
- The demand for Public Defender Services across the range of Jurisdictions within the Criminal Justice System creates a tension, the resolution of which is necessary to achieve the greatest benefit.
- The cultivation and development of highly skilled Public Defenders in all jurisdictions is a necessary pre-requisite to providing quality of representation and to providing key stakeholders with counsel who provide the greatest benefit and utility.
- Additionally it is recognised that the greatest utility and benefit to key stakeholders can only be achieved by communication and consultation with relevant agencies that are dependent on Public Defender services.



**CHALLENGES IN OUR  
COMMITMENT TO THE COMMUNITY**

Challenge	Response	Timeframe	Performance Indicator(s)
1.To consolidate Public Defenders position as the providers of high quality legal representation and advice	1.1 Revision of Service Level Agreement with Legal Aid Commission	<ul style="list-style-type: none"> <li>• July 2002</li> </ul>	<ul style="list-style-type: none"> <li>• Content of Service Level Agreement agreed and settled</li> </ul>
	1.2 Revision of Service Level Agreement with Coalition of Aboriginal Legal Services	<ul style="list-style-type: none"> <li>• July 2002</li> </ul>	<ul style="list-style-type: none"> <li>• Content of Service Level Agreement agreed and settled</li> </ul>
	1.3 Development and implement feedback mechanisms for key professional client/stakeholder groups: <ul style="list-style-type: none"> <li>• Legal Aid Commission, ALS</li> <li>• Barristers in readers program.</li> <li>• University work placements</li> </ul>	<ul style="list-style-type: none"> <li>• August 2002</li> <li>• November 2002</li> <li>• March 2003 - June 2003</li> </ul>	<ul style="list-style-type: none"> <li>• Format of Survey designed and settled</li> <li>• Survey distributed</li> <li>• Results collated and report finalised for end of financial year</li> </ul>
	1.4 Develop and implement systems to facilitate	<ul style="list-style-type: none"> <li>• July 2002- November</li> </ul>	<ul style="list-style-type: none"> <li>• Revised Brief Completion</li> </ul>

Challenge	Response	Timeframe	Performance Indicator(s)
	responsive service delivery	2002	Sheet implemented
		<ul style="list-style-type: none"> <li>July 2002 - November 2002</li> </ul>	System for monitoring CCA matters developed and implemented
	1.5 Representation of legally aided accused in serious criminal matters	Ongoing	<ul style="list-style-type: none"> <li>Number of District and Supreme Court Trials and Sentences undertaken by Public Defenders</li> <li>Number of advisings provided by Public Defenders</li> <li>Number of clients receiving representation</li> </ul>
	1.6 Provide responsive and strategic allocation of Public Defenders	<ul style="list-style-type: none"> <li>Ongoing</li> </ul>	<ul style="list-style-type: none"> <li>Regular monitoring of operation of Service Level Agreements and court listings</li> <li>Flexible allocation of Public Defenders</li> <li>Result of client survey</li> </ul>
2. Maintain and expand Public Defenders role as leaders in the practice of criminal law	2.1 Overseeing barristers undertaking 2 week reading with PD	<ul style="list-style-type: none"> <li>Ongoing</li> </ul>	<ul style="list-style-type: none"> <li>Number of barristers in readers program</li> </ul>
	2.2 Continued involvement with universities through work experience students	<ul style="list-style-type: none"> <li>Ongoing</li> </ul>	<ul style="list-style-type: none"> <li>Number of work placement students</li> </ul>

Challenge	Response	Timeframe	Performance Indicator(s)
	2.3 Participation in seminars, Continuing Legal Education presentations	<ul style="list-style-type: none"> <li>• Ongoing</li> </ul>	<ul style="list-style-type: none"> <li>• Public Defenders fulfil CLE requirements</li> <li>• 5 Public Defenders make presentations as part of profession's CLE &amp; CPD</li> </ul>
	2.4 Representation of Public Defenders on selected professional committees and groups	<ul style="list-style-type: none"> <li>• Ongoing</li> </ul>	<ul style="list-style-type: none"> <li>• Participation in 4 committees or Working groups</li> </ul>
3.Implementation of effective management systems to facilitate effective Public Defender performance	3.1 Improved records management	<ul style="list-style-type: none"> <li>• January 2003</li> </ul>	<ul style="list-style-type: none"> <li>• Development of Records Management Policy in line with Attorney General's Department requirements and timeframe</li> </ul>
	3.2 Implementation of performance planing and development for support staff	<ul style="list-style-type: none"> <li>• July 2002</li> <li>• July 2002</li> <li>• November 2002</li> </ul>	<ul style="list-style-type: none"> <li>• Settlement of Position Descriptions</li> <li>• Training for staff on PP&amp;D process</li> <li>• Commence PP&amp;D process</li> <li>• Increased staff morale (staff turnover, staff survey results)</li> </ul>

Challenge	Response	Timeframe	Performance Indicator(s)
	3.3 Identify and develop effective measures for Public Defender performance involving non-appearance work	<ul style="list-style-type: none"> <li>• October 2002</li> <li>• March 2003</li> <li>• June 2003</li> </ul>	<ul style="list-style-type: none"> <li>• System for recording ad hoc advice, telephone advice and presentation appearances identified and project plan developed</li> <li>• System implemented</li> <li>• First quarter analysis of indicators undertaken</li> </ul>
	3.4 Development of Statement of Duties for all Public Defenders, including Deputy Senior and Senior Public Defenders.	<ul style="list-style-type: none"> <li>• July 2002</li> </ul>	<ul style="list-style-type: none"> <li>• Statement of Duties settled</li> </ul>
	Internal - regular floor meetings	Ongoing	<ul style="list-style-type: none"> <li>• Floor meetings held regularly - once a quarter</li> </ul>

## Appendix "C"

## APPEAL STATISTICS

Table 1.1 Appeal Advices prepared 2002/2003

Outcome	High Court	CCA Conviction	CCA Sentence	Supreme Ct. Common Law	Total
Merit	<i>*(3)</i> 5	<i>*(15)</i> 20	<i>*(56)</i> 40	□ 3	<i>*(74)</i> 68
No Merit	<i>*(7)</i> 18	<i>*(38)</i> 34	<i>*(175)</i> 168	□ 9	<i>*(220)</i> 229
<b>Total</b>	<i>*(10)</i> 23	<i>*(53)</i> 54	<i>*(231)</i> 208	□ 12	<i>*(294)</i> 297

*\*(2001/2002 in italics)* □ (reported in Table 1.3 in 2001.2002)  
 (for analysis of trends see "Meeting Demand" above)

Table 1.2 Appeal Appearances 2002/2003

	Appeal Allowed	Appeal Dismissed	Reserved	Prepared but other counsel completed	Total
High Court	<i>*(4)</i> 3	<i>*(6)</i> 7	<i>*(0)</i> 0	<i>*(0)</i> 0	<i>*(12)</i> 10
CCA Conviction	<i>*(7)</i> 14	<i>*(12)</i> 12	<i>*(7)</i> 4	<i>*(0)</i> 2	<i>*(27)</i> 32
CCA Sentence	<i>*(47)</i> 27	<i>*(25)</i> 27	<i>*(6)</i> 14	<i>*(0)</i> 2	<i>*(81)</i> 70
CCA Crown Appeal	<i>*(12)</i> 11	<i>*(6)</i> 14	<i>*(0)</i> 3	<i>*(0)</i> 0	<i>*(22)</i> 28
CCA Interlocutory Application	<i>*(0)</i> 0	<i>*(0)</i> 0	<i>*(0)</i> 0	<i>*(0)</i> 0	<i>*(0)</i> 0
Guideline Judgment □	2	3	0	0	<i>*(3)</i> 5
Supreme Ct. Common Law □	3	3	3	0	9
<b>TOTAL</b>	<i>*(70)</i> 60	<i>*(49)</i> 66	<i>*(13)</i> 24	<i>*(10)</i> 4	<i>*(142)</i> 154

***\*(2001/2002 in italics)*** □ ***(not reported 2001/2002)***  
***(for analysis of trends see "Meeting Demand" above)***

**Table 1.3 Other Advices Completed 2002/2003**

Appeal from Local Court to Supreme Court	<i>*(3)</i> 6
No Bill	<i>*(41)</i> 26
Inquiry into Conviction (Pt 13 Crimes Act)	<i>*(0)</i> 0
Fitness to Plead	<i>*(7)</i> 8
Other	<i>*(45)</i> 32
<b>TOTAL</b>	<i>*(96)</i> <b>72</b>

*\*(2001/2002 in italics)***Table 2.1 Trial and Sentence Briefs 2002/2003**

	Supreme Court	Sydney District Court	Western Sydney District Court	Country District Court	Local Court	Total
Trials	<i>*(62)</i> 54	<i>*(49)</i> 54	<i>*(41)</i> 27	<i>*(249)</i> 187	<i>*(11)</i> 2	<i>*(412)</i> <b>324</b>
Sentences	<i>*(7)</i> 8	<i>*(30)</i> 23	<i>*(10)</i> 11	<i>*(72)</i> 72	<i>*(0)</i> 0	<i>*(119)</i> <b>114</b>
Life Sentence Redeterminations	<i>*(4)</i> 5	N/A	N/A	N/A	N/A	<i>*(4)</i> <b>5</b>
Arraignments	<i>*(2)</i> 3	<i>*(0)</i> 0	<i>*(0)</i> 2	<i>*(5)</i> 6	<i>*(0)</i> 0	<i>*(7)</i> <b>11</b>
Contested Applications	<i>*(5)</i> 6	<i>*(0)</i> 1	<i>*(0)</i> 0	<i>*(3)</i> 3	<i>*(0)</i> 0	<i>*(8)</i> <b>10</b>
Appeals from Local Court to Supreme Ct.	<i>*(0)</i> 6	<i>*(0)</i> 0	<i>*(0)</i> 0	<i>*(0)</i> 0	<i>*(0)</i> 0	<i>*(0)</i> <b>6</b>
Appeals from Local Court to District Ct.	N/A	<i>*(0)</i> 5	<i>*(0)</i> 0	<i>*(7)</i> 13	<i>*(0)</i> 0	<i>*(7)</i> <b>18</b>
Committals	<i>*(0)</i> 0	<i>*(1)</i> 0	<i>*(0)</i> 0	<i>*(0)</i> 0	<i>*(8)</i> 11	<i>*(9)</i> <b>11</b>
Other	<i>*(4)</i> 0	<i>*(0)</i> 0	<i>*(0)</i> 0	<i>*(1)</i> 2	<i>*(21)</i> 13	<i>*(7)</i> <b>2</b>
<b>TOTAL</b>	<i>*(87)</i> <b>82</b>	<i>*(80)</i> <b>83</b>	<i>*(51)</i> <b>40</b>	<i>*(337)</i> <b>283</b>	<i>*(21)</i> <b>12</b>	<i>*(576)</i> <b>501</b>

*\*(2001/2002 in italics)**(for analysis of trends see "Meeting Demand" above)*

**Appendix "D"**

**Submissions, Lectures and Papers Published:**

**Peter Zahra SC**

**Committees:**

- Supreme Court's Common Law Users Group
- Court of Criminal Appeal Users Group
- Bar Association Strategic Planning Committee
- Sentencing Council
- Safe Injecting Room Advisory Committee

**Lectures, Papers, Submissions:**

- South Eastern Aboriginal Legal Service -- Annual Conference
- Legal Aid Commission Conference -- DNA Lecture
- Law Reform Commission Meeting - Forensic Procedures
- Submission to the Attorney General on Defence Disclosure
- NSW Parliamentary Forum on Sentencing Act Amendments
- Victorian Parliamentary Committee Hearing on Evidence
- Submission on Operation of Corrective Services
- College of Law Seminars - Bail Act, Cross Examination.
- Young Lawyers Conference - DNA
- Newington College - Moot participant
- Domremy College - Legal Studies Lecture
- Santa Sabina College - Legal Studies Lecture

**Chris Craigie SC**

**Committees:**

- Attorney General's Inter-Departmental Committee of Review of the *Mental Health (Criminal Procedure) Act* 1990
- Supreme Court's Common Law Users Group
- District Court's Criminal Listing Review Committee
- Court of Criminal Appeal Users Group

**Lectures, Papers, Submissions:**

- Seminar Paper to Commonwealth DPP on Double Jeopardy and Trial Process
- University of Technology Sydney - CLE Day for practitioners - Seminar Paper - Advising on Merit Appeals, The Reasonable Prospect of Success
- Submission to the Commonwealth Review of ATSIC



**Peter Berman, SC**

**Committees:**

- Bar Association Criminal Law committee
- Management Committee of Australian Advocacy Institute

**Lectures, Papers and Submissions:**

- Article on "Ten Commandments of Examination in Chief - published in Issue 52 of "Plaintiff".
- Lecture on Plea Making - ALS Conference

**Mark Austin**

**Lectures, Papers and Submissions:**

- Paper on Local Court Hearings - ALS National Conference

**Richard Button**

**Committees:**

- Australian Advocacy Institute, Monash University (teacher)
- Bar Association Criminal Law committee
- Co-Editor, Criminal Law News

**Lectures, Papers and Submissions:**

- NSW Parliament Legislative Committee - Gave evidence to enquiry on Child Sexual Assault
- Bar Readers Course - Empanelling a Jury
- Appeals paper for Young Lawyers
- Legal Aid Commission Conference - Presentation on Pleas in the District Court

**Anthony Cook**

**Lectures**

- ALS Annual Conference, Lecture on Appeals
- ALS Conference, Talk on S165 of the Evidence Act

**Helen Cox**

**Lectures, Papers and Submissions**

- Prepared Research Advice for a conference on the Forensic Procedure Act

**Andrew Haesler**

**Committees:**

- Model Criminal Code Committee
- Australian Law Reform Commission - Advisory Working Party on "Genetic Information"
- NSW Institute of Criminology - Advisory Committee
- Redfern Legal Centre Publishing Board of Directors

**Lectures, Papers and Submissions:**

- Lecture, Coalition of Aboriginal Legal Services on "Bail"
- Lecture, "Sentencing Practices & Guidelines"
- Lecture, Legal Aid Commission Conference, "Appeals to the Supreme Court"
- Lecture, "Recent Changes to Criminal Law - Bail and Sentencing"
- Lecture, Children's Legal Service Conference, "Children at Law"
- Lecture, University of Wollongong 4<sup>th</sup> Yr students, "Evidence - Warnings and Hearsay"
- Lecture, Bar Association, "Forensic Procedures & DNA Evidence"
- Lecture, Bar Association, "DNA & Crimes (Forensic Procedure) Act 2003"
- Lecture, ALS Redfern, "New Sentencing Laws"
- Lecture, Young Lawyers Seminar, "New Criminal Laws for 2003"
- Lecture, College of Law, "Sentencing 2003"
- Submission re Forensic Procedure Laws
- University of Wollongong, Moot Court Judge, Bail and Sentence
- Debate, University of Wollongong, "Are Doctors greedier than Lawyers"
- Submission to the Inspector General Corrective Services re "Supervision for Community Based Supervision Orders"
- Paper for Law Reform Association, "Double Jeopardy"

**Chrissa Loukas**

Judicial Member, Administrative Decisions Tribunal, Equal Opportunities Division NSW. [Part Time]

**Committees:**

- Bar Council Member 2003. (Elected Position).
- Bar Council Secretary, NSW Bar Association Executive 2003.
- Member, Equalising Opportunities in the Law Committee, Law Council of Australia.
- Member, Criminal Law Committee NSW Bar Association, 2003.
- Member, Legal Aid Committee, NSW Bar Association, 2003.
- Member, Equal Opportunity Committee, NSW Bar Association, 2003.
- Panel Member, Innocence Panel (DNA). Appointed October 2001

### **Lectures, Papers, Submissions:**

- Article, Bar News December, 2002, "Crimes (Sentencing Procedure Amendment) Standard Minimum Sentencing Bill"
- Co-author of Article, Bar News, Winter 2003, "Fixing the Crimes Act"
- Advocate, International Criminal Court Mock Trial (Law Week, Red Cross), Banco Court, Supreme Court of NSW, 15 May 2003.
- Speaker, Law as a Career for High School Students and Law Students, organised by the Women's Lawyers Association for Law Week, 14 May, 2003
- Speaker, Pre-Trial Disclosure for the Judicial Commission for a delegation of Judges from the Supreme Court of China, 20 June, 2003
- Speaker, "Do Prisons Work?" Sydney Leadership, Benevolent Society, October, 2002.
- Television interview Channel 9 'Today' program on Minimum Sentencing Laws. 15 September, 2003
- Conference participant, International Society for the Reform of Criminal Law, Netherlands, August 2003.
- Supervisor for Sydney University Law Students' Work Placements
- Chair, Continuing Professional Development Seminars:
  - (i) Sexual Assault Trials and Relationship Evidence, 5 May, 2003
  - (ii) Sentencing Law, 12 June, 2003
  - (iii) Bail Law, 24 June, 2003

### **John Stratton**

- Maintained his personal website: "Criminal Law Survival Kit", which is periodically updated.  
[www.users.bigpond.com/JohnStratton/Crime.html#9/](http://www.users.bigpond.com/JohnStratton/Crime.html#9/). Traffic Offences
- Presented a paper on "Hearsay"

### **Paul Winch**

- Taught for Australian Institute of Advocacy.
- Paper at ALS National Conference, "Local Court Hearings"

### **Dina Yehia**

- Panel member on the Aboriginal Justice Advisory Council
- Participated in a Seminar on the Aboriginal Justice Advisory Plan for the Aboriginal Justice Advisory Council.

**Professional Profile of Public Defenders Office****Appendix "E"**

<b>Public Defender</b>	<b>Date Appointed as Public Defender</b>	<b>Date admitted as Solicitor</b>	<b>Date Admitted as Barrister</b>
Peter Zahra SC (16.9.99)	03.04.89 Senior Public Defender 16.9.99	22.06.77	08.04.88
Chris Craigie SC	05.09.94 Deputy Senior Public Defender	16.07.76	03.06.80
Peter Berman SC	04.03.02, Deputy Senior Public Defender	08.07.83	01.02.88
Mark Austin	5.6.95	05.07.85	03.08.90
John Booth	As Acting Public Defender 07.01.98, Permanently appointed 09.08.01		06.07.84
Chris Bruce	26.04.88	11.02.77	03.08.84
Robyn Burgess	As Acting Part-time Public Defender 13.12.00	11.02.77	04.08.89
Richard Button	06.05.91	06.07.84	30.06.89
Anthony Cook	21.10.99 Acting Public Defender	18.12.83	20.12.85
Helen Cox	17.7.95 Part-time Public Defender from 13.12.00	10.07.81	09.02.90
Sean Egan	19.06.96	10.03.78	20.06.96
Leonie Flannery	15.07.96	05.07.85	03.08.90
Andrew Haesler	24.01.95	16.12.81	06.04.90
Ron Hoenig	06.10.87	13.02.81	28.09.87
Chrissa Loukas	17.07.95	05.07.85	28.12.89
Catherine Lyons	23.02.81	08.03.74	13.02.81

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Christine Nash	11.11.85 (On secondment to position of Director, Legal Representation Office from 26.1.00)		16.12.81
Anthony Parker	23.02.94	31.07.70	21.02.94
Peter Pearsall	As Acting Public Defender 28.07.99, appointed permanently 06.12.2001.	19.12.79	03.08.90
George Ritchie	20.10.86	22.06.73	19.09.75
John Stratton	10.03.97	10.07.81	03.08.90
Eric Wilson	27.01.98 as Acting Public Defender, appointed permanently 09.08.01	21.12.77	02.08.91
Paul Winch	21.10.99	25.07.74	20.09.85
Angus Webb	15.07.96	11.02.77	08.08.94
Dina Yehia	28.07.99	20.12.89	06.08.99

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## **ACCESS**

### **Location**

The Public Defenders' Chambers are located at

**Carl Shannon Chambers**  
Level 13,  
175 Liverpool Street,  
SYDNEY NSW 2000

**Telephone:** (02) 9268 3111  
**Facsimile:** (02) 9268 3168  
DX 11545  
SYDNEY DOWNTOWN

**Website:** <http://www.lawlink.nsw.gov.au/publicdefenders>  
**Clerk to Chambers:** Colin Longhurst

### **Hours**

Chambers are accessible to the public between 9.00am and 5.00pm  
Monday to Friday.

