

# Civil Justice System in New South Wales



Justice

# Civil Justice

## How common are civil justice problems ?

- ▼ 2.8 million people experience a legal problem each year
- ▼ 85% of these problems are civil law problems
- ▼ **87% of problems were experienced by 23% of respondents.**
- ▼ Nearly 40% of small businesses have a civil dispute each year
- ▼ There are more civil matters filed in courts and tribunals in NSW than criminal matters

# What are the main civil problems?

## Most common civil problems

- ▼ 21% consumer goods and services
- ▼ 14% housing
- ▼ 12% money and debt

# Which groups have most problems?

## Disadvantaged people have more problems

- People with a disability
- Single parents
- Unemployed people
- People in social housing
- Indigenous people



# What do people do when they have a problem?

## Seeking advice

- ▼ 50% seek advice from a professional
- ▼ 30% seek advice from other sources (for example, internet, family, friends, neighbours)
- ▼ 20% do nothing ( the groups least likely to take no action are people with low literacy skills, people from non-English speaking backgrounds, unemployed people and elderly people)

# Where do people go for help?

50 per cent seek advice from a professional

Private or  
public lawyer



**30%**

Private – 20%  
Public – 10%

Government  
agency



**40%**

Fair Trading  
Local council  
Police

Health or  
social worker



**27%**

Doctor  
Nurse  
Counsellor

Financial  
adviser



**22%**

Accountant  
Financial planner  
Bank

# How are problems resolved?

Court or  
tribunal

3%



Other  
formal  
resolution

3%



By  
agreement

52%



**NOT  
RESOLVED**

**42%**



# NSW Courts and Tribunal

## Five civil jurisdictions

- ▼ Supreme Court
- ▼ Land and Environment Court
- ▼ District Court (claims up to \$750k)
- ▼ Local Court (claims up to \$100k)
- ▼ NSW Civil and Administrative Tribunal

# What are the most common civil cases?

## Common claims in the Local Court and NCAT

- ▼ 90% of civil cases are in the Local Court and the NSW Civil and Administrative Tribunal
- ▼ Most cases involve debt or housing issues
- ▼ Most plaintiffs are corporations and government agencies
- ▼ Most defendants are individuals

# Other formal resolution options

## Ombudsmen and mediation services

- Telecommunications Industry Ombudsman
- Energy and Water Ombudsman
- Financial Ombudsman Service
- Credit and Investments Ombudsman
- Office of the Small Business Commissioner (mediation for business to business disputes)
- Community Justice Centres – mediates mostly neighbourhood disputes

# Where else can people get help?

## Civil justice services

- Internet sites: LawAccess, Money Smart, National Debt Helpline
- Community Legal Centres: general and specialist
- **Legal Aid NSW**
- Fair Trading NSW (Consumer and some tenancy matters)
- NSW ombudsman (complaints about government agencies)
- Government agencies
- Private lawyers
- Mediators
- Financial counselling services

# Legal Aid NSW

## Legal Aid

The Legal Aid “brand” is widely recognised and it has a higher public profile than most other legal service providers

- ▼ Legal Aid deals with crime, family and civil matters
- ▼ Only 14% of Legal Aid budget is used for civil justice services
- ▼ The main civil justice services are information and advice, rather than representation in court
- ▼ It is very active in outreach services to disadvantaged areas
- ▼ It is very active in health-justice partnerships

# Challenges for Civil Justice

## Developing a Civil Justice Strategy

- ▶ Meeting the needs of citizens—debt and housing are priority issues
- ▶ Ensuring greater access to justice for disadvantaged groups
- ▶ Providing people with easy to understand and reliable information about their rights, obligations and options (guided pathways)
- ▶ Linking people to services/online tools to support early dispute resolution
- ▶ Making courts and tribunals more accessible - using plain language, easier processes and exploring on-line dispute resolution.
- ▶ Recognising that civil justice and criminal justice problems are connected