

A Civil Justice Action Plan for New South Wales

Factsheet – December 2018



The NSW Government is investing more than \$20 million to deliver a Civil Justice Action Plan (the Plan) for New South Wales.

The Plan includes reforms designed to:

- help people and small businesses resolve common legal problems
- promote early dispute resolution
- make it simpler and easier for people to access the courts, and
- improve the way small debts are resolved.

The Plan will make the civil justice system more accessible and user friendly, especially for small business owners and people who live in regional, rural and remote areas.

Why does NSW need a Civil Justice Action Plan?

Civil justice problems are extremely common. They include problems about money and debt, neighbours, housing and consumer goods. Research by the Law and Justice Foundation of NSW indicates that 2.8 million people in NSW experience a legal problem each year. Around 85 per cent of these are civil.

A well-functioning civil justice system is important for individual wellbeing, community wellbeing and business relationships. Civil legal problems, especially minor problems, should be resolved as quickly, efficiently and fairly as possible.

Priority Actions

The Plan sets out a range of actions to remove barriers that prevent small businesses and individuals getting the right information, and help, to resolve common disputes quickly and fairly.

The Plan includes the following priority actions with clear timeframes for implementation.

Establish an Access to Justice Innovation Fund

Technology and innovation have an important role to play in supporting and enhancing access to justice for those who need it most.

The Access to Justice Innovation Fund (the Fund) is designed to encourage inventive user-focused solutions to improve the way legal problems are resolved, or to help people more easily navigate the justice system.

The Fund will provide up to \$250,000 in grants annually for the next four years and will be open to ideas from legal professionals, community groups, creative and digital agencies, and social entrepreneurs.

Improve access to legal information

The LawAccess NSW website is the leading provider of free, accurate and trustworthy legal information in NSW.

To help people understand how information applies to their personal circumstances, a new improved website will provide interactive guided pathways on common issues such as unpaid council rates and mortgage stress.

Guided pathways use a series of easy to understand questions and tools to match people with information they need to resolve their legal problems.

Pilot new online court technology

Individuals and business owners report that resolving disputes through the court process can be complicated, expensive and time-consuming, even when the dispute is straight forward.

Online court services will be expanded to allow more people to finalise their cases online. This will make the court process more accessible and convenient, especially for people in rural and regional areas, and small business owners who can't afford to shut up shop to go to court.



Increase funding for community legal centres

Community legal centres (CLCs) play a critical role in helping over 50,000 people in NSW each year to resolve everyday disputes as early as possible.

The NSW Government has committed a record \$45 million in funding to support CLCs over the next four years. This additional funding boost will provide financial stability for CLCs and enable more people to get the help they need.

Government agencies to resolve small debts as early as possible

In NSW, more than a third of all civil claims in the Local Court involved unpaid council rates. NSW government agencies also pursue small debt matters in court.

New guidelines are in place to encourage state and local government to resolve unpaid debts early, including by negotiating time to pay arrangements. The guidelines provide for the consistent and fair treatment of people who owe money and promote early identification of people who are facing hardship.

Expand the powers of the Local Court Small Claims Division

Research by the Law and Justice Foundation of NSW indicates 20 per cent of civil claims lodged in the Local Court of NSW, and almost 10 per cent of civil claims lodged in the District Court of NSW, are business-to-business disputes.

The NSW Government will also double the jurisdiction of the Small Claims Division to include disputes valued up to \$20,000. This will give more people access to simpler court procedures, helping small businesses to avoid drawn-out legal battles and resume normal operations sooner.

Consultation on the Plan

The NSW Department of Justice consulted widely with small businesses, the community and the legal sector to identify actions and priorities for inclusion in the Plan.



For more information

Visit the website at:

www.justice.nsw.gov.au/civiljusticeactionplan