

15 May 2026

The Hon Kyam Maher MLC
Attorney-General of South Australia
GPO Box 464
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By email: attorneygeneral@sa.gov.au



Dear Attorney-General

Court transcripts, supporting the use of South Australian Legal Services and other matters

1. I refer to our meeting on 14 April 2026, and discussion of the Law Society's 2026-27 State Budget submission. I thought it may be useful to provide further detail on issues for which the Society has long advocated. The Society calls on the Government to make meaningful progress on, and investment in, these issues.
2. In particular, I appreciated the opportunity to discuss the potential for State Government and the profession to work more closely together to support the use of South Australian legal services by State government departments and agencies.

Abolishing Court Transcript fees

3. I note our productive discussion about the costs of obtaining court transcripts. Often, transcript fees fall unfairly on smaller parties, creating a further imbalance where only one party is well funded. For those who are not able to obtain legal aid but do not have deep financial reserves to afford prolonged litigation, transcript costs become a significant financial burden and impede access to justice.
4. Further to your query raised in our discussions, the Society understands from the Courts Administration Authority that it does not retain any revenue from court transcript fees. According to the Independent Auditor's Report for the Courts Administration Authority, in FY24 the CAA generated \$2.3 million from transcript fees (up from \$1.7 million in FY23) and this income is transferred to the State's Consolidated Account.
5. If this is the case, the Society considers it feasible for the Government to abolish transcript fees across South Australian courts, such that: (1) in the criminal jurisdiction, a digital version of court transcripts is provided to defendants at no cost; and (2) in the civil jurisdiction, a digital version of transcripts is included in the daily court trial fees.

Increased funding for programs that divert young people away from offending and the criminal justice system

6. The Society welcomed the Government's commitment of \$1 million per year over three years from the Justice Rehabilitation Fund for youth diversionary programs, announced when the *Statutes Amendment (Recidivist Young Offenders) Act* was passed in 2025. Your correspondence to the Society at that time noted that: *"This intervention recognises that if we are to strengthen sentencing and bail laws in regard to young offenders, it is crucial that targeted, effective treatment, diversion and therapeutic responses are in place to ensure that*

the detention of young people does not itself contribute to the rate of youth, and eventually, adult offending.”

7. While appreciative of this commitment, the Society considers the funding to be insufficient, and seeks a commitment from the Government in the forthcoming budget to increase investment in programs that divert vulnerable young people away from the criminal justice system before they become entangled in a cycle of offending.
8. An investment in diversionary programs is an investment in crime reduction. Youth detention costs, on average, \$1.3 million per child annually; this funding would be far better invested in diverting young people away from offending. The Society understands that the youth detention system is already stretched beyond functional capacity, and considers that diversionary measures are key to reducing criminality. An ongoing cycle of offending further entrenches young people in the criminal justice system, especially where they do not receive support to address the root causes of their conduct.
9. Further, although the Government committed to funding diversionary programs, we are yet to receive an update from Department for Human Services on the particulars of delivery. Our members would appreciate an update on this.

Dilapidated state of Court facilities

10. You will be well aware of the dilapidated state of the CBD court facilities. Our court buildings are failing physically and also in their capacity to meet demand with long delays for criminal trials. Small budgetary allocations have addressed only the most urgent building maintenance issues, and a significant number of accessibility, safety, and structural problems remain and require Government commitment to resolve.
11. Many court buildings across metropolitan and regional areas are ageing and do not reflect contemporary expectations for accessibility or safety for court users and those who work in them. Issues such as poor or absent disability access, lack of hearing assistance and poor acoustics, cramped courtrooms, unreliable audio-visual facilities, and insufficient waiting rooms (resulting in defendants and victims sharing the same space) are indicative of court facilities that have suffered from a lack of investment by successive governments.
12. In addition, given the failing state of the Sir Samuel Way Building, there is no “Plan B” for holding concurrent jury trials or multi-party trials once this building inevitably fails. This is not a question of “if”, but “when”.
13. Critically, the Society requests that the Government give serious and urgent consideration to allocating resources to new purpose-built criminal jurisdiction facilities within the Supreme Court complex. The lack of these facilities in turn creates severe pressure on to District Court facilities and leads to serious delays in the jurisdiction, as District Court facilities are used by the Supreme Court. Justice delayed is justice not served.
14. Recently I was invited to tour the Adelaide Youth Court with the Judge of the Youth Court, Her Honour Judge Sutcliffe, and noted several aspects of the building design that did not meet contemporary standards for child-centred youth justice. If we expect young people to treat the justice system with gravity, this must be reflected in the environment in which justice is delivered. The building’s design standards no longer meet best practice for court matters involving children and young people. I note, in particular, the following concerns:
 - Most children cannot see over the dock; sometimes the judge or magistrate cannot properly see the child in the dock. Some courtrooms and facilities are simply not sized appropriately for children.
 - Holding cells are outdated, unkempt, and require refurbishment.

- Children may be held in the cells for hours (sometimes 5-6 hours while awaiting court processes or transport) – an environment where there is nothing to do and no stimulation; this exacerbates behavioural issues and trauma related to court appearances.
 - There is a dangerous flight of stairs located just outside one of the courtrooms, which presents a risk to children and staff if a child becomes agitated.
 - There are insufficient meeting rooms, and the rooms are manifestly too small. The largest meeting room fits 4 adults – it is not unusual in child protection matters to have up to 8 people involved in a meeting and there is no space for this to occur.
 - Generally, corridors and spaces outside the courtroom are cramped and where separation is necessary this is difficult to maintain.
15. I recognise that these issues may be addressed through a refurbishment program; however, a more sustainable budgetary approach would be to deliver a new, purpose-built Youth Court that meets safety standards and supports effective engagement in the delivery of youth justice.
16. I note that while some of these issues are specific to court facility accommodations for children, many of these issues are safety, accessibility and design are applicable to the other court buildings in metropolitan and regional South Australia.

Supporting the use of South Australian Legal Services

17. I appreciated the opportunity to discuss the potential for State Government and the profession to work more closely together to support the use of South Australian legal services by State government departments and agencies.
18. To advance consideration of this matter, the Society would welcome the Department's support to progress the following practical measures:
- obtaining aggregated, non-commercially sensitive data from the Crown Solicitor's Office about the use of private legal practitioners, including the proportion of work undertaken by South Australian versus interstate firms;
 - facilitating opportunities for discussion with those departments and agencies identified as having the highest use of interstate legal practices, to better understand the reasons for those selections, their underlying legal needs, and whether those needs could be sustainably and suitably met by practitioners based in South Australia;
 - considering the introduction of a local capability or "South Australian firm first" criterion, to be applied to the legal services component of tenders for South Australian government work, and before approval is given to briefing interstate firms where suitable local capability exists; and
 - using the data arising from this work to inform any future consideration of potential amendments to Treasurer's Instruction 10 or related policies, should that be considered appropriate.
19. The Society regards this as an important project for the sustainability and development of the South Australian legal profession, while fully recognising the need to preserve value for money, quality of advice and the independent role of the Crown Solicitor.
20. I would be very happy to meet further with you or with officers of the Attorney-General's Department to assist in progressing this work in a practical, collaborative and sensitive way.

21. Thank you again for your engagement on these issues. I look forward to continuing the discussion.

Yours sincerely

A handwritten signature in black ink, consisting of a stylized 'D' followed by a checkmark-like flourish.

David Colovic
President