



THE LAW SOCIETY
OF NEW SOUTH WALES

Our ref: LitLaw:RElw825928

20 March 2014

The Hon. Greg Smith SC MP
Attorney General
Department of Attorney General and Justice
DX 1227 SYDNEY

By email: office@smith.minister.nsw.gov.au

Dear Attorney General,

NSW Sheriff's Office

I write to you on behalf of the Litigation Law and Practice Committee of the Law Society of New South Wales ("the Committee") regarding the downgrading of the services provided by the NSW Sheriff's Office with respect to enforcement of writs for the levy of property.

The Committee has received feedback from solicitors highlighting a number of areas of concern, in particular instances of significant delays of many months before the Sheriff's Office has made any attempt to enforce their clients' writs. In some cases the delays would appear to amount to non-performance of this function.

This problem is compounded by very serious difficulties being experienced in communicating with the Sheriff's Office. The Committee has been advised that telephone calls are unanswered and then transferred to a voicemail message which reports that the mailbox is full. It is therefore sometimes impossible to leave a message. Faxes and emails elicit no response and solicitors have visited the Sheriff's Office to find it unattended. Correspondence from the Sheriff's Office has indicated that there is a large backlog of unactioned court processes.

Solicitors have reported instances of clients eventually giving up on this process for enforcement of a judgment. It is clearly unsatisfactory for anyone to expend time and money bringing successful legal proceedings and then find that this avenue for enforcement is effectively unavailable. The services of the Sheriff should provide a relatively speedy and inexpensive option for the enforcement of a judgment. In its effective absence the only avenue available for clients is bankruptcy or winding up proceedings, which is not a quick and often not a financially viable option.

The Committee would also like to take this opportunity to suggest that the Sheriff's practice of sending a letter to the debtor in advance of a visit defeats the effectiveness of the process by giving this prior warning.

The Committee is able to provide you with specific examples of solicitors' experiences if this would be of assistance.

If this situation has arisen due to inadequate staffing levels, the Committee requests that adequate funding be restored to the NSW Sheriff's Office to enable it to carry out its statutory obligations.

If your officials have any questions in relation to this letter, they should contact Leonora Wilson, Policy Lawyer on (02) 9926 0323 or leonora.wilson@lawsociety.com.au.

Yours sincerely,

A handwritten signature in black ink that reads "Ros Everett". The signature is written in a cursive style with a large initial "R".

Ros Everett
President