



Mark Speakman
Attorney General

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Ms Therese Cochrane
Secretary
NSW Council for Civil Liberties
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Dear Ms Cochrane

Administration of Criminal Justice

Thank you for your letter received 29 August 2019 outlining various concerns relating to delays in the administration of criminal justice in NSW.

1. Delays in the District and Supreme Courts

The Government is committed to reducing court delays and making the criminal justice system more efficient and effective. In addition to the Indictable Process Review currently underway, the Government has made the following significant investments:

- \$93 million over four years to support implementation of the early appropriate early guilty pleas reform referred to in your letter. While it is too early to draw final conclusions, the data to date shows early promising signs including a significant increase in early resolution of serious criminal cases, and
- \$150 million over four years for the February 2019 appointment of seven additional judges to the District Court. This will further assist in delivering swifter justice and reducing the criminal case workload in the District Court.

2. Operation Tambora

Implementation of Law Enforcement Conduct Commission recommendations relating to Operation Tambora is a matter for the NSW Minister for Police and Emergency Services and the Commissioner for Police.

3. ALRC "Pathways to Justice" report (Report) and overrepresentation of Aboriginal and Torres Strait Islander people in custody

The Government is committed to addressing the overrepresentation of Aboriginal and Torres Strait Islander people in custody. As you have identified, the Government implemented a number of Report recommendations aimed at improved access to community based sentencing in the September 2018 sentencing reforms.

I note your concern in relation to the Law Council of Australia's 2018 Justice Project Report identifying a disparity in access for regional, rural and remote areas to the support services necessary to underpin community sentencing orders. In NSW, Community Corrections uses

a combination of its own programs and resources, and referrals to other providers, to ensure delivery of supports necessary to addressing underlying causes of offending and substance abuse. This is the case across both regional, rural and remote areas and metropolitan areas. Community Corrections formulate tailored case plans for each offender. These plans will often include:

- referral to NSW Health, other government and non-government service providers for alcohol, drug and mental health counselling and support services, and
- cognitive behaviour tools and behaviour change programs targeting areas such as addiction, aggression and domestic violence.

In relation to the Walama Court proposal, the Government continues to consider it amongst other options to address the disproportionate incarceration rate of Aboriginal and Torres Strait Islander people. A whole of Government approach is being taken to this critical issue, targeting the issues underlying offending. As part of this approach, funding is being provided to support Aboriginal and Torres Strait Islander communities in a range of areas, including programs to improve Aboriginal health, employment and education.

In regard to specialist sentencing reports and the unique systemic and background factors affecting Aboriginal and Torres Strait Islander offenders, I note that an offender's deprived background can be relevant in sentencing and be taken into account by the courts.

If your office has any further questions, could they please contact Natascha Rohr, Policy Manager, Courts, Access to Justice & Regulatory at natascha.rohr@justice.nsw.gov.au?

Thank you for taking the time to write on these important matters.

Yours sincerely



Mark Speakman

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