



PAUL LYNCH MP

MEMBER FOR LIVERPOOL



11 February 2019

President
The Law Society of NSW
170 Phillip St
Sydney 2000

Dear President

Thank you for your letter dated 11 December forwarding me a copy of your 2019 State Election Program

I am happy to attach a response on behalf of the NSW Labor Opposition.

Yours sincerely

A handwritten signature in black ink, appearing to read "Paul Lynch".

Paul Lynch MP
Shadow Attorney - General
Member for Liverpool

Resources for Courts and the Justice System

The Drug Court was a Labor initiative and has been subject to a series of positive evaluations. Labor continues to support the Drug Court. NSW Labor has committed to the expansion of the Drug Court to the Illawarra. We support expansion of the Drug Court to other areas when supporting services become available in those other areas.

NSW Labor acknowledges that legal aid funding for private practitioners has been static for a lengthy period of time and that this has placed great pressure on the delivery of such services (as recently exhibited at Wee Waa). Labor commits, if elected, to reviewing these rates.

Labor agrees that adequate legal aid services are critical in ensuring fairness and efficiency in our court system.

Labor will ensure the appropriate construction and development of court facilities with an appropriate consultative process, including in growth areas such as South West Sydney.

In contrast to the approach of the current Government, the State Opposition believes that the provision of Court services in regional areas should not be decided by arbitrary Treasury targets. There are significant social costs associated with reducing court resources in rural and regional areas.

To provide for the proper administration of justice, a Daley Labor Government will establish a separate Department of the Attorney General.

Promoting Investment and Business Innovation

The NSW Labor Opposition awaits with interest the review of payroll tax by the NSW Productivity Commissioner.

We support digital innovation and welcome the benefits it can bring.

Sydney should be a professional services hub for the Asia-Pacific region.

Labor supports limited legal liability for professional partnerships following their introduction in the UK. This allows Australian firms to compete on an equal footing with those based overseas.

Labor supports efficient and fair planning processes and regulation.

Labor supports removing unnecessary regulation.

Upholding the Rule of Law

NSW's Privacy legislation and regime needs to be significantly improved and updated. Current legislation governing privacy was introduced before the iPhone was invented. The Privacy Commissioner's recommendation as to mandatory notification of serious breaches of privacy and the extension of privacy legislation to State-Owned Corporations will be implemented by a Daley Labor Government. A statutory cause of action for serious breaches of privacy should be introduced. A Daley Labor Government will empower the Privacy Commissioner to issue take down and cease and desist orders in cases of serious breaches of privacy.

In relation to the rights of the injured, Labor commits in principle to:

- Preserve access to legal advice for claimants;
- Enhance benefits available under CTP and workers compensation schemes;
- Ensure disputes are determined by a tribunal independent of the scheme regulator;
- Implementing a realistic costs regime;
- Review the CTP scheme; and
- Conduct a fundamental review of the workers compensation scheme.

In Opposition Labor introduced a Private Member's Bill in relation to the workers compensation scheme which included these provisions:

- Removing the five year cut-off date for injured workers;
- Restoring journey claims; and
- Ensuring that a work capacity assessment would actually require the identified job to exist and to exist geographically close by.

The Labor Opposition supports the abolition of the Strikwerda Principle in relation to mesothelioma claims.

A Daley Labor Government will conduct a root and branch review of the Victims Assistance Scheme. We will allocate an additional \$10 million p.a. calculated to increase recognition payments by 50% and to introduce indexation.

Labor supports the establishment of an Office of Public Advocate. We support in principle the Law Reform Commission recommendations in their review of the Guardianship Act.

A Daley Labor Government will establish a working party including community and Government representatives to consider implementation of the recommendations.

We support far greater safeguards relating to enduring powers of attorney and similar documents. A Daley Labor Government will legislate following the Australian and NSW Law Reform Commission reports and the Report of NSW Legislative Council Committee on Elder Abuse.

NSW Labor supports the introduction of electronic conveyancing and recognises its potential benefits. We are also committed to monitoring and reviewing the system where necessary.

The protection of individual rights and freedoms should be at the centre of good governance in the contemporary world. In Government, Labor's approach will be:

- Improved parliamentary scrutiny for civil liberties implications of legislation;
- A review of the impact of current legislation on the rights of citizens;
- Proper assessment by Cabinet of the implications for civil liberties of proposed legislation.

NSW Labor accepts that the Rule of Law is protected by the activities of Whistle-blowers. The current legislation concerning Whistle-blowers in the State needs to be rewritten.

NSW Labor also believes a statutory regime of judicial review of administrative action should be implemented.

Reducing the Incarceration Rate

Labor supports in principle extending section 32 of the Mental Health (Forensic Provisions) Act and will consider implementing it in Government. Labor also supports the Young Offender Act.

Increasing the age of criminal responsibility could only be considered if there was a substantial increase in other services and supports. We await the results of the current review being carried out under the auspices of COAG.

NSW Labor will review the range of diversionary options for children accused of domestic violence. It will also review the impact of spent convictions on children.

Indigenous Justice

Labor supports the principles of Justice Reinvestment. A Daley Labor Government will allocate \$4.5m to fund pilot projects and establish appropriate structures in NSW to support this policy.

Labor does not support the unnecessary removal of indigenous children. We will repeal the State Government's recent legislation, the Children and Young Persons (Care and Protection) Amendment Act.

A Daley Labor Government will introduce the Walama Court. In 2018 Labor moved a Private Member's Bill to achieve this.

A Daley Labor Government will commence a process of treaty with Aboriginal peoples. Our commitment is to work with peak Aboriginal Organisations to develop a process for developing a Treaty. The process must be driven by Aboriginal people not the Government. Labor recognises that no success will be achieved in justice for aboriginal people unless done in partnership with communities.