



The Law Society
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22 May 2009

The Hon. John Hatzistergos, MLC
Attorney General for NSW
Level 33, Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

By facsimile: 9230 2139

Dear Attorney General,

Re: Draft Criminal Procedure Amendment (Circle Sentencing) Regulation 2009

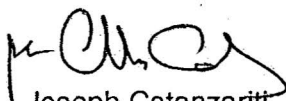
Thank you for the opportunity to comment on the draft *Criminal Procedure Amendment (Circle Sentencing) Regulation 2009* (draft Regulation).

The Law Society's Criminal Law Committee (Committee) has reviewed the draft Regulation which will provide for an additional eligibility criterion.

The Committee queries the rationale for restricting the eligibility of offenders. The NSW Bureau of Crime Research and Statistics Crime and Justice Bulletin 115 '*Does circle sentencing reduce Aboriginal offending?*' provides an analysis on the effectiveness of circle sentencing on recidivism rates, but does not appear to provide a justification for the proposed amendment.

The Committee is of the view that the amendment will unnecessarily restrict a Magistrate's discretion. The Committee would welcome a further explanation as to why the tightening of the eligibility criteria is required. However, on the basis of the information provided, the Committee does not support the draft Regulation.

Yours sincerely,


Joseph Catanzariti
President



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New South Wales is a
constituent body of the
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