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Claudia Daly
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Dear Ms Daly,

Thank you for your request to Cate Faehrmann MLC regarding the Law Society's election policy platform. As the relevant portfolio holders for the Greens NSW, we have provided responses to each of the policy areas.

Do feel free to contact us should you have any further queries regarding our policies and ongoing work on these matters.

- 1) The Law Society of NSW calls on all parties to commit to making the investments necessary to ensure efficiencies gained through the pandemic are not squandered, particularly in relation to the Local Court and NCAT.**

Response: The Greens NSW support modernising court processes to facilitate a more just and equitable experience for those in the system.

For example, the Greens passed an amendment to Government legislation in 2020 that prevents those accused of domestic violence from directly cross-examining victim-survivors, and we have worked with the Government since to develop workable ways forward for facilitating that process. We regularly speak with the Attorney-General about opportunities for greater use of Audio-Visual Links and other technology to improve court safety as well as the efficiency of court processes.

The Greens are alarmed at the waiting times, costs and stress created in our current court systems. We support government funding of the equipment and processes to facilitate the greater use of technology in our courts, particularly in the Local Court and NCAT.

- 2) The Law Society calls on all parties to commit to adequate funding for the legal assistance sector, including Legal Aid, the Aboriginal Legal Service, Community Legal Centres, and private practitioners that undertake legal aid work, to meet the unmet legal needs generated by the pandemic and subsequent economic hardship.**

Response: The Greens are strong supporters of the right to legal assistance and of the important work done by the legal assistance sector, and support this call. The Greens have a long history of advocating for greater funding and support for community legal services, as well as for greater long-term funding certainty.

The Greens NSW [Criminal Justice](#) policy states that we support “increased funding for Legal Aid, Community Legal Centres, and Aboriginal Legal Services to increase the capacity for advice, representation, community legal education, and law reform”. The Greens also support increased state funding to the ALS to match Federal funding as is that case in ACT.

- 3) The Law Society call on all parties to commit to: • better court facilities in regional areas, including capacity to conduct processes by AVL as well as physical court events. • flexible court resourcing to improve access to justice outside metropolitan areas, including through working with the Commonwealth Government to ensure matters in federal jurisdictions are managed efficiently.**

The Greens support measures to improve access to justice for those in regional and remote areas. The obstacles created by requiring people to travel long distances or to wait extraordinarily long periods of time for their cases to be heard exacerbates existing inequities and can have lasting negative impacts on people’s mental health.

For example, the Greens have a strong track record of supporting calls by WDVCSs and other frontline services for changes to our court processes to better support victim-survivors in domestic violence cases in regional areas, including through the greater use of AVL and more investment in case workers.

- 4) The Law Society call on all parties to commit to a comprehensive review of areas of growing population and legal demand to inform a justice infrastructure capital program**

The Greens agree with the Law Society that long-term planning is required to ensure that our justice infrastructure can meet the demands of our growing population. High case-loads and waiting times, along with outdated buildings and technology, highlight that there is a need to review and plan to ensure our existing justice infrastructure is fit for purpose, as well as to ensure that we grow that infrastructure in as effective a way as possible into the future.

- 5) The Law Society of NSW calls on all parties to commit to implementing the recommendations of the Select Committee on the Coronial Jurisdiction in New South Wales in full**

Greens NSW MPs were members of the Select Committee on the Coronial Jurisdiction in New South Wales and supported the recommendations in the Committee’s report in full. We continue to stand by those recommendations and commit to work to see them implemented in full.

- 6) The Law Society of NSW calls on all parties to commit to introducing a statewide planning framework that incorporates consideration of climate related impacts, as well as additional resourcing for local government to adequately plan for climate impacts on local communities.**

Response: The Greens support this call. Our 2023 election policy platform, [Tackling and Surviving the Climate Crisis](#), includes establishing a Climate Recovery and Transformation Authority to assist communities at risk of climate disasters And empowering communities to prepare for climate change through Citizens Climate Assemblies.

Additionally, the [Greens Climate Change policy](#) includes the following: Implementing emissions reductions and local adaptation strategies in conjunction with other governments, national, state and local, and in consultation with local communities.

- 7) The Law Society of NSW calls on all parties to commit to a review of the Industrial Relations Act 1996 (NSW) and ensure it aligns the Act with the anti-bullying and anti-sexual harassment protections in the Fair Work Act 2009 (Cth).**

Response: The Greens support this call. The Greens policy on [Work and Industrial Relations](#) supports closing loopholes in anti-discrimination legislation, including those related to gender, age, disability, marital status, sexuality, race, ethnicity or religion, that create barriers to equal access to work and equal pay. And that all workers are entitled to strong workplace health and safety standards including workplaces that are free from psychological risks such as discrimination and bullying.

- 8) The Law Society of NSW calls on all parties to commit to establishing a comprehensive review of the legislative and executive frameworks in NSW, using the experience of the pandemic to develop a best practice approach that delivers, fair and accountable regulatory frameworks.**

Response: We support this call. During the pandemic, the Greens were vocal in calling for more democracy, not less, during a crisis. We were alarmed at the lack of executive scrutiny over emergency powers, and the impact that cancelling parliamentary sittings had on our work to hold the government accountable.

In March 2022, a [Greens bill](#) to change the NSW Constitution Act to enable NSW MPs to attend parliament remotely passed both houses of parliament and became law.

Through participation in the Regulation Committee, our Greens MPs have been vocal about the overuse of delegated regulation in NSW, particularly [SEPPs](#).

- 9) The Law Society calls on all parties to commit to: • early consultation with the legal community on the use of e-scooters; • continued work between NSW and the Commonwealth on the regulatory settings to ensure the safe introduction of automated vehicles**

Response: The Greens support the call for caution, meaningful consultation and national collaboration on regulation around the use of e-scooters and automated vehicles.

- 10) The Law Society of NSW calls on all parties to commit to a comprehensive review and consolidation of workers compensation legislation, and the implementation of the recommendations of the recent statutory review of the Motor Accident Injuries Act 2017**

Response: We support this call. During debate on the Motor Accident Injuries Amendment Bill 2022, our Greens MPs put on the [record](#) both our support for the implementation of all recommendations of the statutory review and our support for a comprehensive review and consolidation of workers compensation legislation in NSW.

- 11) The Law Society of NSW calls on all parties to commit to the timely delivery of a secure and efficient interoperable eConveyancing system, with appropriate consumer safeguards, through a robust legislative framework.**

Response: We support this call. Our Greens MP were instrumental in ensuring that the recent eConveyancing Bills passed through parliament, participating in the inquiry into the Bill, gaining government assurances and [passing amendments](#) to strengthen the legislation.

- 12) The Law Society of NSW calls on all parties to commit to actioning the three elements (Voice, Treaty, Truth) of the Uluru Statement from the Heart at a NSW level. The Law Society of NSW calls on all parties to commit to achieving the Closing the Gap targets.**

Response: The Greens NSW 2023 [Truth Telling and Treaty](#) election policy platform includes the following:

Establish a Truth & Justice Commission
Establish an Independent Treaty Commission

Commence a positive referendum process to create dedicated seats for First Nations people in the NSW Parliament

13) The Law Society of NSW calls on all parties to commit to supporting and expanding specialist Indigenous courts, including the Walama List in the District Court, the Youth Koori Court and the Indigenous care list in the Children's court.

Response: The Greens NSW support this call. The [Juvenile Justice policy](#) states that where possible and where appropriate to the offence, “young people who have offended should be managed within their communities in order to assist their reintegration into the community and to sustain and enhance family and community ties. The Greens are committed to handing justice powers back to First Nations people to determine their own justice outcomes in an Aboriginal way.

14) The Law Society of NSW calls on all parties to commit to implementing in full the recommendations of the Family is Culture report, consistent with Closing the Gap targets relevant to the care and protection of Indigenous children, and to Indigenous family safety

Response: Additionally, the Greens NSW [support reforming the law](#) in NSW to stop spiralling rates of First Nations child removals by implementing all 25 recommendations of the ground-breaking “Family is Culture” report, including legislating the presumption of harm for First Nations child removals, to end the ongoing Stolen Generations.

15) The Law Society of NSW calls on all parties to commit to: • implementing reforms to improve the availability and eligibility for diversionary programs for young people; • increasing funding for support services for young offenders; and • improving education supports for young people in OOH.

Response: The Greens NSW policy on [Juvenile Justice](#) includes the following clauses:

- Support the Young Offenders Act 1997 and are committed to the principle of diversion from the court system and keeping young people in their families and communities of support. However, the Greens believe the Government should introduce a network of youth advocates so that young people have access to such advocates when facing cautions or conferences.
- Consider that families and extended families should be recognised as the fundamental influence upon children and should be given support and opportunities to participate in the juvenile justice process.

- Believe the community and the Government should be made to accept responsibility for young people and provide support and positive opportunities to enable young people to become valuable community members. This includes an adequately resourced care and protection system to protect children and support families in crisis.
- Consider that where possible and where appropriate to the offence, “young people who have offended should be managed within their communities in order to assist their reintegration into the community and to sustain and enhance family and community ties.

16) The Law Society calls on all parties to commit to implementing the criminal justice recommendations of the Ice Inquiry as a matter of urgency, in particular a pre-court diversion scheme for personal use of prohibited drugs.

Response: The Greens NSW 2023 policy platform, [Legalise Cannabis and End the War on Drugs](#) includes the following: The Special Commission of Inquiry into Ice along with the Coronial Inquest into drug-related deaths at Music Festivals, both made clear recommendations to the NSW Government to reduce the potential harm caused by drugs by treating drug use as a health issue not a criminal one.

The Greens will remove all criminal penalties for personal drug use and redirect the money spent on over policing to expand alcohol and other drug services, including in regional NSW. We will end police harassment of people who choose to use drugs and ensure that those who need help get it when and where they need it.

17) The Law Society of NSW calls on all parties to commit to ensuring that current criminal justice approaches are designed to facilitate survivors giving their best evidence, and that matters are dealt with as quickly and fairly as possible by all participants in the justice system.

Response: The Greens support this call and have a strong track record of parliamentary work in this area (see response to Q1).

Our 2023 policy platform, [Women’s Equality and Safety](#) includes the following: Funding a strong and trauma-informed workforce, and ensuring frontline services, banks, teachers, healthcare workers, police and judges recognise and understand the dynamics of abusive relationships and how to help people affected by them. Additionally, our [Criminal Justice](#) policy states that ‘survivors and victims of crime must be respected and all reasonable steps taken to prevent their being re-traumatised or further victimised by the criminal justice system’, and notes that we will ‘monitor and implement any necessary reforms to minimise stress on

complainants in sexual assault and rape trials, consistent with a fair trial, investigation and court procedures’.

18) The Law Society of NSW calls on all parties to commit to improved training for police officers on key legal issues, including legislative powers and responsibilities, and the appropriate use of discretion.

Response: We support this call. In particular, throughout our work on the new sexual assault and coercive control laws, our Greens MPs have consistently pushed for greater funding to be delivered to ensure that police are given the skills and training needed to ensure they safely and effectively respond to these complex matters.

19) The Law Society calls on all parties to commit to: • conducting a wide-ranging consultation with the community about the need for human rights legislation in NSW; Establishing an inquiry into the effectiveness of the Anti-Discrimination Act 1977 (NSW) in eliminating discrimination and promoting equality in NSW

Response: We support this call. The Greens 2023 Policy platform [Equality and Inclusion](#) includes the following commitment - The Greens will work to eliminate violence against women, reform the anti-discrimination act and enact a human rights charter to ensure no one is stopped from asserting their rights and dignities.

Again, the Greens have a strong track record of working to improve the Anti-Discrimination Act. In November 2018, our Greens MPs introduced the Anti-Discrimination Amendment (Removal of Exemptions and Other Reforms) Bill 2018 to the NSW Parliament. The bill aimed to strengthen protections for the LGBTIQ+ community by including sexual orientation, gender identity and sex characteristics as stand alone protected attributes, harmonising language in the Act with the NSW Anti-Vilification framework, and repealing all sections which currently allow religious organisation, small businesses and private education authorities as service providers, to refuse service on the basis of sexual orientation and gender identity. In 2020, the Greens introduced a bill to include sex work experience as a protected attribute under the Act. We will continue our focus on this work in the next term of parliament and are committed to a full review of the Act.

20) The Law Society calls on all parties to commit to the development of an evidence-based framework for the prevention of elder abuse.

Response: The Greens are committed to implement the highest level of protection against abuse towards older people and support this call. Additionally, we have previously advocated for increased funding for the Ageing and Disability Commission

and for a legislative response to elder abuse. Our [Older People policy](#) outlines our position in more detail.

21) The Law Society of NSW calls on all parties to commit to safeguarding the ability of the NSW integrity agencies to carry out their functions effectively and independently.

Response: The Greens support this call. Our position is outlined in our [2023 Democracy, Anti-Corruption and Integrity](#) election platform.

22) The Law Society calls on all parties to commit to: • consulting on legislative reform to prevent evictions on unreasonable grounds; • providing increased funding to specialist legal services focused on homelessness.

Response: The Greens are committed to ending unfair no grounds evictions and have campaigned and moved legislation to achieve over the past 8 years in the NSW parliament. The Greens [2023 Housing election platform](#) specifically supports both these calls.

23) The Law Society calls on all parties to commit to implementing: • policies to ensure that all online learning platforms used in NSW schools are adequately protective of children's data rights; and • programs to educate both children and parents about the privacy risks associated with the use of online applications.

Response: We support this call. The right to privacy is a fundamental human right, supported under our Australian Greens [Human Rights](#) policy.

Warm regards,

Sue Higginson MLC
Greens NSW Justice spokesperson

Abigail Boyd MLC
Greens NSW Attorney General spokesperson