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Dear Ms Banks

Law Society of NSW 2023 State Election Platform and Presidential priorities

I write, further to your Credential Visit on 19 January 2023 and my letter of 27 January 2023, in relation to the Law Society of NSW 2023 State Election Platform.

Thank you again for the opportunity to update Law Society members on the NSW Liberal and Nationals Government's substantial work to advance access to, and the administration of, justice in New South Wales.

The NSW Government has consistently led the nation on important and innovative law and justice reforms. These have included affirmative sexual consent laws, criminalising coercive control in intimate partner relationships, and the first state-based mandatory notification scheme for data breaches, as well as court performance.

With the record resourcing and support from the NSW Government, many of our jurisdictions are also leading the country on key performance indicators, including the Local, District and Coroners Courts.

The Law Society's Election Platform sought commitments across government on five themes:

- i. Supporting the justice system.
- ii. Better regulation to support economic recovery and resilience.
- iii. Indigenous justice.
- iv. Reducing contact with the criminal justice system.
- v. Rule of law and protecting rights.

I am pleased to update your members on initiatives that the NSW Government has delivered, or is already delivering, across these important areas.

For your members' interest and information, I also appreciate the opportunity to provide an update on the achievements that the NSW Government has delivered to reform and improve the law and preserve the integrity of the legal profession, consistent with the Law Society's Objects under clauses 4(a) and (b) of its Constitution.

i. Reforming and improving the law

In 2022 alone, the NSW Government introduced and passed 11 bills in the Attorney General's portfolio. This is significantly more than any other Minister, and more than twice as many as the last Labor Attorney General in 2010.

- ***In an Australian first, the NSW Liberal and Nationals Government has delivered a stand-alone offence to criminalise coercive control in intimate partner relationships – a proven red flag for domestic violence homicide.***

These laws could literally mean the difference between life and death. Coercive control is a form of domestic abuse that involves patterns of behaviour that have the cumulative effect of denying victim-survivors their autonomy and independence.

These reforms are the product of many years of research, careful consideration and unprecedented consultation by the NSW Government in two and a half years, including at least seven stages of development such as a discussion paper, a parliamentary inquiry, public exposure draft bill and roundtables.

This offence is unlike any other coercive control offence in the world. We have learnt from overseas jurisdictions' experiences and built a bespoke offence that best reflects the diverse nature of our society in NSW, including in terms of Aboriginal communities and CALD communities. These reforms are supported by \$5.6 million in initial funding for coercive control training and education, including for police, lawyers and judges, and public awareness raising campaigns.

This is one of many substantial legal reforms the NSW Government has undertaken to protect our community, strengthen frontline services and support women's safety.

- ***In an Australian first, the NSW Liberal and Nationals Government has implemented nation-leading affirmative sexual consent reforms.***

The NSW Government's *Crimes Legislation Amendment (Sexual Consent Reforms) Act 2021* makes clear that if you want to engage in sexual activity with someone, then they need to do or say something to show consent or you need to do or say something to seek consent.

Our nation-leading laws commenced in 2022 after six months of rigorous education, training and community awareness to resonate with young people.

These reforms are not just about holding perpetrators to account but changing social behaviour. This is why our reforms were accompanied by five new jury directions to address common 'rape myths', research into victim-survivors' experiences with the criminal justice process, and the expansion of the highly successful *Make No Doubt* consent education campaign.

- ***In an Australian first, the NSW Liberal and Nationals Government has piloted and is now rolling out state-wide a nation-leading program that reduces the trauma of court processes for children who are victims of sexual assault.***

In February 2023 the NSW Liberal and Nationals Government announced that we will invest \$64.3 million over four years to expand the Child Sexual Offences Evidence Program (CSOEP) to every District Court and Police District in NSW.

The NSW Government was nation-leading when we piloted the program in 2016, nation-leading when we made it a permanent program and now nation-leading in extending it state-wide. This important program reduces the difficulties experienced by our most vulnerable victims as they navigate the justice system.

The CSOEP originally commenced in 2016 as a pilot in two court locations – the Sydney (Downing Centre) District Court and Newcastle District Court – as well as in the corresponding South-West Metropolitan, Central Metropolitan, and parts of the Northern Police Districts. The expanded program will be rolled out across NSW from 1 July 2023.

- ***Under the NSW Liberal and Nationals Government, NSW became the first State or Territory in Australia to legislate a mandatory notification scheme for data breaches.***

The NSW Government's *Privacy and Personal Information Protection Amendment Act 2022* creates new standards of accountability and transparency for government bodies and introduces a mandatory notification of data breach scheme in NSW.

These reforms will provide consistency across public sector agencies by making it mandatory for public sector agencies to notify the Privacy Commissioner and those impacted by a data breach involving personal information which is likely to result in serious harm.

Agencies will also have to satisfy a number of data management requirements, including making reasonable attempts to mitigate the harm done by a data breach, maintaining an internal data breach incident register, and have a publicly accessible data breach policy.

This legislation, once commenced, will provide greater certainty for the public and government agencies regarding personal information and the steps required if a data breach occurs.

- ***The NSW Liberal and Nationals Government banned people accused of domestic violence from directly questioning victim-survivors in criminal/related court matters.***

The NSW Government has delivered a number of significant legislative reforms and resources to promote a trauma-informed approach to court processes while maintaining the right to a fair trial.

This includes expanding the ban on direct cross-examination by self-represented accused of complainants in sexual offence proceedings to complainants in domestic violence criminal and related proceedings, in 2021.

Instead if a self-represented accused seeks to question a complainant the court appoints a suitable and specially trained person – a Court Appointed Questioner – to ask the questions on the accused's behalf.

➤ ***The NSW Liberal and Nationals Government is committed to transparency, accountability, and acting in the best interests of the people of NSW.***

The NSW Liberal and Nationals Government has undertaken a significant program of integrity reform to build public trust in government and ensure decision making is in the public interest. Our reforms include:

- *Electoral reforms* - this Government has reformed electoral and campaign finance laws to increase integrity, transparency and accountability in NSW politics.
- *Implementation of the Grants Administration Review* - the NSW Government supports or supports in principle all of the recommendations of the Grants Administration Review to ensure any public money invested in grants programs is spent fairly, effectively, and transparently.
- *The Government response to the STIC inquiry by Mr Head* – former NSW Public Service Commissioner, Mr Graeme Head AO, was appointed to inquire into the process that was followed in relation to the employment of the Senior Trade and Investment Commissioner to the Americas. The Government supports 12 of the 13 recommendations directed to the Government in the Report.
- *Integrity agency funding reforms* - the NSW Budget 2022-23, the first Budget to be delivered under the new funding arrangements, funded all proposals submitted by integrity agencies as part of the budget process, and included a \$20 million appropriation for integrity agency contingencies.
- *Lobbying reforms* – NSW is to implement the strongest lobbying integrity measures in Australia. The NSW Government supports all recommendations directed to the Government in response to an Independent Commission Against Corruption (ICAC) report on lobbying regulation and practices, Operation Eclipse.
- *Public Interest Disclosure reforms* - the NSW Parliament last year passed new public interest disclosures legislation, the *Public Interest Disclosures Act 2022*.

There is no place for corrupt conduct in NSW. If further reforms are necessary, the NSW Liberal and Nationals Government will implement them.

- ***In an historic moment for NSW, the NSW Liberal and Nationals Government legislated to make it a criminal offence to knowingly display a Nazi symbol in public without a reasonable excuse.***

The NSW Government's *Crimes Amendment (Prohibition on Display of Nazi Symbols) Act 2022* sent a clear message that the display of Nazi symbols, and the hatred and bigotry they represent will not be tolerated in NSW.

The NSW Government's criminal offence of displaying Nazi symbols carries a maximum penalty of 12 months' imprisonment and/or a \$11,000 fine for an individual, or a \$55,000 fine for corporations.

The law deliberately does not define the term 'Nazi symbol' so the words can take their ordinary, well-understood meaning. The legislation provides narrow exceptions to allow a Nazi symbol to be displayed where the act is done reasonably and in good faith, such as for an academic, artistic or educational purpose, or another purpose in the public interest.

These reforms provided an additional safeguard that complements the NSW Government's existing protections against vilifying conduct and ensures an appropriate criminal law response to this reprehensible conduct.

- ***The NSW Liberal and Nationals Government has led two rounds of national defamation reforms, most recently securing approval for national defamation reforms for search engines, social media platforms and other internet intermediaries.***

NSW has led the development of nation-wide amendments over 18 months to reset defamation law by improving the balance between protecting individual reputations and freedom of expression. We were the first jurisdiction to legislate these amendments, through the *Defamation Amendment Act 2020*.

Most recently, in December 2022 we secured the in principle agreement of Australia's nine Attorneys-General to a further round of NSW-led national reforms to modernise the country's defamation laws on search engines and social media platforms. This followed a process of extensive consultation with the media, stakeholders and community.

The Standing Council of Attorneys-General agreed in principle to enact the amendments in each jurisdiction to address the extent to which internet intermediaries are liable for reputation-damaging material published by third party users online, to commence from 1 January 2024.

➤ ***The NSW Liberal and Nationals Government secured national agreement to draft a national access scheme for digital records after death or incapacity.***

The NSW Liberal and Nationals Government has secured national agreement to draft legislation for a NSW-led national scheme to determine how digital records such as social media accounts should be accessed if the account holder dies or becomes incapacitated.

This is a complex area of law requiring great sensitivity to ensure any scheme strikes the right balance between access and privacy.

In December 2022, the nation's nine Attorneys-General agreed to a NSW proposal to draft legislation for the development of uniform model legislation for a national access scheme for digital records after death or incapacity.

➤ ***In an Australian first, the NSW Liberal and Nationals Government delivered two new criminal offences to better recognise the loss of an unborn child due to another person's criminal act.***

In 2022 NSW became the first jurisdiction to have a stand-alone criminal offence of 'Causing the loss of a foetus'. No law can ever repair the harm and distress caused in these circumstances, but the NSW Government's reforms better acknowledge the heartbreak suffered by families and hold offenders more appropriately to account through stronger sentences.

The NSW Government created two new criminal offences of 'Causing the loss of a foetus', which carries a maximum penalty of five to 28 years imprisonment depending on the criminal act, and 'Causing the loss of a foetus (death of pregnant woman)'.

Under our reforms, improved support and recognition is also available to parents who have lost an unborn child of any age as a result of a third party criminal act. Our reforms enable:

- family members to make victim impact statements that may be taken into account by the courts when sentencing offenders.
- the name of an unborn child lost as a result of a criminal offence to be included in the formal wording of charges against an accused (the indictment).
- family members to claim funeral costs for the loss of an unborn child caused by a car accident.

➤ ***In an Australian first, the NSW Liberal and Nationals Government delivered criminal offences that specifically target the heinous behaviour of producing, disseminating or possessing bestiality or "animal crush" material.***

Animal cruelty and animal crush materials, like videos depicting serious animal cruelty to satisfy a fetish, are abhorrent.

That's why the NSW Government introduced and passed through Parliament in 2021 reforms to strengthen animal cruelty laws by creating new offences to address the heinous behaviour of producing, disseminating or possessing bestiality or animal crush material.

➤ ***The NSW Liberal and Nationals Government has delivered better protections and tougher penalties for assaulting frontline health or emergency workers.***

The NSW Government has legislated new tough penalties for assaulting frontline health or emergency services workers, including up to 14 years in jail.

These new laws underscore the NSW Government's commitment to strengthening frontline services and supporting those who selflessly serve in these critical roles.

The NSW Government has ensured that firefighters from the NSW Rural Fire Service, Fire and Rescue NSW and the NSW National Parks and Wildlife Service, pharmacy staff, community health workers and NSW State Emergency Service frontline workers are covered by the new offences, in recognition of the significant work they do for our community.

This law also clarifies and provides consistency in the coverage of existing laws for assaulting, hindering or resisting emergency services workers including police officers and correctional officers.

Whatever the emergency, our frontline workers, including volunteers, give their all to help people through the worst of times. These laws ensure that those who perpetuate disgraceful acts of violence on our dedicated emergency services personnel face appropriate consequences. Penalties for the new offences range from up to 12 months in prison and/or a \$2,200 fine, to a maximum 14 years' jail for the worst offenders.

➤ ***The NSW Liberal and Nationals Government has delivered tough new penalties for existing illegal activity where protesters engage in major infrastructure disruption.***

The NSW Government respects the right to protest, however that must be weighed against the rights of other members of the public to move freely and not be obstructed in public places.

That's why the NSW Government legislated in 2022 to strengthen penalties for people who participate in illegal protests where their actions cause serious disruption to our roads, public transport or major infrastructure.

- ***In an Australian first, the NSW Liberal and Nationals Government legislated minimum standards for electronic monitoring used as a bail condition.***

The NSW Government has further strengthened the *Bail Act 2013* by requiring, in a national first, that any electronic monitoring imposed as a bail condition must meet minimum standards prescribed in the regulations.

Reforms passed by the Parliament in 2022 also require that bail must be refused following conviction and prior to sentencing where the offender will be sentenced to full-time detention, unless special or exceptional circumstances can be established. The NSW Government is committed to keeping our community safe.

Getting our bail laws right is a delicate balancing exercise.

These reforms ensure that offenders who have already been found guilty beyond a reasonable doubt, or pled guilty, and are already heading to prison, get there quicker, and are not out in the community while awaiting sentence.

- ***The NSW Liberal and Nationals Government delivered sentencing reforms for historical crimes, so that offenders convicted of historical offences are sentenced according to current sentencing patterns and practices.***

These reforms require NSW courts to apply current sentencing practices to perpetrators of all crimes, regardless of when those crimes were committed, unless there are exceptional circumstances.

Previously, courts were required to apply the sentencing patterns and practices that were in place at the time an offence was committed, instead of at the time of sentencing, except in cases of child sexual abuse.

The *Crimes (Sentencing Procedure) Amendment Act 2022* expanded on the NSW Government's 2018 reforms, which ensured that child sex offenders are sentenced according to contemporary practices, as recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse.

- ***The NSW Liberal and Nationals Government has reformed the Apprehended Domestic Violence Orders (ADVO) system, doubling the default ADVO length from 12 months to two years, and creating a new strangulation offence.***

The NSW Government has consistently acted to boost protection for victims of domestic violence and help reduce reoffending.

We've made significant changes to the ADVO system, including:

- Increasing the length of ADVOs from 12 months to two years.
- Empowering courts to grant indefinite ADVOs in severe cases.
- Providing that ADVOs automatically extend for two years after an adult offender is released from prison, a period when risk of reoffending is high.
- Giving senior police the power to immediately vary ADVOs in response to serious and immediate risks to victims, until a court can consider the matter.
- Legislating a new strangulation offence specifically formulated to recognise and better address domestic violence strangulation, with a maximum sentence of five years imprisonment.

- ***The NSW Liberal and Nationals Government has made it a criminal offence to intentionally or recklessly threaten or incite violence on grounds of race, religion, sexual orientation, gender identity or intersex or HIV/AIDS status.***

The NSW Liberal Nationals Government has been clear: hateful and vilifying conduct is completely unacceptable in our community.

That's why we made it a criminal offence in 2018 to intentionally or recklessly threaten or incite violence on grounds of race, religion, sexual orientation, gender identity or intersex or HIV/AIDS status, under a new section 93Z of the *Crimes Act 1900*.

This offence reinforces that the NSW Government does not tolerate threats of violence or incitement of violence, and strikes the right balance between community safety and freedom of speech.

Freedom of speech is a fundamental tenet of liberal democracy but so too is freedom from fear.

In legislating these reforms, the NSW Government listened closely to the community and acted to ensure that any behaviour that puts community safety at risk will not be tolerated.

- ***The NSW Liberal and Nationals Government has announced an independent, wide-ranging review of sentencing for firearms, knives and other weapons offences in NSW.***

The NSW Government is committed to keeping our community safe.

This is why we asked the State's independent advisory body on sentencing matters and sentencing trends, the Sentencing Council, to undertake this important work.

In requesting this review, we want to make sure that sentencing laws relating to possession and use of firearms, knives and other weapons remain in line with community expectations and that law enforcement agencies have access to the tools they need to keep our streets safe.

The terms of reference will ensure a wide-ranging, extensive review of existing sentencing offences, including an in-depth analysis of sentencing convictions over the past five years.

- ***In response to extensive feedback received from families of victims of serious road crime, the NSW Liberal and Nationals Government has asked the NSW Law Reform Commission to review and report on a number of matters relating to serious road crime and the experiences of victims of serious road crime and their families.***

The NSW Government is committed to strengthening the criminal justice system's response to serious road crimes and supporting the families of road crime victims.

This is why we asked the State's independent law reform advisory body, the NSW Law Reform Commission, to look at whether existing laws remain fit for purpose.

The NSW Government has listened to concerns raised by families of victims of road crime and acted to better support road crime victims and their families, including by:

- passing the *Motor Accident Injuries Amendment Act 2022* to enable the State Insurance Regulatory Authority to establish a trauma support service for families of those who have been injured or killed because of a motor accident.
- releasing a public consultation paper in 2022, as part of our current statutory review of the *Victims Rights and Support Act*, that directly considers the interaction between this legislation and motor vehicle accidents.
- delivering "Nick's Law" in 2018 to extend access to the Victims Support Scheme for the close family members of victims deliberately killed by a motor vehicle.
- asking the Judicial Commission of NSW in 2022 to consider feedback received from the family member of a young man killed as the result of a road crime as part of the Commission's ongoing training and education of judicial officers.

- ***The NSW Liberal and Nationals Government has legislated to empower courts to set aside unfair historical settlement agreements for sexual and serious physical abuse, to ensure survivors can access the civil justice they deserve and be properly compensated for the appalling mistreatment they suffered as children.***

These significant reforms in 2021 have allowed survivors of institutional child abuse to pursue the compensation they deserve.

This followed reforms by the NSW Government in 2016 and 2018 to remove barriers for survivors seeking civil justice in response to recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse.

These included eliminating limitation periods for child abuse claims and abolishing the legal technicalities that shielded some institutions from lawsuits.

The *Civil Liability Amendment (Child Abuse) Act 2021* went beyond the Royal Commission's recommendations by allowing survivors impacted by these legal barriers to have the same access to justice as those who brought a claim after the Government's 2016 and 2018 reforms. This legislation also removed restrictions on personal injury claims for survivors of child abuse that occurred in custody.

- ***The NSW Liberal and Nationals Government is delivering for victims and their families.***

It was the NSW Government that first delivered the *Victims Rights and Support Act 2013*, to fix the disgrace that was the former Labor Government's legacy in this policy space.

Under Labor, the former Victims Compensation Scheme was crippled by demand, cost blowouts, ballooning liability and protracted delays for victims in receiving compensation. Minister Hazzard told the Parliament in 2013 that Labor's legacy was a scheme where victims wait "on average at least 30 months before they receive any money".

The NSW Government's Victims Support Scheme provided more than \$120 million in victims support in the 2021-22 financial year alone - support that meets their needs and recognises the trauma and suffering experienced in relation to violent crime.

The key principles of this scheme are to ensure that victims receive timely support to meet their immediate needs, provide financial assistance and rehabilitation, and recognise and acknowledge the trauma suffered. The scheme is consistent with the United Nations (UN) Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

It was the NSW Government which set up a Victim Services Commissioner with independent decision making capacities in respect of claims.

A statutory review of the *Victim Rights and Support Act 2013* is underway, including a public consultation paper released in April 2022 and stakeholder engagement, such as the Victims of Crime Interagency Forum held by the Department of Communities and Justice on 6 December 2023.

ii. Preserving the integrity of the legal profession

- ***The NSW Liberal and Nationals Government has brokered a ground-breaking agreement to support free legal services for those in need, through the Public Purpose Fund.***

In 2021 the NSW Liberal and Nationals Government reached a landmark agreement with the Law Society of NSW to guarantee the Public Purpose Fund (PPF) an income stream of \$55 million over the next 10 years.

This agreement will ensure that Legal Aid NSW and other legal assistance services that rely on PPF funds can continue to help vulnerable people in need of support. The PPF also supports other entities that regulate the legal profession, including the Office of the Legal Services Commissioner, the NSW Civil and Administrative Tribunal and the Law Society.

Then President of the Law Society of NSW, Juliana Warner, said the new funding agreement will provide important benefits for the broader legal profession and the NSW community that it serves and ensure the PPF “*continues to do what it was set up to do – ensuring the ongoing integrity of the legal profession, the preservation of public confidence in professional standards and funding crucial legal services for some of the most vulnerable citizens in our state*”.

- ***The NSW Liberal and Nationals Government has delivered new protections against threats and reprisals to criminal defence lawyers.***

Defence lawyers play a critical role in the justice system and support key tenets of justice by putting the prosecution to proof. It is important that defence lawyers are free from threats, intimidation and reprisals, to uphold their duties to the court and to their clients.

The NSW Liberal and Nationals Government recognises that defence lawyers should have the same protections as prosecutors in undertaking their important work. This is why we legislated to extend existing protections for public justice officials, like prosecutors, to criminal defence lawyers. Our reforms made it an offence, with a penalty of up to ten years jail, for a person who, without reasonable cause:

- threatens to do or cause, or does or causes, an injury or detriment to a person intending to influence a person's conduct as an Australian legal practitioner acting for a defendant in a criminal matter or in connection with criminal proceedings; or
- threatens to do or cause, or does or causes, an injury or detriment to a person on account of anything lawful done by the person as an Australian legal practitioner acting for a defendant in a criminal matter or in connection with criminal proceedings.

- ***The NSW Liberal and Nationals Government has authorised legal practitioners to witness written oaths, declarations and affidavits under section 26 of the Oaths Act 1900.***

In 2021 the NSW Government legislated to authorise legal practitioners to witness written oaths, declarations or affidavits under section 26 of the *Oaths Act 1900*, such as oaths of office. Previously, Australian legal practitioners could not witness certain categories of oaths.

These were typically oaths that might be required for the purpose of a court or tribunal, the registration of any instrument or for the purpose of arbitration.

This measure was introduced temporarily as part of the NSW Government's response to the COVID-19 pandemic in April 2020. The NSW Government has now made this permanent.

iii. Supporting the Justice System

- ***The NSW Liberal and Nationals Government has invested record funding to support court operations, including \$220 million over five years to 2024-25 to support courts and infrastructure and \$2 billion in the 2022-23 budget to increase access to justice and further strengthen courts and justice frontline services.***

With the support of the NSW Government, NSW's courts continue their strong recovery from the challenges posed by the COVID-19 pandemic and the unprecedented natural disasters that have impacted so many people over the past four years, from drought to bushfires, global pandemic, floods and storm events.

- ***Under the NSW Liberal and Nationals Government, NSW courts are among the fastest in Australia.***

Local Court

The Local Court is the engine room of the State's justice system, managing a caseload equivalent to 96% of all criminal prosecutions and 90% of civil matters in NSW.

The Local Court is nation-leading with 95.1% of criminal matters finalised under 12 months in 2021-22 (compared with 67.8% in Victoria, 88.6% in Qld and 93.6% in WA), according to the 2023 Productivity Commission's *Report on Government Services* data. The Local Court was second only to WA (83.6%) with 82.4% of criminal matters finalised in under 6 months (compared with 40.7% in Victoria and 75.2% in Qld).

In the timely processing of civil matters, the Local Court co-leads the larger population States (NSW, Vic, Qld, WA) with WA at 92.1% of matters finalised under 12 months (compared with 80.6% in Vic and 80.7% in Qld). The Local Court finalised 56.4% of civil matters under 6 months, compared with 67% in Vic, 71.8% in Qld and 86.3% in WA.

District Court

The District Court leads the nation in overall timeliness (counting appeal and non-appeal) for criminal matters, with 90.6% of matters finalised in under 12 months in 2021-22 (compared with 73.8% in Vic, 90.2% in Qld and 63.5% in WA). The District Court finalised 97.9% of matters in under 24 months (compared with 87.8% in Vic, 97% in Qld and 93% in WA).

The District Court continues a 5-year trend of increasing the proportion of non-appeal criminal matters finalised in under 12 months.

The District Court's overall clearance rate of 102.7% for all matters leads the larger population states (compared with 98.6% in Vic, 98.5% in Qld and 92.6% in WA), and is exceeded only by SA (105.6%).

Supreme Court

The Supreme Court's overall clearance rate for criminal matters was 110% in 2021-22, exceeded only by Tasmania (112.2%). For the same indicator, Victoria's rate was 75.5%, Qld's was 99.4% and WA's 106%. The Supreme Court finalised 497 criminal matters in 2021-22, the highest number since 2016-17.

The Supreme Court is also leading the larger population States in on-time case processing for criminal appeal matters, with 100% of matters finalised in under 24 months (compared with 100% in Vic, 96.1% in Qld and 97.1% in WA). The Supreme Court finalised 94.1% of matters in under 12 months (compared with 63.3% in Vic, 72.6% in Qld and 76.8% in WA), a figure exceeded only by SA (95.3%).

The Supreme Court finalised 423 criminal appeal matters in 2021-22, the highest number since 2014-15.

The Supreme Court leads the nation in the timely finalisation of civil matters on appeal with 88.9% of matters finalised under 12 months (compared with 62.4% in Vic, 76.6% in Qld and 54.7% in WA).

The Supreme Court was only exceeded by the NT (100%) in the timely finalisation of civil matters on appeal over 24 months, with 98.2% finalised (compared with 94.8% in Vic, 94.5% in Qld and 96.4% in WA).

NCAT

The NSW Government is committed to putting people at the heart of our policy reform and core business, and strengthening frontline services.

That's why the NSW Government brought together more than 20 individual tribunals to create a consolidated NSW Civil and Administrative Tribunal.

In 2021-22, NCAT finalised more than 71,000 matters, including 863 appeals, achieving a clearance rate of 101.1%. 95.4% of those matters were finalised within six months.

In 2021-22, there was also a record number of lodgements - 70,448.

- ***Since 2016, the NSW Liberal and Nationals Government has invested more than \$326 million to tackle the District Court backlog.***

This has included \$13.8 million in the 2022-23 Budget for three acting District Court judges to tackle the court backlog arising from the COVID-19 pandemic, and \$148 million announced in 2018 to fund the appointment of seven additional judges, bringing the District Court bench size to a record 75 judges.

As NSW has continued to grow, the NSW Government has acted to invest in critical justice frontline services and ensure the court system is equipped to meet the challenges of the future and deliver justice to victims as quickly and efficiently as possible.

- ***The NSW Liberal and Nationals Government has invested \$3 million since 2019 to increase bandwidth to courts and tribunals by 60%.***

We have doubled or more than doubled the speed of network bandwidth at over 30 courts in NSW, including in Katoomba, Tamworth, Wollongong, Tweed Heads, Singleton, Taree, Cessnock, and Parramatta.

- ***The NSW Liberal and Nationals has boosted investment in NSW's nation-leading coronial jurisdiction to strengthen outcomes for families, reduce the number of preventable deaths, improve timeliness and support culturally safe processes.***

Under the NSW Liberal and Nationals Government, the NSW Coroners Court leads the nation, with 96.8% of matters finalised under 24 months in 2021-22 (compared with 90.8% in Vic, 95.6% in Qld and 89.5% in WA). The Coroners Court is exceeded only by the ACT (92.8%) in proportion of matters finalised under 12 months (88.3%, compared with 76.7% in Vic, 85% in Qld and 56.5% in WA). The Coroners Court finalised 8215 matters in 2021-22, the highest number on record (records date back to 2006-07).

The NSW Government remains committed to strengthening our coronial jurisdiction and has supported the Court to make important changes to improve the experience of grieving families and communities impacted by an unexpected or unexplained death.

This includes investment in the 2021-22 NSW State Budget to appoint an additional magistrate to the coronial jurisdiction and provide resourcing to the Coronial Case Management Unit to reduce delays and increase support for families.

The NSW Government had already established a review before the Select Committee started its work, with the *Timeliness of Coronial Procedures Taskforce*, which aimed to reduce delays and improve families' experiences. The Taskforce has implemented initiatives to improve timeframes, particularly in relation to the early case management of cases, especially in regional and rural areas.

The NSW Government also acknowledges the importance of coronial processes being culturally safe and responsive to First Nations families and the significant work that has been done by the coronial jurisdiction in this area to date, including the commencement of the *State Coroner's Protocol – Supplementary arrangements applicable to section 23 deaths involving First Nations Peoples* and the establishment of two Aboriginal Coronial Information and Support Officer positions to improve support for First Nations families.

- ***The NSW Liberal and Nationals Government invested \$56.1 million in the 2021-22 budget to appoint eight additional magistrates to the Local Court and boost resources for prosecutors and Legal Aid NSW.***

Victims of crime have benefitted from accelerated access to justice in the Local Court, with the NSW Government's 2021-22 State Budget investing \$56.1million over four years to appoint eight extra magistrates and boost resources for prosecutors and Legal Aid.

Under the NSW Liberal and Nationals Government, NSW has a record total of 149 magistrates, working in more than 150 court locations.

This has helped deliver more efficient justice in both regional and metropolitan NSW, reduce the trauma of waiting for hearing dates and attending court on victims, witnesses and families, and enable the Coronial Case Management Unit pilot to become permanent.

The Coronial Case Management Unit helps ensure grieving families can lay their loved ones to rest sooner and receive better and more timely information. Led by coroners, the unit is a successful collaboration between police, forensic pathologists, medical specialists and counsellors.

- ***The NSW Liberal and Nationals Government has made record investments in the NSW legal assistance sector, with Legal Aid funding doubling between 2010-11 and 2020-21.***

Combined with Commonwealth funding contributions under the National Legal Assistance Partnership, total government investment in the NSW legal assistance sector will exceed \$450 million per annum from 2022-23.

In November 2021, the NSW Premier and Attorney General jointly announced the funding model for the community legal sector for the three-year period 1 July 2022 to 30 June 2025. Under this model, \$64.7 million of baseline federal and state funding over three years was allocated for Community Legal Centres (CLCs) to continue delivering core services. A further \$18.6 million of funding was earmarked for areas of greatest need and available through an application process.

\$4 million per annum was allocated to CLCs through the FLFV application process for Commonwealth funding for Family Law and/or Family Violence (FLFV) services. 22 CLCs were allocated Commonwealth FLFV funding to provide a range of frontline services focusing on victim-survivors of domestic and family violence across metropolitan and rural, regional and remote NSW until 2025.

\$2.2 million per annum was allocated to eight CLCs through the NSW critical service gap funding to deliver projects addressing critical service gaps in community legal services across NSW. These projects include:

- Western region: Funding to establish generalist CLC coverage for the first time, in a region previously identified as a geographic gap area in the Cameron Review;
- Mid-North Coast to Northern Region: Funding to continue operation of a generalist CLC office in Coffs Harbour;
- Fairfield and Bankstown areas: Funding to continue services to women experiencing domestic and family violence in South West Sydney.

- ***The NSW Liberal and Nationals Government has helped domestic and sexual violence survivors give their best evidence in court, with now over 80 safe rooms and over 150 remote witness rooms in metropolitan and regional NSW courthouses.***

The NSW Government has delivered safe spaces and modern facilities to help empower domestic and sexual violence survivors and vulnerable witnesses in court.

Safe rooms are rooms within a courthouse which give vulnerable witnesses, such as victim-survivors of domestic and family violence or sexual assault, private and secure areas to prepare for court.

- ***The NSW Liberal and Nationals Government has installed audio visual link facilities in most court and tribunal rooms across the State. The NSW Liberal and Nationals Government is investing \$18 million in 2022-23 to further expand and upgrade audio visual link facilities in approximately 50 NSW court and tribunal rooms, to help vulnerable witnesses give evidence in less traumatic settings.***

Remote witness rooms are rooms within the courthouse which are linked to the main court room via audio visual link. These enable vulnerable witnesses to provide their testimony without having to face perpetrator or the perpetrator's supporters in the court room.

These facilities enhance support for the courageous victims who come forward to report abuse and given evidence in court.

- ***The NSW Liberal and Nationals Government is investing \$8 million over four years to create a hybrid Court Appointed Questioner model, ensuring domestic violence complainants are not directly cross-examined by self-represented defendants.***

The NSW Government has further strengthened support for domestic violence victim-survivors giving evidence in court by expanding the categories of people who can act as a 'Court Appointed Questioner' to include Justices of the Peace.

Court staff were a natural choice for the first stage of implementing the Court Appointed Questioners scheme in domestic violence matters, given their previous experience undertaking the role of in sexual offence proceedings. We have now transitioned to a hybrid delivery model that uses a dedicated team of Court Appointed Questioners in the Department of Communities and Justice together with specially trained Justices of the Peace to maximise access to the scheme across the State.

The NSW Government announced \$8 million in the 2022-23 Budget over four years to support the Court Appointed Questioners hybrid model.

These reforms help complainants to give their best evidence, increase complainant attendance rates at court proceedings, promote fair trials to safeguard convictions for domestic violence, curb recidivism due to greater legal action rates, and shield complainants from unnecessary trauma that could affect their testimony.

➤ ***The NSW Liberal and Nationals Government has delivered 36 new court rooms across the State since 2011.***

Since 2011, the NSW Government has delivered 36 new court rooms across NSW, helping meet the demands of a growing population and equip the justice system with new infrastructure to deliver access to justice:

- 2 new court rooms in a new courthouse for Armidale in 2014.
- 4 new court rooms as part of a new Children's Court in 2018.
- 5 new court rooms as part of the \$73 million Justice Precinct opened in February 2015.
- 12 new court rooms as part of the \$90 million new Newcastle Courthouse in 2015.
- 4 new court rooms as part of the \$91.5 million state-of-the-art Forensic Medicine and Coroners Court opened in December 2018.
- 2 new court rooms for Wagga Wagga in 2017.
- 1 new court room as part of the \$17.5 million upgrade to Wollongong Courthouse in 2016.
- 1 new court room as part of the \$10 million upgrade to Queanbeyan Courthouse.
- 1 new court room for the Dubbo Drug Court in 2022.
- 4 new court rooms added to the Downing Centre in 2021.

This is the result of over \$250 million in funding spread across the regions, greater Sydney, and the CBD.

- ***The NSW Liberal and Nationals Government has substantially increased the representation of female judges and magistrates, based on merit, in every court in NSW.***

The NSW Liberal and Nationals Government has increased the representation of female judges, based on merit, on the Supreme Court bench (including Court of Appeal), from 9 (in March 2011), to 15 (as at 22 February 2023, excluding Acting Judges).

The number of female judges on the District Court bench has risen by more than 50% since 2011 – from 23 (in Dec 2010) to 36 (as of 22 February 2023, excluding acting judges), through a competitive merit-based recruitment process.

As reported by the *Law Society Journal* on 9 December 2022, 'Number of female District Court judges continues to soar':

The appointment of solicitor Sarah Hopkins and barrister Lara Gallagher to the bench will bring the number of female judges to 36, an increase of more than 50% since 2010.

Since coming to Government in 2011, the NSW Liberal and Nationals Government has greatly increased the representation of female magistrates on the Local Court bench, through a competitive merit-based recruitment process, from 57 (in March 2011) to 71 (as at 22 Feb 2023, excluding acting magistrates).

When we came to government in 2011, there were two female judges on the Land and Environment Court bench. Under the Liberal and Nationals Government, based on merit, that number has doubled to four on a total bench of seven (including the Chief Judge), as at 22 February 2023.

- ***A re-elected NSW Liberal and Nationals Government will fund a surge of five additional magistrates to ensure DV cases are heard sooner and will pilot more specialised DV court lists.***

Currently, more than one in three pending Local Court criminal hearings are domestic violence related. These additional magistrates will contribute to addressing the waiting list of 8,600 defended matters left following interruptions caused by the COVID-19 pandemic.

This suite of reforms would decrease time to justice for victims of crime, particularly domestic violence victim-survivors, so they can begin to rebuild their lives.

We have also announced a *Right to Ask* scheme where people can find out if their partner has a history of domestic violence offences, \$20 million for up to 200 additional electronic monitoring devices and access for victim-survivors to first home buyer support and interest free rental bonds to help them rebuild their lives.

The NSW Government is steadfast in our resolve to stop domestic violence, hold perpetrators to account, and ensure every person in NSW can have a safe future.

iv. Better Regulation to Support Economic Recovery and Resilience

- ***The NSW Liberal and Nationals Government has built on learnings from the COVID-19 pandemic to make business easier, by making remote witnessing of documents like wills, statutory declarations and affidavits permanent.***

The NSW Government has made permanent legislation allowing documents like statutory declarations to be remotely witnessed.

We first introduced these measures on a temporary basis in April 2020 as part of the NSW Government's emergency response to the COVID-19 pandemic. After an 18 month trial and significant stakeholder support, we made these arrangements permanent, to continue to support recovery, resilience and business.

Statutory declarations are an essential part of the machinery of commerce in NSW. Remote witnessing provides choice and flexibility for individuals and businesses, through access to modern document execution processes as an alternative to physical witnessing.

This means greater efficiency, flexibility, and time and cost savings for people executing important legal documents. It also improves access to justice for people living in rural, regional and remote areas, vulnerable members of the community including older people, people suffering from illness, or people with a disability.

- ***The NSW Liberal and Nationals Government has reduced court fee costs for civil litigants and optimised the use of District Court resources.***

The NSW Government's *District Court Amendment Act 2022* increased the civil and equitable jurisdictional limits of the District Court.

These amendments by the NSW Liberal and Nationals Government allow the District Court to hear and determine claims for monetary damages to the increased limits that are currently required to be filed in the Supreme Court.

As court fees in the District Court are much lower than those in the Supreme Court, these amendments will reduce court fee costs for litigants and increase access to justice in our State.

It also ensures the jurisdictional limits of the District Court of NSW align more closely with those of comparable courts in other jurisdictions. Importantly, the amendments will not impact the Court's current workload in the criminal jurisdiction.

This legislation increased:

- the general jurisdictional limit in civil matters from \$750,000 to \$1,250,000.
- the jurisdictional limit in equity proceedings from \$20,000 to \$100,000.
- the jurisdictional limit from \$20,000 to \$100,000 in proceedings relating to a temporary injunction for breach of a negative stipulation in contract.

These increases to the District Court's general civil jurisdictional limits were the first in 25 years and the first equitable jurisdictional increases in 32 years.

- ***The NSW Liberal and Nationals Government is committed to continue working in partnership with the Commonwealth Government to ensure the safe introduction of Automated Vehicles.***

Connected and Automated Vehicles (CAVs) present a significant opportunity to address several challenges facing NSW, such as accelerating the shift to zero fatalities on the road network, improving first and last mile connectivity and making NSW a more liveable place.

The NSW Liberal and Nationals Government released its CAV Readiness Strategy which outlines six priority areas to enable this step change. These priorities set out a combination of early testing and deployment at scale, creating the right policy and regulatory settings, providing the necessary road and connectivity infrastructure, attracting vehicle supply and building a supporting local ecosystem.

To take advantage of these opportunities, significant national reforms are underway involving all levels of government to establish a national end-to-end regulatory framework to support the safe commercial deployment and operation of Automated Vehicles.

The NSW Liberal and Nationals Government is committed to continue working in partnership with the Commonwealth Government to ensure the safe introduction of Automated Vehicles.

- ***The NSW Liberal and Nationals Government is working on reviewing, reconciling and consolidating workers' compensation legislation to better support injured workers.***

The NSW Government has committed to implementing the recommendations of the McDougall review, including the recommendation that “a suitable agency or body conduct a review and reconciliation of the *Workers Compensation Act 1987* (NSW), the *Workplace Injury Management and Workers Compensation Act 1998* (NSW), and the *State Insurance and Care Governance Act 2015* (NSW)”.

In late 2021, at the direction of the NSW Government, the State Insurance Regulatory Authority (SIRA) commenced a preliminary review of the workers' compensation legislation to scope out the issues, implications and benefits of legislative consolidation and simplification.

On 31 October 2022, SIRA reported to the NSW Government that “Due to the magnitude of this task, this work is expected to continue into and beyond 2023.”

A re-elected NSW Liberal and Nationals Government will ensure that this project is brought to completion.

- ***The NSW Liberal and Nationals Government introduced and passed amendments to the Motor Accident Injuries Act 2017 to give effect to recommendations of the statutory review of that Act.***

In October 2022, the NSW Government introduced the Motor Accident Injuries Amendment Bill 2022 to give effect to recommendations of the statutory review of the *Motor Accident Injuries Act 2017* undertaken by Clayton Utz and Deloitte, to ensure that injured motorists receive better care and support. The amendments were directed at extending and allowing speedier access to benefits for certain injured people; increasing access to, and availability of, rehabilitation and trauma support for injured people; and improving the operation of the scheme without having material impact on premium affordability.

- ***In response to the growing popularity of e-scooters and the need to safely manage their use, the NSW Liberal and Nationals Government is currently trialling e-scooter shared schemes in selected areas around the State***

Personal mobility devices, including e-scooters and e-skateboards, are currently prohibited for use in NSW, except on private property.

The NSW Government recognises that new transport technologies, such as e-scooters, offer an affordable, convenient and sustainable mode of mobility, particularly for first and last-mile journeys. However, balancing these benefits with the known risks of e-scooters to users and pedestrians is paramount.

In response to the growing popularity of e-scooters and the need to safely manage their use, the NSW Government is currently trialling e-scooter shared schemes in selected areas around the State. Trials have recently taken place at locations in Western Sydney Parklands and The Australian Botanic Garden Mount Annan. Councils have also been invited to participate, with the first council trial starting in early December 2022 in the Lake Macquarie local government area, with more locations currently programmed to be announced in 2023.

Trial parameters have been carefully considered, taking lessons from e-scooter use around the world and across the country to ensure the safest, most practical and effective measures are in place. The trials will provide Transport for NSW with data about how e-scooters are being used and can support mobility outcomes, as well as provide important insights into safety risks and how to manage them.

E-scooter shared scheme providers participating in the trial must have insurance to protect the public, riders, and councils in the event of serious injury, death, or property damage that results from the use of their shared e-scooters. Personal e-scooters remain illegal on NSW roads and road-related areas, including footpaths, shared paths and bicycle lanes.

This is to allow Transport for NSW to assess safety concerns and regulatory parameters in a controlled setting.

The trial program is expected to run for 12 months and may be expanded or extended, depending on the outcomes of safety and mobility impact monitoring. Also, under the *Public Spaces (Unattended Property) Act 2021*, new laws provide councils, other public land managers and police with stronger powers and penalties to rid our footpaths, streets, parks, bushland and waterways of abandoned and unattended property – including shared e-scooters and e-bikes.

Participating councils and service providers are required to establish a local working group with membership of local stakeholders such as Local Police Area Command, Local Health District, council, e-scooter provider, and Transport. This group will monitor, manage the e scooter trial, and provide regular updates to Transport.

v. Indigenous justice

- ***The NSW Liberal and Nationals Government supported and funded a new Walama List pilot in the District Court - a specialist approach for sentencing Aboriginal offenders***

The NSW Government is dedicated to improving Aboriginal outcomes in criminal justice and we're working hand-in-hand with Aboriginal communities to address the disproportionate rates of Aboriginal incarceration, drive down reoffending and find solutions that work.

In 2022 we funded the creation of pilot of a culturally-specific and community-based approach to sentencing in the NSW District Court.

The Walama List pilot aims to bring more community involvement into the judge's sentencing process, building trust in the justice system and improving the diversion of Aboriginal offenders into critical support services that tackle the causes of offending behaviour.

This program harnesses the wisdom of Aboriginal Elders and respected community members in sentencing discussions, along with providing wraparound support services and intensive monitoring before sentencing.

- ***The NSW Liberal and Nationals Government has funded the expansion of the Youth Koori Court to a third location in NSW to address Indigenous reoffending, with an investment of \$5.8 million over four years.***

In 2022 the NSW Government committed \$5.8 million to expand the Youth Koori Court to the Children's Court at Dubbo and to provide more funding for Aboriginal Legal Services, Legal Aid NSW and a specialist Children's Magistrate to oversee the Youth Koori Courts including at Surry Hills and Parramatta.

Expanding this ground-breaking court to a third location in NSW will increase access to its specialist program for Aboriginal young people.

- ***Under the NSW Liberal and Nationals Government, circle sentencing is expanding from 12 to 20 Local Court locations around NSW.***

The NSW Government is investing \$4.2 million over four years to expand the circle sentencing program to 20 high priority Local Court locations.

Circle sentencing is an alternative sentencing method in which a Local Court Magistrate works with Aboriginal Elders, victims, respected members of the community and the offender's family to determine an appropriate sentence.

With the NSW Government's support, circle sentencing will be commencing at the additional Local Courts in Penrith, Campbelltown, Wollongong, Broken Hill, Wagga Wagga, Batemans Bay, Waverley and the Sydney Downing Centre.

- ***The NSW Liberal and Nationals Government is investing more than \$700 million over four years to improve outcomes for Aboriginal people in NSW and help meaningfully shift the dial on Closing the Gap targets.***

The NSW Government is committed to achieving the targets outlined in the 2022-24 NSW Closing the Gap Implementation Plan. These targets are aligned with 17 socio-economic outcomes, including reducing the rate of Aboriginal and Torres Strait Islander adults and young people held in incarceration.

The \$716 million investment into Closing the Gap includes \$7.2 million to work in partnership with community-controlled justice organisations, grow the rate of community-controlled service delivery and develop a quality improvement framework to embed cultural safety into the design and delivery of justice-related policies and programs.

The NSW Liberal and Nationals Government is also investing \$10 million to establish an Aboriginal Bail and Advocacy Support Service aimed at reducing the number of First Nations women and young people in custody.

Importantly, the NSW Government will continue to listen to Aboriginal communities and leaders to ensure that Aboriginal people are involved in decision-making that affects them.

- ***The NSW Liberal and Nationals Government has announced a \$9.8 million expansion of the justice reinvestment pilot program.***

In 2022 the NSW Government announced we are investing \$9.8 million over four years for justice reinvestment pilots.

These aim to divert people away from the criminal justice system by investing in evidence-based community-led initiatives that address the underlying causes of crime, with a focus on Aboriginal people. A justice reinvestment pilot is presently operating in Bourke.

- ***The NSW Liberal and Nationals Government has opened the \$27.9 million expansion of the Dubbo Drug Court in February 2023, and the Aboriginal List operating in the Parramatta Drug Court is being expanded to operate in Sydney and Dubbo.***

The NSW Government is funding the expansion of the Aboriginal List in the Drug Court already operating at Parramatta to Dubbo and Sydney.

Specialist roles attached to the Drug Court will enhance the provision of culturally safe and responsive support for Aboriginal participants going through the Drug Court.

- ***More than half of the 18 native title consent determinations in NSW in the last three decades have been settled by the NSW Liberal and Nationals Government in the last six years alone.***

The NSW Government is committed to processing native title claims efficiently in the best interests of Aboriginal groups and the wider community, and to engaging in a collaborative approach to native title through the use of Indigenous Land Use Agreements.

The historic native title determination for the Widjabul Wia-bal people over public land and waters around Lismore in December 2022 is just one example of the NSW Government finding innovative approaches to settle claims, which is critical to the government meeting its commitments under the National Agreement on Closing the Gap.

- ***The NSW Liberal and Nationals Government is committed to addressing the over-representation of Aboriginal children in contact with the child protection system and in out of home care.***

In November 2022, the *Family is Culture* Bill passed both houses of NSW Parliament with both opposition and key cross-bench support.

This legislation implemented 14 recommendations from the *Family is Culture* report, including the introduction of a legislative requirement to take active efforts to keep children safe at home with their parents, families or kin when it is possible to do so.

The Department of Communities and Justice is continuing to consult on the remaining legislative recommendations and progressing with implementation of the broader recommendations.

The NSW Liberal and Nationals Government has continued to make targeted investments to reduce Aboriginal over-representation including:

- \$98.7 million to expand existing Aboriginal Child and Family Centres and build nine new centres to provide a mix of culturally safe services.
- \$38.6 million for state-wide expansion of the Pregnancy Family Conferencing program for vulnerable women and their families.
- Diverting up to \$11 million per year in family preservation funding into Aboriginal Community Controlled Organisations.
- \$3.91 million over four years to develop an Aboriginal-led commissioning model.
- \$9.89 million over four years to the Aboriginal Legal Service for at risk families to access legal advocacy support.
- \$8.67 million to support *Strong Families, Our Way* within an Aboriginal organisation within the NSW child protection system to ensure strong governance and resourcing.

vi. Reducing and improving contact with the criminal justice system

The NSW Liberal and Nationals Government is not just committed to reducing contact with the criminal justice system: we have a proven record of improving contact with the justice system.

- ***Under the NSW Liberal and Nationals Government's domestic violence reforms, complainants in domestic violence criminal proceedings and related apprehended domestic violence order proceedings have a prima facie entitlement to give evidence remotely via audio visual and in a closed court.***

Retraumatizing a complainant does not advance justice. Courts are best assisted to hear and determine matters where witnesses and complainants are supported to present their best evidence, in the interests of the administration of justice.

Cross-examination is an important part of the justice process because it safeguards convictions for crimes of sexual and domestic violence by ensuring a fair trial. The NSW Government's reforms seek to minimise the stress and trauma of giving evidence in court for those witnesses; and empower them to engage with the justice process.

- ***The NSW Liberal and Nationals Government has made the single-largest investment in alcohol and other drug services in the State's history - half-a-billion dollars - in response to the Ice Inquiry.***

In 2022 the NSW Government announced a four-year \$500 million investment to deliver targeted health and justice reforms as part of its final response to the Special Commission of Inquiry into the Drug Ice.

This will fund a range of health rehabilitation services and justice initiatives, including \$358 million to address treatment gaps and improve health and social outcomes; and more than \$141 million to expand justice initiatives that make communities safer by prioritising offenders with intensive health intervention and better addressing underlying causes of offending.

The NSW Government recognises the role of court diversion programs in reducing drug and alcohol harms and is investing \$35.1 million over four years, with ongoing funding of \$12 million per year, towards the expansion of the Magistrates Early Referral into Treatment (MERIT) program. In the first four years, this will provide at least 8,650 additional adult offenders with a rehabilitation program.

The NSW Government also recognises the importance of the NSW Drug Court. In 2021, the NSW Government announced funding of \$27.9 million over four years to expand the NSW Drug Court to Dubbo to increase diversion into treatment for those who need it. In addition, the Government will invest an additional \$2 million per annum to provide treatment services to the Dubbo Drug Court and \$82 million over four years, and ongoing funding of \$24.1 million per year, towards expanding the Drug Court in Sydney from one sitting day per week to five per week.

Illicit drugs will remain illegal, with this investment aimed at breaking the cycle of drug use.

- ***The NSW Liberal and Nationals Government is supporting in principle the establishment of a pre-court diversion scheme when relevant support services and supports are sufficiently advanced in the health and justice system as well as significantly expanding existing court diversion programs.***

Tackling harmful drug use across NSW communities requires a comprehensive health response, not just a criminal justice response. The NSW Government's initiatives respond to clear evidence to improve the way we address drug use in this State. This is about being smart, not soft on crime.

The proposed pre-court diversion scheme would see an expansion of the current Criminal Infringement Notice Scheme (CIN) state-wide and include low level drug offences only. This would enable police to direct people to a tailored, intensive health intervention to better address the underlying cause of offending and harmful drug use. Under the scheme, police will retain discretion to determine to send an offender straight to court.

Cannabis possession will continue to be addressed through the Cannabis Cautioning scheme, as the NSW Government believes that ice and other prohibited drugs should be treated differently to cannabis, through a separate, more serious scheme.

The NSW Government considers that successful implementation of a pre-court diversion scheme is only achievable when relevant services and supports have been established in the health and justice systems. The Government has committed an additional \$499 million to establish new state wide health rehabilitation services and justice initiatives.

By 30 June 2023, the NSW Chief Health Officer and NSW Police Commissioner will jointly provide advice to the Government on whether the roll out of services and supports under the Government's commitments is sufficiently advanced to allow commencement of a pre-court diversion scheme. The Government will then make a final decision regarding implementation of the pre-court diversion scheme.

- ***The NSW Liberal and Nationals Government has committed \$5.6 million initial funding, including for police, to implement our coercive control reforms.***

The NSW Government's coercive control reforms are supported by \$5.6 million in initial funding for coercive control training and education, including for police, lawyers and judges, and public awareness raising campaigns.

The NSW Police Force have been appointed by the NSW Government as a statutory member of the Coercive Control Implementation and Evaluation Taskforce, a multi-disciplinary group formed under the *Crimes Act 1900* and tasked with overseeing and advising on implementation of the NSW Government's landmark coercive control laws.

The support of police is crucial to support the successful implementation of our coercive control reforms to keep our communities safe.

- ***The NSW Liberal and Nationals Government is committed to keeping young people out of court, out of custody, and engaged with education services, while working towards maintaining the downward trend of young people in youth justice centres.***

Early intervention and diversion are priorities for the NSW Government to continue to lead the nation in supporting our young people. Programs such as Youth on Track, A Place to Go, the Broadmeadow Children's Court Pilot, Youth Justice Conferencing and the Bail Accommodation Support Service are effective in preventing young people in NSW entering custody.

These initiatives have contributed to the number of young people in custody in NSW steadily reducing across the State in the last ten years. The Government will invest \$6.4 million to pilot Sydney and regional Violence Reduction Units to provide better coordination and ensure we focus on enforcement and diversion whilst continuing to invest in successful PCYC and Youth on Track programs.

In NSW, the 'voice of the child' is a guiding principle in case planning in out of home care. For example, children are provided opportunities to spend time alone with their caseworker to talk through their worries.

Children often receive trauma-informed counselling, school supports and access to specialist programs to tap into their needs and interests.

Every child in out of home care also has a personalised learning and support plan to set academic goals, support their engagement with school, as well as overall wellbeing.

The NSW Government funds scholarships for young people in out of home care through Western Sydney University and in December 2022 the Government announced an additional 10 scholarships of up to \$28,500 each across three years, available across Charles Sturt University's six regional campuses.

From February 2023, the NSW Government will be offering additional leaving care support for young people transitioning from care until they reach the age of 21. This \$100 million package includes:

- A new 'staying on' carer allowance from 18 to 21 years for young people living with their carer.
- A new independent living aftercare allowance of \$250 per fortnight for young people up to the age of 21 living independently.
- Increasing the capacity of the specialist aftercare program to provide support for young people with complex needs, including new elements such as mentoring and additional caseworkers to assist care leavers.

- ***The NSW Liberal and Nationals Government has guaranteed proper implementation time and training for justice stakeholders on key reforms.***

Commencement dates for each of the NSW Government's legislative reforms have been carefully selected and calibrated to ensure the appropriate training, education and resourcing is in place before these laws are enacted.

For example, the NSW Government's nation-leading affirmative consent laws commenced in 2022 after six months of rigorous education, training and community awareness to resonate with young people, including the *Make No Doubt* campaign (a powerful advertising campaign, which is the envy of other states).

Similarly, the NSW Government's coercive control offence will not commence until 2024 to provide adequate time for implementation and training to occur.

vii. Rule of Law and protecting rights

- ***Under the NSW Liberal and Nationals Government, NSW became the first State or Territory in Australia to introduce stand-alone legislation to stop modern slavery.***

NSW Anti-slavery Commissioner Dr James Cockayne has been appointed to help combat the scourge of modern slavery, and commenced his five-year term on 1 August 2022.

NSW was the first State or Territory in Australia to introduce stand-alone legislation to stop modern slavery and this appointment was the next step in facilitating compliance.

Under the laws, which came into effect on 1 January 2022, NSW Government agencies and local councils are required to take reasonable steps to ensure that the goods and services they procure are not the product of modern slavery. State owned corporations are also required to monitor the risks of modern slavery in their supply chains.

The Anti-slavery Commissioner has broad oversight over Government policies addressing modern slavery, issue codes of practice and maintain a public register identifying government agencies which do not comply. The Commissioner will also help identify and support victims of modern slavery, advocate for action to combat modern slavery and cooperate with businesses and non-governmental organisations combatting modern slavery.

- ***The NSW Liberal and Nationals Government has committed to amend the Anti-Discrimination Act 1977 to make discrimination on the grounds of religion unlawful.***

The NSW Government has committed in September 2021 to amend the *Anti-Discrimination Act 1977* to make discrimination on the grounds of religion unlawful.

As we indicated in September 2021, we await the passage of Commonwealth legislation through the Federal Parliament before finalising the detail of our NSW reforms. This is critical to enable us to consider the interaction of Commonwealth law with NSW reforms and avoid any constitutional inconsistency.

We remain committed to this approach because it is prudent, appropriate and sound.

- ***The NSW Liberal and Nationals Government will continue to actively monitor and review the Anti-Discrimination Act 1977 in response to any issues as and when these arise and, where necessary, introduce amendments that reflect modern community values.***

- ***The NSW Liberal and Nationals Government is focused on ensuring that the integrity agencies — the ICAC, the Ombudsman, the LECC, the Auditor-General and the NSW Electoral Commission — have appropriate funding for their important work in maintaining integrity.***

Last year the NSW Government implemented revised funding arrangements for the integrity agencies which involve:

- removing the integrity agencies from Premier and Cabinet cluster financial management processes.
- providing that no efficiency dividends will be imposed on the integrity agencies.
- establishing a specialist integrity agency unit within Treasury to manage representations for budget and supplementary funding and provide the integrity agencies with information on funding outcomes.
- enabling integrity agencies to comment on Treasury's advice to ERC and provide their own advice to ERC.
- requiring the Treasurer to provide the integrity agencies, and the relevant Parliamentary Committees with oversight of the integrity agencies, with written decisions on funding bids, and, if relevant, reasons for variation from an integrity agency's funding bid.
- setting aside contingency funding for integrity agencies in the annual Appropriation Act, with the expenditure of contingency funds approved by the Treasurer on request, and the request and response provided to the relevant Parliamentary Committee.

The NSW Budget 2022-23, the first Budget to be delivered under the new arrangements, funded all proposals submitted by integrity agencies as part of the budget process, and included a \$20 million appropriation for integrity agency contingencies.

- ***The NSW Liberal and Nationals Government supported over 800,000 public school students through learning from home during the COVID-19 pandemic via a number of digital platforms.***

The Department of Education undertook a detailed technical and security review and configuration on each of its digital platforms as assurance that each platform can adequately manage the safety and protection of students' data.

Following the release of the Human Rights Watch Ed Tech report the department investigated each of the providers identified in the report and found no NSW student data had been compromised.

The Department of Education maintains a strong and ever increasing focus on maintaining the privacy and protection of student data and works collaboratively with Cyber Security NSW and the Information Privacy Commission.

- ***The NSW Liberal and Nationals Government's priority is for everyone to have a safe and stable place to live.***

In 2022-23, the NSW Liberal and Nationals Government is investing \$1.2 billion to tackle housing and homelessness through assertive homelessness outreach, early intervention and social and affordable housing across the state to reach the Premier's Priority target to reduce street sleeping across NSW by 50% by 2025 - and the latest advice is that we are on track to achieve that.

The NSW Liberal and Nationals Government has increased social housing in NSW by 9% over 10 years, more than double the national figure of 4%.

All States and Territories are working together with the Commonwealth Government to secure more funding from Canberra so we can build more social and affordable housing.

We need the Albanese Government to release the money they've promised to invest in NSW social housing. Likewise we work with local government around the State to unlock land to develop for social and affordable housing.

Our commitment is to fight for NSW's share of the national funding promised to increase supply.

NSW currently has more than 158,000 social homes, which is more than Victoria and Queensland combined. NSW is leading the way in providing accommodation to some of the most vulnerable in our society.

The NSW Government has increased the proportion of social homes allocated to priority applicants from 49% in 2018-2019 to 64% in 2021-2022.

The NSW Government has more than doubled investment in Specialist Homelessness Services, up 118% since Labor's last term in Government. The NSW Government remains committed to everyone having a safe, reliable and stable place to live.

In conclusion, I thank NSW solicitors for the contribution they make each and every day to serving and upholding the administration of justice across our community.

I thank the Law Society for its offer to publish this letter and my letter dated 27 January 2023 for the information and consideration of members.

The NSW Liberal and Nationals Government is committed to continuing to innovate in law reform, continuing to strengthen frontline justice services and continuing to invest in justice infrastructure across the State, to best promote the rule of law and empower every person to have a brighter future.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mark Speakman', with a long horizontal flourish extending to the right.

Mark Speakman

22 FEB 2023



Mark Speakman
Attorney General

Ms Cassandra Banks
President
The Law Society of NSW
170 Phillip Street
SYDNEY NSW 2000

president@lawsociety.com.au

Dear Ms Banks *Cassandra*

Law Society of NSW Election Platform and Presidential priorities

Thank you for your Credential Visit on 19 January 2023 and for the opportunity to discuss the Law Society of NSW's Election Platform with you, the Law Society Council Executive and the Immediate Past President.

I always appreciate hearing from the Law Society on behalf of the solicitor arm of the profession.

As you know, the NSW Government is committed to promoting access to, and the administration of, justice.

The NSW Government has consistently led the nation on important and innovative law and justice reforms. These have included affirmative consent laws, criminalising coercive control in intimate partner relationships, and the first state-based mandatory notification scheme for data breaches, as well as court performance.

With the record resourcing and support of the NSW Government, many of our jurisdictions are also leading the country, including the Local, District and Coroners Courts.

I appreciated the opportunity to hear from you about the Law Society's priority items within its Election Platform. I would be grateful to receive, at your earliest convenience, the advice you kindly undertook to provide in response to my questions. Once this information has been received, I look forward to responding in greater detail to the matters you have raised in February 2023.

As we discussed, a number of matters raised by the Law Society fall within the responsibility of other NSW Ministers. I understand the Law Society has written to these Ministers to raise these matters directly and will continue to engage with those Ministers, as is appropriate.

Yours sincerely

Mark Speakman
27 JAN 2023