

Michael
Daley

MEMBER FOR
MAROUBRA

17 February 2023

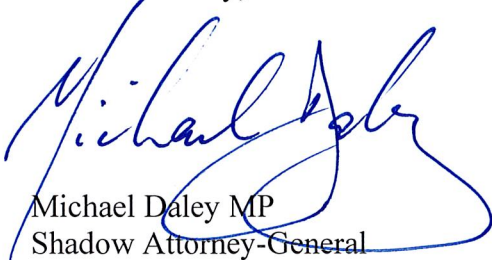
President
The Law Society of NSW
170 Phillip St
Sydney 2000

Dear President, *Cassandra*

Thank you for your letter dated 1 December 2022 forwarding me a copy of your 2023 State Election Policy Platform.

Please find attached a response on behalf of the NSW Labor Opposition.

Yours Sincerely,



Michael Daley MP
Shadow Attorney-General
Member for Maroubra



NSW Labor 2023 Law Society State Election Policy Platform Response

1. Supporting the justice system

1.1. Modernising the court system and regional access to justice

NSW Labor is concerned by the massive increases in Local Court finalisation times recently detailed by BOCSAR. Labor is acutely aware of the demands also being placed on the District Court as sexual assault caseloads increase. The District Court's workload will further increase once coercive control offences come into force.

Labor will work with the Judiciary and legal professionals to fund and implement solutions to expedite matters more efficiently. We will look to expand initiatives such as digital justice in the Local Court to increase efficiencies and regional access to justice.

We will also work with regional law societies, bar associations and courts to assess where greater deployment of regional resources is warranted to increase efficiencies.

1.2. Legal support services

Labor recognises the importance of legal support services in ensuring state-wide access to justice. Labor will work with all stakeholders in the legal support sector to devise innovative and secure funding models that maximise high quality service delivery for members of society in the most need.

1.3. Justice system infrastructure

Labor will continue to consult on the strategic development of a new justice precinct in Western Sydney. We acknowledge the work done by proponents of the Parramatta and Campbelltown Justice Precincts. Labor will consider these and other proposals when conducting a review into future capital projects.

1.4. Autonomous and specialist Coroners Court

Labor acknowledges that the coronial jurisdiction lacks sufficient resources to tackle a significant and growing backlog of cases. It is concerning that there has not been a comprehensive public review of the coronial system since 1975.

Labor will urgently finalise the statutory review of the Coroners Act which has been underway since 2014. We agree in principle to the recommendations of the Select Committee on the Coronial Jurisdiction and will develop an implementation plan to address these concerns. One solution may be the establishment of a specialist Coroners Court.

2. Better regulation to support economic recovery and resilience

2.1. Planning for climate change

NSW Labor will establish a Net Zero Commission, which will provide the government of the day with independent, expert advice on three key objectives:

- a) establish principles to guide action to address climate change that must be taken into account by the NSW Government in developing and implementing government policy, and
- b) to set 2030 and 2050 targets for the reduction of greenhouse gas emissions in New South Wales, and
- c) to monitor and report on progress towards the 2030 and 2050 targets.

The Net Zero Commission would develop an adaption action plan for the (a) built environment, (b) the natural environment, (c) the water cycle, (d) the education and training sector, (e) the primary production sector, (f) the transport sector, (g) another sector or environmental component specified in the regulations.

NSW Labor introduced the Climate Change (Emissions Targets) Bill 2021 to give effect to these provisions, but the NSW Government chose to impede its passage through the Parliament and the bill was not passed.

NSW Labor has also announced that planning responsibilities, other than those administered by local government, will reside with the Minister for Planning. The agencies and departments currently involved in planning will be streamlined, as will planning processes and red tape.

Furthermore, NSW Labor will draft new rules and streamline planning processes to stop new developments on dangerous floodplains. We cannot continue to develop land and build dwellings in flood prone areas and putting people in harm's way.

2.2. Motor Accident Injuries

Labor worked with the Government to pass the Motor Accident Injuries Amendment Bill 2022 to enact many of the recommendations of the Clayton Utz review into the Motor Accident Injuries Act 2017. Labor successfully amended the Motor Accident Injuries Amendment Bill 2022 to ensure those workers deemed wholly or mostly at fault would not have their benefits reduced by 61% under Schedule 1 and 2 of the Act.

A Labor Government will continue to consult with stakeholders to act on the further recommendations of the Clayton Utz Review.

2.3. eConveyancing

Labor is strong supporter of an interoperable eConveyancing system and has worked with both stakeholders and the Government to pass legislation to achieve this end.

A Labor Government will continue to consult with stakeholders along with engaging in the ARNECC process to progress the transition to an interoperable eConveyancing system.

Labor has made clear in the parliament its commitment to a strong regulatory framework to oversee the eConveyancing system and will pursue this in government.

3. Indigenous justice

3.1. Partnerships with and empowerment of Indigenous peoples

NSW Labor supports a Yes vote for the upcoming Voice referendum. Further, NSW Labor recently released its policy on developing a Pathway to Treaty with First Nations peoples across the State.

Labor has committed to the National Closing the Gap targets and will use a Treaty framework to empower Aboriginal-controlled Organisations to have greater self-determination in decision making.

Truth telling and recognition of past wrongs will be a focus of a future Labor government in NSW as we recognise the best strategy to tackle the effects of intergenerational trauma and to have a frank and open discussion about the Stolen Generations, massacres and Frontier Wars.

NSW Labor is committed to developing an equal relationship with First Nations people where they are at the centre of decision making.

3.2. Reducing Indigenous incarceration

BOCSAR has reported that over the last decade, there has been a 55% increase in the number of adult Indigenous offenders in custody. This is unacceptable. NSW Labor is committed to a whole-of-government approach to address the steep upward trend in Indigenous incarceration.

Labor supports the successful trials of programs such as Justice Reinvestment, the Youth Koori Court, Walama List and Circle Sentencing. Capacity issues and disparities in regional availability currently limit the operation of these programs. Labor aims to expand these programs and work with community to develop creative, community-based initiatives that divert offenders away from the justice system where appropriate.

3.3. Reducing number of Indigenous children and young people in the care and protection system

If elected, a Labor Government will work with Aboriginal organisations across the state to restore trust and reduce the rates of First Nations children entering the child protection system.

We are committed to shifting the model from a crisis-driven funding model, towards early intervention and prevention. Labor will implement a whole-of-government approach to address this system that continues to fail our young people.

Labor recognises that there have been notable reports into the failures of the child protection system. The Tune Report and “Family is Culture” report have not yet been acted on. It is our view that they should be addressed.

4. Reducing contact with the criminal justice system

4.1. Youth diversion

Labor is acutely aware of the implications of early contact with the criminal justice system. Every opportunity to safely divert young offenders away from the criminal justice system, whilst ensuring community safety should be taken.

Labor is committed to exploring initiatives to reduce the interactions between young people with the justice system. Appropriate frameworks, support mechanisms and diversionary programs focusing on care and education are vital to ensuring young people do not become involved in a recidivist offending cycle.

4.2. Ice Inquiry

Labor recognises that there is a need for a comprehensive, whole-of-government drug policy in NSW. The Government ignored the findings of the Ice Inquiry for too long. Labor's longstanding policy is to hold a drug summit as a top priority. This will gather legal professionals, health experts, police, academics, support service providers, families and other stakeholders to discuss a drug-related issues, with the view of developing a policy blueprint to guide a comprehensive government response.

The 1999 Drug Summit was a success and has saved many lives. It is vital that a similarly pragmatic and health-related approach be taken to address contemporary challenges on this issue.

4.3. Criminal justice responses to sexual assault

Labor supports a justice system which assists victim-survivors in giving their best evidence and enables victim-survivors to have their matters dealt with as quickly and fairly as possible within the frameworks of natural justice.

4.4. Legal training for police

NSW Labor strongly supports the work of the State's police officers in keeping the community as safe as possible from all forms of crime. Police officers risk their lives and physical harm in undertaking these duties. NSW Labor endorses the Commissioner of Police, Karen Webb APM's view that enhancing police officer training is an important task for the NSW Police Force.

5. Rule of law and protecting rights

5.1. Human rights legislative protections and the ADA

Labor accepts that the Anti-Discrimination Act is out of date and in need of an overhaul. A Minns Government will task the Law Reform Commission to conduct a

comprehensive review of the Anti-Discrimination Act within the first twelve months of government.

Additionally, NSW Labor will introduce legislation to make religious vilification unlawful under the Anti-Discrimination Act within the first 100 days of taking office.

5.2. Elder abuse

Elder abuse is too widespread and too widely not understood as a serious issue.

Labor supports the development of an evidence-based framework which will address the needs of seniors, particularly in the context of elder abuse.

5.3. NSW integrity agencies

A Minns Labor Government will legislate to guarantee independent funding for the Independent Commission Against Corruption (ICAC).

NSW Labor supports a strong and independent ICAC, free to continue its important work unencumbered.

The ICAC has itself submitted evidence to the NSW Parliament that a “lack of appropriate funding undermines the Commission's independence”, and that “It is now a matter of some urgency that a funding mechanism that is truly independent be established”.

Labor supports a funding model for ICAC that includes:

- A standing Parliamentary Committee to inquire into and make recommendations into the quantum of the annual ICAC budget decision;
- Public reporting by the Executive where it departs from that Committee's recommendation in respect of such funding and
- The establishment of a contingency fund comprising an additional 25 per cent of annual funding, available for access by the ICAC for unexpected matters arising that require urgent attention.

5.4. Rental laws

Labor acknowledges that there is a rental crisis in NSW and has held a Fairer Renting Roundtable from Opposition, alongside comprehensive consultations with a range of relevant stakeholders.

If elected, NSW Labor will establish a Rental Commissioner, end secret rent bidding, stop evictions unless they are on reasonable grounds and implement a portable bonds scheme.

Labor is also introducing a mandatory requirement for 30 per cent of all homes built on surplus government land to be set aside for social, affordable and universal housing.