



THE LAW SOCIETY
OF NEW SOUTH WALES

Our ref: CLC: CBcd190623

19 June 2023

Professor David Hamer, Dr. Andrew Dyer, Dr. Carolyn McKay
The University of Sydney Law School
New Law Building
The University of Sydney
NSW 2006

By email: law.criminology@sydney.edu.au

Dear Professor Hamer, Dr. Dyer and Dr. McKay,

Criminal Cases Review Commission

Thank you for your letter regarding the Sydney Institute of Criminology's calls for Australian governments to establish a Criminal Cases Review Commission (**CCRC**), noting the recent pardon and release from custody of Kathleen Folbigg.

The Law Society, in principle, supports the establishment of a CCRC. We recognise that the criminal justice system carries a risk of wrongful conviction, and that wrongful convictions can have severe consequences, both for the individual accused and in affecting public confidence in the criminal justice system more broadly. A well-resourced and properly funded CCRC could act to safeguard rights and mitigate the negative impacts of a wrongful conviction.

We also note that establishing a CCRC is not a novel idea, with other comparable jurisdictions internationally having established CCRCs, including England and New Zealand. The international experience of CCRC models may well provide a basis to develop an appropriate and workable system of post-appellate investigation and assessment in Australia.

In developing a CCRC, we would support an approach that builds on lessons learnt from previous efforts developed in NSW in relation to wrongful convictions, including the Innocence Panel and the DNA Panel.¹ We also suggest that close consideration should be given to how the CCRC would interact with existing appeal mechanisms, including Part 7 of the *Crimes (Appeal and Review) Act 2001*.

We look forward to opportunities to contribute to potential reform that considers the establishment of a CCRC in Australia.

Yours sincerely,

Cassandra Banks
President

¹ Attorney General and Justice, *The DNA Review Panel: Review of Division 6 of Part 7 of the Crimes (Appeal and Review) Act 2001* (2013); Finlay M, *Review of the NSW Innocence Panel* (2003).