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Justice reforms will do little to reduce record prison numbers

The Law Society of NSW welcomes the NSW Government's \$200 million investment in the criminal justice system to make communities safer and reduce prison populations and reoffending.

Law Society of NSW president Pauline Wright said funding was desperately needed for investment into effective community-based sentencing options and to help cut down record high NSW prison numbers but several proposals could add rather than lessen burdens faced by the courts and the community.

Ms Wright said alternatives to full time imprisonment including supervised bonds, intensive correction orders and home detention were critical to reducing prison populations and pressures on the criminal justice system.

"However removing suspended sentences means more people could end up in jail," Ms Wright said. "The hardest hit will be to people in the regional areas where there are less community resources available for community sentencing options.

"It could also exacerbate the disproportionate number of Indigenous people in jails."

Ms Wright said instead of reducing court costs and delays, the proposed abolition of the committal process could increase the number of trials in the District Court and add to delays and costly trials.

She said allowing simplified briefs could ultimately reduce the number of appropriate early guilty pleas.

In relation to the proposed simplified form of brief, Ms Wright said it was crucial the defense have a full brief of evidence at an early stage in order to assess the prosecution's case.

"Allowing simplified briefs could discourage rather than encourage early guilty pleas," she said.

Ms Wright said proposals to extend the supervision and continuing detention of high risk sex offenders and high risk violent offenders sat outside the judicial sentencing framework and could unreasonably widen the net of offenders subject to these extraordinary measures.



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“Detaining someone beyond their maximum prison time offends the fundamental principle of proportionality,” Ms Wright said.

Other proposals including permitting sex offenders to volunteer for chemical castration when applying for parole will be closely examined as will all other proposals and draft legislation.

“We note the consultation period for such important proposals is extremely short, but we look forward to reviewing and commenting on the draft legislation,” Ms Wright said.

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