



## **Budget 2022-23: Justice and First Nations positives, but silence persists on drug diversion**

**Tuesday, 21 June 2022**

**The NSW Government's \$716 million package aimed at Closing the Gap is a significant step toward improving outcomes for Indigenous people, including in the justice system.**

President of the Law Society of NSW Joanne van der Plaat and President of the NSW Bar Association, Gabrielle Bashir SC welcomed the 2022-23 Budget's \$9.9 million investment in a Child and Family Advocacy and Support pilot scheme, \$10 million for an Aboriginal Bail Advocacy and Support Service, and \$1.1 million to reduce contact with the criminal justice system by children with complex needs, were particularly welcome.

"For too long, our First Nations citizens have been over-represented in the care and protection and criminal justice systems. These modest investments represent a long-awaited acknowledgement that there is much work to do to address this inequality," Ms van der Plaat said.

"Significant funding is needed to address the unacceptably high rates of overrepresentation in the justice system of First Nations persons. This is a step in the right direction", said Ms Bashir.

The presidents noted that significant increases in funding for our integrity agencies in this Budget will help ensure that NSW maintains its reputation for robust responses to corruption in public life. Ensuring the ICAC, LECC and Ombudsman have the resources they need has long been a priority for the Law Society and the Bar Association. We also note the \$3 million allocated to assist the Special Commission of Inquiry into LGBTIQ hate crimes.

The Law Society welcomed the continuing roll-out of Audio-Visual Links to 50 courts across the State, with an investment this year of \$18 million dollars.

"The COVID-19 pandemic showed us the importance of technology in keeping the wheels of justice turning. The \$18 million to be invested next financial year in this ongoing program is just a start on what's needed to ensure gains made through the pandemic to modernise our legal system are locked in," Ms van der Plaat said.

The Budget Papers reveal the Government has forecast finalisation rates for both the District and Local Courts to continue declining throughout the next financial year. The one year \$13.8 million investment for three Acting District Court Judges will go some way towards addressing delays, but more needs to be done.

"The Law Society and the Bar Association consider that these Acting Judge positions should be made a permanent increase to the numbers of District Court Judges. It is also clear that the eight extra magistrates appointed as part of the last Budget will be insufficient to cope with the backlog that was exacerbated by the COVID-19 pandemic.



“Given the continuing massive investments in recruiting new police officers, it would not be surprising if Local and District Court backlogs come under even more pressure” Ms van der Plaats said.

“For every dollar spent on policing, significant investment is also required in downstream justice system and corrections costs. To meet some of that demand, more pre-court diversion would reduce the contact minor offenders – quite often society’s most vulnerable – have with the criminal justice system. Yet the Budget is silent on the implementation of the recommendations of the Ice Inquiry.”

“By failing to endorse the Inquiry’s evidence-based, expert-informed recommendations and properly fund drug assessment and treatment services, the NSW Government is condemning vulnerable persons to a criminal justice response that we know does not work,” said Ms Bashir.

“It has been more than two years since the Inquiry, which reportedly cost \$10.85 million of public money, released its findings. Despite repeated calls for action by the NSW Bar Association and the NSW Law Society, the Inquiry’s Commissioner Professor Dan Howard SC, addiction medicine specialists and key medical bodies, the Government has neither responded fully to the recommendations nor addressed them in this budget,” Ms Bashir said.

The Law Society and Bar Association welcome the \$13.4 million investment to expand the Statewide Court and Community Liaison Services to support diversion from the criminal justice system for people with mental health conditions.

Other welcome Budget initiatives include:

- \$43.6 million to expand the Safer Pathway program to support victim-survivors of domestic and family violence
- ‘More than \$20 million’ to increase supervision of people serving their sentences in the community
- Increases in funding to the Office of the Director of Public Prosecutions and Legal Aid NSW
- \$98.7 million to continue and expand the number of Aboriginal Child and Family Centres, and other moves to enhance self-determination in the provision of First Nation community-controlled services.

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