

18 January 2023

Gabrielle Bashir SC  
President  
New South Wales Bar Association

Dear Ms Bashir

### **NSW Bar Association Election Policy Statement**

I refer to the priorities of the New South Wales Bar Association (the Bar) for the 2023 State Election.

I am committed to a properly resourced justice system that upholds fundamental legal principles based on human rights and will push for this outcome through my work as a member of Parliament if I am re-elected. I support all requested reforms identified by the Bar and share priorities on Indigenous justice, drug law reform and climate change. I have outlined my responses to each matter below.

#### State Courts and Tribunals

A fair, accessible and efficient justice system for all is a cornerstone of a strong and healthy democracy. I share the Bar's concerns about the backlog of cases before the district and local courts caused by the pandemic. If I am re-elected, I will call for funding to address this backlog and for additional permanent appointments in the courts, to update court technology systems and upgrade accessibility in courthouses.

#### First Nations People

Closing the gap in Indigenous justice is a priority for me and I have repeatedly called on the NSW Government to action all three elements of the Uluru Statement of the Heart at a state level, including in a recent private member's statement to Parliament. I strongly support specialist Indigenous courts and I joined the campaign which achieved the Walama List Pilot. I am committed to a permanent, fully funded Walama court and for an expansion to culturally appropriate community-based sentencing options. I have a long history of calling for resources to prioritise prevention programs including rehabilitation, drug and alcohol, and mental health programs. I support the Justice Reform Agenda to divert people away from the criminal justice system.

I share the Bar's concerns about presumptive sentencing and have a history of opposing such provisions in Parliament. I share concerns about the approach of policing people in anticipation of them committing an offence through the Suspect Target Management Plan. Notwithstanding, I would seek further information about the program before calling for it to be abolished as I understand there is potential for it to reduce imprisonment and domestic and family violence. Potentially better oversight and new restrictions could be introduced first.

I have made repeated calls in the Parliament for New South Wales to raise the age of criminal responsibility to 14 and focus funding for young offenders on addressing the underlying causes of offending, including providing diversionary programs, support services and education for children in out-of-home care. The current laws disproportionately affect First Nations children, setting them up for a life of disadvantage.



During debate on the Fisheries Management Amendment (Enforcement Powers) Bill, I asked the minister to stop over-policing First Nations fishing practices and to proclaim schedule 1 of the *Fisheries Management Amendment Act 2009*. I thank the Bar for its information on the impact of these laws ahead of debate on the bill. I support the recommendations of the Select Committee on the Coronial Jurisdiction in NSW to improve the court's ability to respond to the needs of First Nations families and communities.

#### Legal Aid

I have a long history of supporting legal assistance services and requesting increased funding to Legal Aid and community legal centres, which are vital referral services for all MPs. Legal Aid is invaluable to upholding justice regardless of means and practitioners should be reimbursed appropriately to ensure its sustainability. If re-elected, I will again call for increased funding and private practitioner fees in Legal Aid, and for increased funds to community legal centres to meet increased need.

#### Criminal Law

I oppose the criminalisation of children and am committed to continuing my push for an increase to the age of criminal responsibility to 14. The laws do not have any safety benefits but are disastrous for affected children and families. I have been calling for a drug strategy based on evidence that treats drug use as a health matter since I was elected, including as a member of the NSW Parliament Harm Minimisation Roundtable. I support the recommendations of the ice inquiry and oppose criminal sanctions for personal drug use, drug dog detection operations and strip searches, and support pill testing. If re-elected I will continue to push for immediate implementation of the ice inquiry's criminal justice recommendations. I agree that medicinal cannabis should be excluded from driving offences.

I share community concern about the trauma experienced by children and young people giving evidence about sexual assault and agree that the NSW Child Sexual Offence Evidence Program should be expanded so that children and young witnesses giving evidence have the support they need regardless of where they live.

#### Coronial System

I support the recommendations of the Select Committee on the Coronial Jurisdiction in NSW to improve resources and autonomy of the Coroner's Court. New resources are needed to make better use of the court's specialist jurisdiction including to speed up reports, and provide a Koori engagement unit, and a public health and safety research unit. I support oversight through a strategic board or parliamentary committee.

#### Human Rights

I agree that New South Wales needs specific human rights legislation to clarify and protect the rights that every individual in the state should have and help the state uphold international covenants. Whoever is in government will need to consult on what human rights are important to the community and if re-elected I will support and promote this process. I agree with the legislative model proposed by the Bar for the legislation to provide for interpretation of all new law in the state and for declarations of incompatibility prior to debate on bills.

#### Personal Injury

Personal injury laws are complex and I share the Bar's concern that reform is needed to protect those injured on the roads. I am committed to consulting with the Bar on any reforms needed going forward.

### Climate Change

There is no greater threat to humanity than climate change. The Intergovernmental Panel on Climate Change has stressed that every aspect of society must decarbonise but climate change is barely a factor in planning laws and there is no overarching portfolio coordinating action across agencies, industries and authorities.

Planning laws must guarantee that the buildings and towns of the future are net zero with all emissions considered in determinations from embedded carbon to scope 3 emissions. I will continue to push for an overhaul of the planning framework to address climate change.

I strongly support a dedicated climate change minister and statutory commission. I used my position as chair of the Legislative Assembly's environment and planning committee to inquire into greening energy supply and resources and into reducing food waste, which currently contributes substantial greenhouse emissions.

### Family Care and Adoption

My work on the 2022 Family is Culture reforms that resulted in additional oversight of new laws further revealed the damage to children, young people, families and communities from child removal. Investment is needed to support families and children at risk and ensure that those affected understand their rights and have access to justice. I support increased Legal Aid fee scales for counsel in family, adoption, and care and protection matters.

### Alternative Dispute Resolution

Over 80 percent of my constituents live in apartments and strata disputes are generally required to go through mediation and then adjudication before going to the tribunal, and I have seen how this process can help resolve matters before costly court cases are needed. I support the expansion of alternative dispute resolution across the justice system and increased awareness of existing options.

My office regularly consults the Bar on legislation before the Parliament and I always appreciate the advice provided. If re-elected, I hope to continue this constructive relationship.

Yours sincerely



Alex Greenwich  
**Member for Sydney**