



PAUL LYNCH MP
MEMBER FOR LIVERPOOL



2 February 2015

Hon John Dowd AO QC
President
Community Justice Coalition
PO Box 345
Broadway 2007

BY EMAIL AND FAX

Dear Mr Dowd

I refer to your letter dated 16/12/14 enclosing a questionnaire and my letter dated 22/12/14.

I now enclose a copy of my response to the Questionnaire.

Yours Sincerely

A handwritten signature in black ink, appearing to read "Paul Lynch".

PAUL LYNCH MP
Shadow Attorney General
Shadow Minister for Justice

NSW Labor response to Community Justice Coalition Questionnaire

1. Effectiveness of Imprisonment

NSW Labor regards imprisonment as a sanction of last resort. Justice policy should be based on evidence and supported by research. Diversionary Programs and rehabilitation in appropriate instances should be an essential part of the Justice System.

Prisons should be administered competently and professionally. Occupation rates should not be more than 90-95%. The recently reported rate from the Report of Government Services from the Productivity Commission of 110% is a serious indictment of the current Government.

NSW Labor has considerable reservations about mandatory sentencing. We voted against the Crimes Amendment (Murder of Police Officers) Bill 2011. We moved amendments retaining judicial discretion to the NSW Government's Crimes Amendment (Intoxication) Bill 2014. That Government Bill proposed a widespread introduction of mandatory sentencing. Because our amendments were supported by the Legislative Council the Government Bill did not pass. When in Government NSW Labor did not introduce mandatory sentences of imprisonment.

In Government Labor introduced the Drug Court, the MERIT Scheme, CREDIT and Youth Justice Conferencing. We have already committed, if elected, to extending the Drug Court to the Illawarra. The recent BOSCAR Report on CREDIT should not mean the end of CREDIT. As BOSCAR itself admitted its particular findings should be treated with care. Rumours that CREDIT is likely to be destroyed or reduced in scope

are concerning. The Government's equivocal response to Questions in Parliament on this topic provides no reassurance.

The provision of post release services is essential for prospects of rehabilitation and reducing re-offending. For that reason NSW Labor was happy to support recent campaigns in support of the Community Restorative Centre and the Prisoners Aid Association. The current over-emphasis on short term post-release programs is short-sighted.

2. Bail

The current Government's position on bail has been hopelessly uncertain and inconsistent.

NSW Labor looks forward to the proposed ongoing review of the Bail Act.

3. Indigenous Issues

There are now more Aboriginal people in NSW jails than in 2011 and Aboriginal people are a now higher proportion of the prison population than in 2011. Incarceration rates have never been higher. They are higher now than at the time of the Royal Commission into Aboriginal Deaths in Custody. NSW Labor in Government will explore the approach of Justice Reinvestment as a strategy to reduce the unacceptably high incarceration rates of Aboriginal People.

The Federal Government should continue to fund the ALS Custody Notification Service and NSW Labor in Government will advocate for that.

4. Women

Policies should obviously be appropriately gender specific and culturally and socially specific. This also extends to health services for both men and women. Prison should be a last resort as a sentencing option and there should be appropriate diversionary programs in place.

Where possible scanning should be utilised rather than strip searching. (Labor pursued this issue at Estimates Committee). The Mothers and Children's Program was funded by Labor in Government and its supportive attitude continues. Likewise the Yulawirri Nurai program was established under a Labor Government.

Many of NSW Labor's views on these issues were previously expressed in our response to the CJC's Questionnaire on Women in Prison in 2014.

5. Juveniles in Custody

Early intervention programs are an essential element of reducing the number of juveniles in custody. Where appropriate, rehabilitation and diversion should be priorities. That should include culturally appropriate rehabilitation. NSW Labor was critical of the axing of the Youth Drug and Alcohol Court, especially granted the positive assessments that had been performed on it and the fact that it arose as a recommendation of the Drug Summit.

Youth on Track seems to have attracted comparatively few participants and is a long way from appearing successful. Its structural weaknesses are significant.

NSW Labor supports establishing and providing services and programs aiming at greater reintegration into the community and a reduction in recidivism.

The obligation of the State to provide special care and protection for juveniles in custody because of their age and other vulnerabilities is obvious.

6. Education and Training in Custody

Education is one of the most important elements in rehabilitation, reducing recidivism and increasing the likelihood of employment. Education should be widely available to those imprisoned. It should aim to be culturally appropriate.

7. Health

Justice Health has fulfilled an important role and should not have its current structure and position adversely altered. People in custodial care have the right to the community standard of health care. Health services should be culturally appropriate.

NSW Labor has already committed to a Drug Summit. MERIT was a Labor Government initiative. It should be expanded, if financial resources allow.

8. Mental Health

NSW Labor recognises the comparatively high proportion of NSW prisoners with mental health disorders and mental illness.

Where appropriate diversionary schemes should be pursued.

NSW Labor is committed to providing adequate services and treatments for prisoners with mental disorders and mental illness.

9. Refugees and the Criminal Justice System

The State has no control over the Temporary Protection Visa Scheme or Immigration Policy. Prisons must recognise vulnerable prisoners and those with special medical conditions. Services should be culturally appropriate.

10. Cultural and Linguistic Diverse (CALD) Communities

Culturally sensitive programs, where appropriate, should be part of all aspects of the prison service.

There should be no discrimination on the basis of religious belief.

11. Prison Officers Conditions

Prison Officers should be entitled, as should all other workers in NSW, to fair worker's compensation. They don't have that now. NSW Labor is committed to a fair and equitable Worker's Compensation Scheme, providing just and fair medical coverage and income replacement for victims of workplace injuries.

Labor will not impose arbitrary reductions in total workforce numbers or impose arbitrary restrictions on wages.

12. Governance and Transparency

NSW Labor is committed to maintaining an efficient and effective system to deal with complaints about the corrections system.

13. Privatisation

Prisons should be a core Government function. NSW Labor does not believe there is any scope for further privatisation in NSW prisons. This will continue to be the case if new facilities are required. This is despite the recent reported interest of Serco. A properly run Corrective Services system does not require further privatisation.

14. Transfers

A proper system of international and interstate prisoner transfer is desirable not just on humanitarian grounds but on practical grounds.

FEBRUARY 2, 2015