

INQUIRY INTO BACK END HOME DETENTION

Organisation: Law Society of NSW
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Date Received: 28/07/2004

Theme: The Law Society supports the introduction of a form of back-end home detention exercised by the court that originally sentenced the offender.

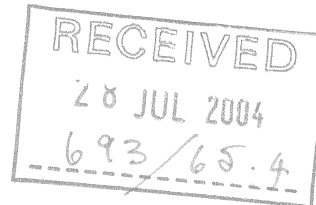
Summary: In the view of the Society's Criminal Law Committee, it would be neither appropriate nor in the public interest for resources allocated for the operation of the home detention scheme to be applied to back-end home detention until the current scheme of home detention has become available for eligible offenders throughout the whole State. The Law Society is very disappointed that, after more than six years, home detention is not yet available to all eligible offenders no matter where they may reside.

Our Ref: GAS:SRC:CRCS2004-004(4703)
(PLEASE QUOTE OUR REFERENCE ON ALL CORRESPONDENCE)



23 July 2004

Mr Robert Stefanic
Director
Legislative Council Standing Committee
on Law and Justice
Parliament House
SYDNEY NSW 2000



Dear Mr Stefanic

Re: Inquiry into Back-end Home Detention

I refer to the letter of 22 June 2004 from the Hon Christine Robertson MLC inviting the Law Society to make a submission to the inquiry into back-end home detention.

As the Standing Committee is aware, a statutory scheme of home detention as an alternative to full-time imprisonment has been available for eligible offenders in New South Wales since 21 February 1997, following evaluation of a trial program that commenced in 1992. When the Minister for Justice, the Hon John Hatzistergos MLC, last addressed the Legislative Council about the operation of the home detention scheme on 16 September 2003, he informed Members that this valuable sentencing option is only available in the Hunter, Illawarra, Central Coast and Sydney areas. The Minister foreshadowed a pilot rural-based home detention program in the mid North Coast region for 2004-05.

As at 1 July 2004, only 183 offenders are serving home detention orders. The Law Society is very disappointed that, after more than six years, home detention is not yet available to all eligible offenders no matter where they may reside.

While noting the comments of the NSW Law Reform Commission in its 1996 report *Sentencing* (at paras 7.29-7.31) and its conclusion that back-end home detention should not be introduced in New South Wales, the Law Society does support the introduction of a form of back-end home detention that is exercised by the court that originally sentenced the offender.

However, in the view of the Society's Criminal Law Committee, it would be neither appropriate nor in the public interest for resources allocated for the operation of the home detention scheme to be applied to back-end home detention until the current scheme of home detention has become available for eligible offenders throughout the whole State.

I trust that the above assists the Standing Committee in its inquiry.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Gordon Salier', written in dark ink.

Gordon Salier
President