

INQUIRY INTO ADEQUACY AND SCOPE OF SPECIAL CARE OFFENCES

Organisation: NSW Society of Labor Lawyers

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NEW SOUTH WALES SOCIETY OF
LABOR LAWYERS

M: GPO Box 1216, Sydney, NSW 2001

E: info@nswlaborlawyers.com.au

W: www.nswlaborlawyers.com

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The Hon Natalie Ward MLC & The Hon Lynda Voltz MLC
Standing Committee on Law and Justice
NSW Parliament House
Macquarie Street
Sydney NSW 2000

Dear Committee,

NSW Society of Labor Lawyers
Inquiry into adequacy and scope of Special Care Offences

The New South Wales Society of Labor Lawyers writes in respect to the inquiry into the adequacy and scope of special care offences under s 73 of the *Crimes Act 1900* (NSW) conducted by the Standing Committee on Law and Justice.

The Society does not propose to address the Terms of Reference before the Committee but states that, if the Committee recommends an expansion of the current offence, it is the agreed position of the Society that:

1. where an alleged offence occurs under the new provision, the Director of Public Prosecutions or his Deputy should be required to authorise the prosecution in accordance with the Prosecution Guidelines of the Office of the Director of Public Prosecutions for New South Wales. The prosecution decision should not be permitted to be delegated to a lower legal authority; and
2. the new offence should be accompanied by a review clause requiring the compulsory review of the new offence after five years.

Should the Committee have any questions please contact the undersigned.

Yours faithfully,

NSW Society of Labor Lawyers

President: Lewis Hamilton **Vice President:** Jade Tyrrell **Treasurer:** Claire Pullen **Secretary:** Janai Tabbernor **Ordinary Committee Members:** Tom Kelly, Kirk McKenzie, Philip Boncardo, Rose Khalilzadeh, Stephen Lawrence, Eliot Olivier, Tina Zhou, and Clara Edwards.

The Society is not affiliated to the Australian Labor Party (NSW Branch). The views expressed in this submission are not those of the Australian Labor Party (NSW Branch), its members or the State Parliamentary Labor Party.