



Kristina Keneally MP

Monday, 21st March 2011

Mr Tony Harris 2/3 11am
Acting Parliamentary Budget Officer
NSW Parliament
Macquarie Street
SYDNEY NSW 2000

Dear Mr Harris

I am writing to you to formally request, under Part 4 (Election policy costings) of the Parliamentary Budget Officer Act 2010, an official costing for the *Protecting our community – Tackling crime and its causes* policy, publicly announced on 13 March 2011.

This policy document includes commitments under Section 18(2) of the Act, specifically:

- Introduce US style antimafia laws to target organised crime
- Create a new aggravated offence for drive-by shooters who endanger children and other malicious activities
- Create a new aggravated offence of breaching an AVO with a maximum penalty of 5 years
- Reform Section 10 orders in relation to drink driving
- Make it easier to prosecute organised crime by reforming the law of complicity
- Review and redraft the Crimes Act
- Introduce a new Bail Act
- Raise the sentencing limit for 55 offences identified by the Sentencing Council from 12 months and 18 months to the full Local Court sentencing limit of two years
- Implement a trial to enable Local Court Magistrates to refer serious criminal offences to the District Court
- Expand the CREDIT program to two new locations in Newcastle and the Illawarra
- Create a third Drug Court for NSW in Sydney East building
- Review standard non-parole periods following receipt of the report from the Sentencing Council
- Amend forensic laws following receipt of the report from the DNA working group chaired by Acting Supreme Court Judge Graham Barr
- Allow the Land and Environment Court to hear disputes about a neighbour's use of CCTV

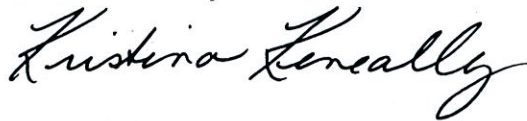


Please find attached a copy of this policy outlining the purpose of the policy and relevant details required to complete the costing as per the requirements of the Act.

A copy of the NSW Treasury costing and budget impact statement for the policy has also been included for your reference.

Should you require any further information on this request, please contact my office on (02) 9228-5239.

Yours sincerely

A handwritten signature in black ink, reading "Kristina Keneally". The signature is written in a cursive, flowing style with a large, stylized 'K' and 'A'.

Kristina Keneally
Premier of NSW
Leader of NSW Labor Party



Protecting our community: Tackling crime and its causes

March 2011



Protecting our community – Tackling crime and its causes

Each time I meet with victims of crime I am reminded that our Government can never take a step backwards in fighting it and addressing the causes that feed it.

This requires a dual approach, in which offenders are fully prosecuted, but people genuinely seeking redirection or rehabilitation are fully supported.

On the first matter, no NSW Government has been clearer to offenders that criminal activity will be dealt with using all the powers of the Police and to the full extent of the law.

And our commitment has worked. Crime rates are now stable or falling in every one of the 17 major categories of crime. And property crime in NSW has halved since 2000.

We have supported our Police with every major request for equipment, support or legal powers, and we now have the largest, strongest, most professional force in the nation.

And while we are determined to continue on and keep driving down crimes rates we also want to slash levels of recidivism - to break the cycle of crime.

That's why we are building on our tough sentencing laws with initiatives that force criminals to confront the causes of their behaviour.

This includes tackling the issue of drugs which fuel criminal behaviour.

Drug abuse can destroy livelihoods, break up families and lead otherwise law-abiding people to crime.

I am committed to stopping this cycle at the source – backed with tough laws which can see major commercial drug traffickers sentenced to life in prison.

And I am also committed to programs that help those who want to help themselves get back on track and out of crime.

It was Labor that introduced world-leading programs like MERIT, which have successfully reduced rates of re-offending, and steered offenders away from crime.

And a re-elected Labor Government will expand programs such as the Court Referral of Eligible Defendants Into Treatment (CREDIT) program; which is based on a highly successful US model.

So while our prosecution of serious criminals is stronger and more successful than ever, our determination to stop crime at the beginning is just as clear.

And together this means even safer communities for NSW families and communities.



Kristina Leneally

What this policy means for NSW

Everybody has the right to feel safe and secure in their community.

A re-elected Keneally Government will give police additional powers, based on successful US anti-mafia laws to target and respond to organised crime in NSW.

We will also crack down on drive-by shooters by introducing aggravated offences to ensure they are given longer sentences matching the seriousness of the crime.

In addition, the Government will create a new *Crimes Act* and *Bail Act* to target our criminal laws against the changing and sophisticated offenders who take advantage of advances in technology and changes in society to exploit the vulnerable.

We will give courts greater powers in dealing with the sentencing of serious offenders. Communities can have confidence that the Police and the justice system are fully equipped to deal with the challenges faced by these developments.

And as well as being tough on crime, we are expanding programs that have been shown to reduce crime and ensure that offenders do not commit crimes again.

Drug addiction is a major contributing factor to repeat criminal offending. Tackling the scourge of drug addiction has been, and will continue to be, an important part of NSW Labor's strategy to keep driving down rates of crime in our community.

Breaking the drug-crime cycle will further reduce rates of crime and reoffending. This will make our local communities even safer places to live.

Drug addiction can also tear apart families, destroy lives, and impose health costs on the entire community. It is therefore vital that we keep up our fight against drugs in order to prevent these broader social costs.

By getting more people off drugs will also strengthen vulnerable families and improve health outcomes.

ACTIONS:

Introduce US style anti-mafia laws to target organised crime

- Target organised crime kingpins who escape prosecution for major crimes but are caught for lower level offences – the new laws will see them face major sentences, crippling fines and compensation claims from their victims

Create a new aggravated offence for drive-by shooters who endanger children and other malicious activities

- Crack down on criminals who discharge firearms at homes by creating a special aggravated offence for where they endanger children or engage in other malicious activities

Create a new aggravated offence of breaching an AVO with a maximum penalty of five years

- Crack down on domestic violence offenders by introducing a new aggravated offence of breaching an apprehended domestic violence order with a 5 year maximum penalty

Reform Section 10 orders in relation to drink driving

- Introduce reforms to limit the use of Section 10 orders in relation to drink driving by the courts (Section 10 orders allow a court to find an offender guilty but direct that no conviction be recorded. While this may be appropriate in some limited circumstances it is important that these orders are not used too often and that their range be limited.)

Make it easier to prosecute organised crime by reforming the law of complicity

- Create a new codified law of complicity to make it easier for NSW Police and prosecutors to target criminal groups, and eliminate loopholes and inconsistencies in the law

Review and redraft the *Crimes Act*

- Redraft the *Crimes Act* in plain English and remove or modernise outdated offences equipping Police, courts and prosecutors with better tools to fight and punish criminal activity

Introduce a new *Bail Act*

- Introduce a simpler and more straightforward *Bail Act* based on advice from the Government's Bail Review Roundtable – an expert group headed by Supreme Court Justice Megan Latham

Reform Local Court sentencing limits

- Raise the sentencing limit for 55 offences identified by the Sentencing Council from 12 months and 18 months to the full local court sentencing limit of two years
- Implement a trial to enable Local Court Magistrates to refer serious criminal offences to the District Court

Expand rehabilitative treatment

- Expand the *Court Referral of Eligible Defendants into Treatment* (CREDIT) program to two new locations in Newcastle and the Illawarra - CREDIT is based on New York's Community Court and requires at risk offenders to take part in rehabilitative treatment
- Create a third Drug Court for NSW in Sydney East building on the successful Western Sydney Drug Court and the recently opened Hunter Drug Court

Reform Standard Non-Parole Periods

- Review standard non-parole periods following receiving the report from the Sentencing Council

Reform DNA laws

- Amend forensic laws following receipt of the report from the DNA working group chaired by Acting Supreme Court Judge Graham Barr

Resolve Neighbour Disputes over Closed Circuit Television

- Allow the Land and Environment Court to hear disputes about a neighbour's use of CCTV

Maintain our support for the Medically Supervised Injecting Centre

- Oppose any attempt by the Liberal and National parties to repeal recently-passed laws making the Medically Supervised Injecting Centre which is now a permanent facility.

Labor and Criminal Law and Justice

It's no secret that since first being elected, the NSW Labor Government has taken a tough approach to dealing with crime.

An effective justice system needs to have a strong deterrent element.

In order to maintain its legitimacy, the community must have confidence in the justice system and its ability to keep them safe.

And they need to be sure that people who perpetrate crime will be justly punished.

That's why we have toughened sentencing laws and introduced new offences to target organised crime, doubled sentences for child sex offenders and provided greater protections for domestic violence victims.

We have also ensured that these laws can be enforced by boosting police numbers and resources to the highest levels ever.

As well as being tough on offenders, the Government has introduced innovative and successful new programs, enabling courts to impose sanctions that maintain a punitive element, while providing offenders with serious rehabilitative support.

The Government recognises that rehabilitation is as important as retribution, denunciation, deterrence and incapacitation, and that both approaches to criminal punishment have valid and important roles to play.

Innovative programs like CREDIT and new sentencing options coming on line such as Intensive Corrections Orders give courts the flexibility to impose sanctions which rehabilitate while they provide retribution, denounce, deter, and incapacitate.

Breaking the drug-crime cycle requires a number of different approaches.

Firstly, we need to keep targeting the big end of town. That's why NSW Labor remains committed to our long-standing support for the police in their efforts to smash drug rings, seize large amounts of dangerous drugs, and catch major drug suppliers and traffickers.

We also need to respond to the demand for these dangerous substances, and the best way to do this is to support, and where necessary force, drug users who get into trouble with the law to do something about their addiction.

In Government, NSW Labor has introduced several innovative programs and initiatives, like the world-famous Drug Court, which are proving successful in having criminal offenders get off – and stay away from – drugs and a life of crime.

Now that programs like the Drug Court are achieving results, a Keneally Labor Government will expand, and where necessary, reform these programs so they reach an even large group of offenders.

Our Challenges

As technology advances and society becomes more complex, fighting crime and addressing criminal behaviour requires more resources and more, innovative approaches.

That's why the Government never stops looking at and reviewing our approach to the criminal justice system and constantly undertakes criminal law reform.

Criminal organisations are always growing in sophistication and attempting to expand their operations across NSW, nationally and internationally.

The law must keep pace with their methods and target their criminal activity, and Police must be empowered and resourced to take action against them.

Illegal drugs can exercise an extraordinary level of control over those who are addicted to them. Dependency on drugs often engenders a willingness to engage in criminal behaviour to feed that habit, and breaking this dependency can be very difficult from a physical, psychological and social point of view.

Drug addiction itself is also often caused by, or at the very least intertwined with, other issues. For example, drug users sometimes experience larger mental health problems, and often have low level of education and training. This can make it difficult for users to make the transition to productive and law abiding lives. Accordingly, in order to help a person beat drug addiction, it is also often necessary to deal with other issues and have a person partake in other treatment and rehabilitative programs.

On the supply side, we know that drug syndicates and other organised criminals are skilled at manufacturing and pushing drugs onto our streets.

While our police are significant gains in seizing drugs, breaking up clandestine laboratories and making major arrests, the war on drugs is not an easy fight. It requires constant vigilance, and an ongoing commitment to giving police the powers, laws and resources they need to stay one step ahead of the drug bosses.

Our Record

LABOR

- Created standard minimum sentences which ensures courts are given guidance to impose significant sentences for serious offences
- Introduced a standard minimum sentence of 25 years jail for criminals who murder a police officers and emergency services workers
- Enabled victims to give a Victims Impact Statement in the sentencing hearing
- Enacted legislation to allow the Supreme Court to ban a criminal gang and issue control orders against their members
- Stopped gang members from working in industries at risk of gang infiltration including the tow-truck and security industries
- Create a stand alone rock-throwing offence, which can see offenders jailed for up to 5 years for the mere act of throwing a rock in a public place
- Passed new drink spiking laws which remove the requirement that a suspect intended to rob or assault somebody after spiking their drink
- Created a police evasion offence, with a maximum of 5 years, to deter criminals from engaging police in dangerous pursuits recklessly inflicting grievous bodily harm, which can now see offenders spend up to 10 years in prison

OPPOSITION

- will reverse the Government's tough approach to crime and sentencing, with the Shadow Attorney General saying that hardline sentencing and prisons policies had failed (*Sydney Morning Herald*, 'Truce on hardline sentencing', 8 January 2009).
- With the support of the Greens, amended the government's bail reform bill to water down protections preventing multiple bail applications (Legislative Assembly 7 November 2007).
- called for domestic violence laws to be changed to make it harder for victims to obtain AVOs and to replace protections with more mediation and conciliation with their attackers (Greg Smith 2SM 18/12/2008)
- opposed the Government's laws to criminalize membership of criminal organisations and increase police powers (Greg Smith, 2GB, 2SM, 4 May 2009)
- sought to water down the Government's tough covert search warrant laws (Greg Smith, Legislative Assembly 7 March 2009)
- sought to weaken the laws given to police to control crowds after the Cronulla riots (Greg Smith, Legislative Assembly 5/12/07)
- dismissed sexual assault law reform as verging on being "a waste of time" (Greg Smith 2UE 29/5/07) and spoke against the Government's introduction of a definition of consent (Legislative Assembly 14/11/07)
- opposed the Government's increase from 25 years to life for the maximum penalty for sexual offence with a child under 10 following break and enter, calling it a "stunt" (2SM 7/5/09).

- Doubled the penalty for serious fraud from 5 to 10 years
- Doubled imprisonment penalties for graffiti vandalism and possession of graffiti implements to 12 months
- Child pornography possession maximum penalties doubled from 5 to 10 years
- Introduced the innovative new CREDIT program, which is based on New York's Community Court and sees offenders given assistance with problems like homelessness, mental illness and gambling addiction
- Expanded the innovative Forum Sentencing program, which forces offenders to confront their victims in the presence of the families and police
- Introduced Unexplained Wealth provisions to confiscate the property of criminals if they fail to show that it has been obtained by legitimate means
- Guaranteed that victims are consulted about charge negotiations with offenders, so that they have a say in any changes to the charges laid
- Provided by legislation that no sentencing discounts will be given for child sex offenders for being placed on the child protection register, and for criminals for having their assets confiscated as proceeds of crime
- The independent Bureau of Crime Statistics and Research found that between 1993-2007:
 - *"courts in New South Wales have become harsher rather than more lenient when making bail and sentencing decisions."*
 - The **use of imprisonment** as a sanction has also increased for most offence categories in NSW Higher and Local Courts
 - The **average length of prison sentences** increased significantly for the majority of offence categories in the Local Courts
- Voted against laws removing the trial status of the Medically Supervised Injecting Centre and establishing the centre as a recurrent program.

- Introduced the new Intensive Correction Order sentencing options – offenders can be ordered to undergo electronic monitoring while being required to take part in rehabilitative treatment and programs
- Built Goulburn's High Risk Management Unit – *Supermax* – the most secure prison facility capable of holding 75 extreme risk inmates
- Introduced the innovative Western Sydney Drug Court program, with proven success in reducing rates of re-offending. Since its inception, 1485 offenders have successfully completed the program.
- Expanded the Drug Court to the Hunter region with a new \$4 million investment
- Introduced the Medically Supervised Injecting Centre, saving thousands of lives, and brought forward legislation to establish the Centre as a recurrent program.
- Worked with the Commonwealth Government to introduce the court-based MERIT drug treatment program to 64 local courts
- Introduced the Youth Drug and Alcohol Court to target young offenders with drug and alcohol addiction problems
- Targeted the big end of town to cut drug supply – under our laws, those found guilty of trafficking a commercial quantities of drugs can face life in prison. Under these laws, more than 75 major drug suppliers have been sent to prison since 2003.

Introduce US style anti-mafia laws to target organised crime

Labor has led the way in the fight against organised crime and has given NSW Police the power to apply for criminal groups to be outlawed and disbanded.

A re-elected Keneally Government will build on the hard work of Police, in investigating and prosecuting bikie gangs through Operation Raptor, by introducing new legislation to target major organised crime figures.

While senior criminal identities may be able to escape conviction for major offences by delegating the execution of crimes to junior associates, it may be difficult for them to escape conviction for other offences.

The *United States Racketeer Influenced and Corrupt Organisations Act* (RICO) has been an effective weapon in targeting organised crime in America. It provides for extended criminal penalties and a civil cause of action for acts performed as part of an ongoing criminal organisation.

Labor will introduce RICO-style laws in NSW which bring special penalties to bear upon organised crime offenders when they have been convicted of an organised crime-related offence, even if minor.

This will mean that, even if they avoid going to prison for long sentences for murders, extortion, serious assaults or other high level crimes, they can still face serious punishment for committing two or more minor crimes.

The sanctions against offenders under RICO laws include extended prison sentences, forfeiture orders, fine, civil compensation orders, and orders to refrain from organised crime activity in the future.

ACTION:

- Target organised crime kingpins who escape prosecution for major crimes but are caught for lower level offences – the new laws will see them face major sentences, crippling fines and compensation claims from their victims

Create a new aggravated offence for drive-by shooters who endanger children and other malicious activities

Criminals who attempt to intimidate or kill by shooting at houses, police stations or other buildings from cars can strike terror into the neighbourhoods they target and kill or maim innocent children and families.

Labor will toughen sentences against these drive-by shootings and introduce a new aggravated offence of discharging a firearm at a building, increasing the maximum penalty of 14 years to 18 years.

This will apply where the shooting occurs in an area where children are put at risk.

So if there are children in the house that is targeted, or the offender should have been aware that there are children in the house, the offender will face a heavier sentence.

It will also aggravate the offence if the shooting occurs in an entertainment precinct or another high density area where there is an increased danger of hitting passers-by.

A further aggravating factor will be the use of automatic or semi-automatic weapons that can fire multiple rounds in quick succession.

Finally, to target gangs and organised crime groups, we will make it an aggravating factor where a drive-by shooting is committed in company.

ACTION:

- Crack down on criminals who discharge firearms at homes with a special aggravated offence where they endanger children or engage in other malicious activities

Create a new aggravated offence of breaching an AVO with a maximum penalty of 5 years

Victims of domestic violence who obtain an AVO should feel secure in the knowledge that they are protected from their attackers.

A re-elected Keneally Government will introduce an aggravated offence with penalties increased from two to five years for offenders who breach domestic violence orders.

Where AVOs are breached in circumstances of aggravation courts will be able to hand down heavier penalties.

This can include circumstances where the breach has been part of a continuous pattern of harassment and where it involves violence or the threat of violence.

ACTION:

- Crack down on domestic violence offenders by introducing a new aggravated offence of breaching an apprehended domestic violence order with a five year maximum penalty

Reform Section 10 orders in relation to drink driving

Offenders who are convicted of a drink driving offence should have their conviction recorded on their criminal record so that police, courts and the public will be aware of it.

This is important for future police investigations, and the prosecution and sentencing of offenders who have a history of reoffending.

Section 10 orders allow a court to find an offender guilty but direct that no conviction be recorded. While this may be appropriate in some limited circumstances it is important that these orders are not used too often and that their range be limited.

A re-elected Keneally Government will introduce measure to constrain the use of section 10 orders in relation to drink driving by courts and ensure that offenders do not escape having their convictions marked on their criminal record.

ACTION:

- Introduce reforms to limit the use of Section 10 orders by the courts

Make it easier to prosecute organised crime by reforming the law of complicity

A re-elected Keneally Government will implement the recommendations from the landmark NSW Law Reform Commission report on complicity to simplify this complex area of law and make it easier for prosecutors and police when taking action against criminals who are acting together in committing an offence.

When a group of offenders commit a criminal act then it is important that the law recognises that they are all guilty of that act, not just the individual who physically carried it out – so that, for instance, a gang who organises a murder will all be liable for it individually, not just the person who pulls the trigger.

These reforms will address anomalies in the law, such as those raised by the case relating to the murder of Constable Glen McEnally and remove any loopholes relating to criminal responsibility.

By codifying the complex principles of the common law in regard to complicity, the Government will create a new clear, coherent and consistent law covering group criminal activity.

ACTION:

- Create a new codified law of complicity to make it easier for NSW Police and prosecutors to target criminal groups, and eliminate loopholes and inconsistencies in the law

Review and redraft the Crimes Act

The changing nature of modern crime requires a sophisticated response from law enforcement authorities who need to combat increasingly complex criminal networks operating at both local and international levels and in an advanced technological environment.

The *Crimes Act 1900* was originally drafted in an environment far removed from the contemporary context in which investigation and prosecution of criminal activity takes place, and it has grown and developed as it has been amended over more than a century.

NSW Labor has kept key parts of the Act up to date with several recent legislative amendments, including

- removing the specific offence of "killing a pigeon", which had become superseded by modern animal cruelty laws and
- removing the sexist common law offence of "being a common scold" - this offence actually dated to the Middle Ages and criminalised mentally ill women once thought of as being "hysterical".

However, there has not been a wholesale review of the Act to remove all outdated offences. Those which remain include

- stealing a dog's skin or possessing stolen dog skin,
- taking fish in waters on private property - with a maximum penalty of \$11,
- the offence of "furious driving" covers a person riding a horse and
- stealing anything worth more than two dollars from a shipwreck.

By reviewing and redrafting the Act in plain English it will be more easily accessible by the public, police and prosecutors and give greater clarity to the courts in applying criminal law.

It will also remove archaic provisions and offences which are no longer applicable and enable consideration of new provisions that may better suit current law enforcement practices and requirements.

ACTION:

- Redraft the Crimes Act in plain English and remove or modernise outdated offences equipping Police, courts and prosecutors with better tools to fight and punish criminal activity

Introduce a new Bail Act

The NSW Government has recently released a review of the state's bail laws with a brand new draft Act for public comment. The Review and new draft Act were put together by the expert Criminal Law Review Division of the Department of Justice and Attorney General.

The current Bail Act has undergone around 16 amendments over a period of 25 years.

While these amendments have given the Act a better focus on protecting the community – for example, BOCSAR research has shown that certain reforms lead to a 46% reduction in absconding rates - they have made the Act complex and difficult to follow.

The new draft Act therefore proposes – for the first time ever - clear objectives to guide decision-making under the Act. These provide that the objects of bail are to ensure defendants turn up to court, to protect the community and to prevent any interference with the course of justice.

A Bail Act that is clear and simple to navigate will allow police to devote more time to frontline duties, assist the judiciary to consistently apply the laws and make it easier for victims and defendants to understand the process.

The recommendations of the Bail Act Review also include:

- Providing clearer information to defendants, including juveniles, about their right to their bail decision or conditions reconsidered;
- Developing a 'bail checklist' to protect victims of domestic violence;
- Rewriting court documents to make them easier to understand, especially for children and other defendants with special needs; and
- Improving opportunities for Indigenous people to have a greater input into the bail process.

Both the Bail Act Review and new draft Bail Act were put out to public consultation late last year and numerous submissions were received. The Government formed a Bail Review Roundtable - chaired by Supreme Court Justice Megan Latham and made up of prosecutors, defence lawyers, police, victims' representatives and other experts - to consider these submissions and provide advice on whether further changes are required.

Subject to the advice received from the Roundtable, the Government will introduce a brand new Bail Act and implement all recommendations of the Bail Act Review.

ACTION:

- Introduce a simpler and more straightforward Bail Act based on advice from the Government's Bail Review Roundtable – an expert group headed by Supreme Court Justice Megan Latham

Reform Local Court sentencing limits

A re-elected Keneally Government will raise the sentencing limits of the Local Court for 55 offences empowering magistrates to hand down full maximum sentences.

Although for most offences the Local Court is able to sentence up to two years, for 55 offences the Court is limited to 12 or 18 months imprisonment as the highest sentence it can give.

This means that offenders may not be able to be given a sentence that adequately matches the level of seriousness of their crime.

In a detailed review of the limits on the sentencing powers of the Local Court, the Sentencing Council has recommended that the limits for these anomalous offences be raised to two years to make them uniform with other offences in the Local Court jurisdiction.

The Sentencing Council also considered the issue of Local Court Magistrates being limited in their jurisdiction to giving a maximum penalty of a two year sentence for each offence. More serious crimes are prosecuted in the District Court and Supreme Court, where judges are not limited in this way.

The Police and the Director of Public Prosecutions assess prosecution cases carefully to decide whether to prosecute them in the Local Court or the higher courts to ensure that only cases where each offence will be adequately punished by a penalty of less than two years go to the Local Court.

However in some cases, following conviction in the Local Court, the Magistrate may feel unable to reflect the seriousness of the crime with a sentence of only two years.

A re-elected Keneally Government will implement a trial of a Sentencing Court recommendation to empower Magistrates to refer these cases to the District Court where longer sentences can be given.

- Raise the sentencing limit for 55 offences identified by the Sentencing Council from 12 months and 18 months to the full Local Court sentencing limit of two years
- Implement a trial to enable Local Court Magistrates to refer serious criminal offences to the District Court

Expand rehabilitative treatment

As well as putting in place strong punishments to deter would-be criminals from offending in the first place, we have also taken serious steps to tackle the problem of recidivism.

Research shows there are a number of factors that contribute to recidivist behaviour including mental health problems, drug and alcohol addiction, poor literacy and low levels of vocational and educational training.

Our programs and the new sentencing options coming on line such as Intensive Corrections Orders, give courts the flexibility to impose sanctions which rehabilitate while they provide retribution, denounce, deter, and incapacitate.

A re-elected Keneally Government will expand the successful rehabilitation programs we already have in place.

CREDIT - Court Referral of Eligible Defendants Into Treatment

The *Court Referral of Eligible Defendants Into Treatment* (CREDIT) program aims to reduce re-offending among lower level adult offenders.

It is currently being trialled at Burwood and Tamworth Local Courts. Feedback and reports from caseworkers, participants and Local Court magistrates suggests that CREDIT is already working well to turn around the lives of many chronic adult re-offenders.

The program is modelled on New York's Community Court program, and aims to identify criminal defendants who are at high risk of reoffending and steer them into treatment programs and social services to address problems like drug, alcohol and gambling addictions, mental illness, unemployment and lack of vocational skills and homelessness to help reduce the likelihood of re-offending. There is strong evidence to suggest that addressing these factors can achieve significant results in reducing rates of reoffending.

CREDIT uses a computer-based screening process, developed by the NSW Bureau of Crime Statistics and Research, to identify defendants who might be eligible to participate.

Using information such as age, gender, the offence and prior criminal record, the program is able to predict individuals at high risk of re-offending with a high degree of accuracy. Anyone identified as high risk will be invited to voluntarily take part.

A face-to-face interview follows to pinpoint the underlying issues related to the defendant's behaviour and determine if they are suitable for ongoing participation. This process ensures the program's resources are dedicated to those most likely to otherwise reoffend.

While the program is voluntary, defendants have a strong incentive to take part in the program and to take it seriously. Involvement in CREDIT might signify a defendant's commitment to getting their lives in order. This can then be considered favourably by the court at sentencing.

The CREDIT trial, which has been run at Burwood and Tamworth Local Courts since August 2009, will be formally evaluated to examine whether it has had a positive effect in reducing rates of reoffending. Subject to this evaluation, NSW Labor will expand the program to make it available at two new locations.

Drug Courts

Drug Courts reduce re-offending.

Since it was first opened by Labor in 1999, the Western Sydney Drug Court has diverted thousands of drug-dependent offenders into supervised and intensive treatment to eliminate their drug dependence.

More than 50 per cent of participants are successful, and are not returned to jail.

A landmark study by the NSW Bureau of Crime Statistics found offenders who complete the Drug Court program are 37 per cent less likely to be convicted of any further offence. It also found that offenders were 58 per cent less likely to be convicted of another drug offence.

The Drug Court had proven more cost-effective than prison in reducing re-offending rates among people who have committed drug-related crime.

Labor has further built on this commitment by recently opening the \$3.7m Hunter Drug Court in Toronto.

A re-elected Kennelly Government would provide \$6.3m to fund a new Drug Court for Sydney East. The Western Sydney Drug Court has been highly successful but has not been able to cover the whole Sydney basin.

By helping drug-addicted offenders break their addiction to drugs, we can help them break their addiction to crime.

Labor's commitment to a Sydney East Drug Court – the third in NSW – will ensure coverage of the program extends work to break that cycle of crime and drug dependency.

ACTION

- Expand the CREDIT program to two new locations in Newcastle and the Illawarra – CREDIT is based on New York's Community Court and requires at risk offenders to take part in rehabilitative treatment
- Create a third Drug Court for NSW in Sydney's East, building on the successful Western Sydney Drug Court and the recently opened Hunter Drug Court

Reform Standard Non-Parole Periods

The Labor Government introduced the state's first standard non-parole periods ensuring that there are clear minimum sentences set for courts to follow for the criminal offences included in the standard non-parole regime.

The regime provides guidance to the judiciary in sentencing and helps to ensure that there is consistency in sentences handed down for crimes of similar levels of seriousness.

Now that the regime has been in place for more than eight years, the Government has requested the Sentencing Council examine the operation of the standard non-parole regime to ensure that it is working effectively.

This includes looking at the lengths of the standard minimums that have been set to see that they are sufficiently long to match the seriousness of the crime and that their relationship to the maximum sentence is appropriate and is consistent across all the offences that have a standard non-parole period set.

Following the finalisation of the Sentencing Council's report, the Government will also consider expanding the regime to include other offences where appropriate.

ACTION

- Review standard non-parole periods following receipt of the report from the Sentencing Council

Reform DNA laws

In less than a decade, DNA has helped police secure more than 7,000 arrests.

A forensic working party, headed by Justice Graham Barr of the Supreme Court, has been set up to review present laws. The working party will ensure that red tape is cut, so police can get on with their job of protecting the community, while making sure people's rights are protected.

A Keneally Government will move immediately to implement the reforms recommended by the working party.

The Government has also committed more than \$25 million over four years to undertake more DNA tests, speed up testing and buy modern forensic technology for police, including \$4 million for state-of-the-art equipment such as robotic technology that will speed up DNA analysis.

DNA evidence has revolutionised criminal investigations since laws governing forensic practices were introduced in NSW almost a decade ago, helping police crack 'cold cases' and bring criminals to justice. The Keneally Government, if re-elected, will make sure this continues.

ACTION:

- Amend forensic laws following receipt of the report from the DNA working group chaired by Acting Supreme Court Judge Graham Barr

Resolve Neighbour Disputes over CCTV

As CCTV camera technology becomes cheaper, we are seeing more people installing these devices around their homes. This has been a privacy issue for neighbours.

Most people do this simply to protect their family, but some people have done so in a way that has caused significant distress to their neighbours, who feel that the placement of cameras is a deliberate attempt to annoy and harass them.

As the law stands, there is no easy solution for people who want the cameras moved so they do not, for example, look into their back yard or windows.

A re-elected Keneally Government will give the Land and Environment Court the power to make orders about the placement of cameras in residential areas.

The scheme will be cheap and user friendly, and would usually involve a member of the Court going to the property in question to see the cameras, and then make orders about where they can be placed.

The Court will have to balance the rights of the person who has installed the cameras to protect their family and property with the rights of their neighbours to enjoy their property in privacy.

ACTION

- Allow the Land and Environment Court to hear disputes about a neighbour's use of CCTV

Maintain our support for the Medically Supervised Injecting Centre

The trial of the Medically Supervised Injecting Centre has been operating since May 2001. In 2010, the Keneally Government made the facility permanent.

The Centre continues to reach a group of marginalised and entrenched injecting drug users who have either unsuccessfully tried treatment or never sought treatment before.

The Centre which is operated under licence by Uniting Care NSW/ACT monitors on-site injecting practices and provides emergency help when this is needed, medical advice, support and referrals to treatment. Funding for the Centre is provided under the Third Drug Budget with operational costs sourced from the Confiscated Proceeds of Crime Account to ensure no funds are diverted from treatment.

Since the Centre opened in May 2001 more than 3,400 drug overdose incidents have been managed at the Centre. There have been over 8,500 referrals for treatment, health care and social welfare services including over 3,800 for drug treatment, rehabilitation, detoxification and counselling.

About 300,000 episodes of public injecting have been avoided with a considerable reduction in discarded needles and syringes, greatly enhancing the public amenity of the local area.

On 6 September 2010, the NSW Bureau of Crime Statistics and Research released its report on the impact of the Centre on crime in the local area, finding no evidence the Centre has had a negative impact on robbery, property crime or drug offences in the Kings Cross Local Area Command.

- **Oppose any attempt by the Liberal and National parties to repeal recently-passed laws making the Medically Supervised Injecting Centre a permanent program**



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Costing of Proposal

Title/Subject:	Crime Policy (roll-out of CREDIT)
Pink/Physical ID:	EA1640363
Proposal by:	Government
Agency:	Department of Justice and Attorney General
Cluster:	Justice and Attorney General
Detailed description:	Roll-out of CREDIT to two new locations. CREDIT seeks to identify at risk criminals and divert them into treatment programs.
FIS No: 186	
Classification: GGB	

General Government Sector Financial Impact

	2010-11 \$'000	2011-12 \$'000	2012-13 \$'000	2013-14 \$'000	2014-15 \$'000	Ongoing \$'000
Expenses (incl. depreciation)		751	770	804	809	809
Less Agency Offsets (1)						
Less Agency Revenue						
Less Crown Provisions						
Budget Result Impact	0	-751	-770	-804	-809	-809

						Residual
Capital Expenditure						
Less Capital Offsets (1)						
Net Capital Cost	0	0	0	0	0	0

Depreciation						
Net Lending (2)	0	-751	-770	-804	-809	

Public Trading Enterprises Sector Financial Impact

	2010-11 \$'000	2011-12 \$'000	2012-13 \$'000	2013-14 \$'000	2014-15 \$'000	Ongoing \$'000
Revenues						
Expenses						
Operating Result	0	0	0	0	0	0

						Residual
Capital Expenditure						
Less Capital Offsets (1)						
Net Capital Cost	0	0	0	0	0	0

Depreciation						
Net Lending (2)	0	0	0	0	0	

Accumulated Net Financial Liabilities as at 30 June (3)

	2010-11 \$'000	2011-12 \$'000	2012-13 \$'000	2013-14 \$'000	2014-15 \$'000
General Government Sector	0	751	1,521	2,325	3,134
Total State Sector	0	751	1,521	2,325	3,134

(1) Includes items such as available funding within existing estimates, expenditure offsets, recurrent savings associated with capital projects, linked assets sales.

(2) Equal to Budget Result or Operating Result Impact plus Net Capital Cost.

(3) Equals cumulative Net Lending Impact. Total State Sector equals sum of General Government and PTE (and PFE) sectors.

Key costing assumptions

The Ministers Office has advised that:

- Rental cost is the current average per location
- The program will employ 4 additional staff at each location
- The proposal seeks to expand the current program by two additional locations
- The total cost per location is \$375,500 in the first year, \$385,000 in the second year, escalated by 2.5% per annum thereafter. A one off expense of \$15,000 is applied in year 3.

Key data

The Minister Office has advised that:

- Two caseworkers and one coordinator are graded at clerk grade 5/6, and the regional coordinator and the senior policy analyst are graded at 9/10. A clerk grade 5/6 salary is \$68,761 and a clerk grade 9/10 is \$89,076
- Maintenance and support costs will be \$5,000 p.a. and brokerage fees \$30,000 p.a.
- An additional \$15,000 will be required for minor adjustments to the program every 3 years.

Caveats or qualifications

Treasury has applied the following:

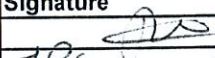



- 2.5% p.a. escalation to all recurrent costs
- 20% p.a. on-costs are added to all wages.

Implementation issues (including how Treasury can assist in speedy implementation and any potential difficulties and how these might be overcome)

nil

Other comments (including explanation where Treasury costing differs from agency or PBO estimates)

The total cost amounts to \$3,134 million over the period 2011-12 to 2014-15. The program is assumed to be ongoing.

Position	Name and extension	Signature	Date
Analyst(s)	James Sylvester		24.2.11
in consultation with	Wohoro Ndooho / Dimitrios Deligiannis		
Director	Brian Cheney		24.2.2011
Deputy Secretary	Caralee McLiesh		24/2/11