

JUSTICE ESTIMATES COMMITTEE 21 FRIDAY 17 OCTOBER 2008

The Hon. HELEN WESTWOOD: What is the latest information about public confidence in the criminal justice system?

Ms LEE RHIANNON: Point of order: If the Minister has a long answer, I ask that he table it, so that we have a fair distribution of the remaining time.

CHAIR: The Minister can answer the question. My intention is to take any substantial overrun from the final allocation of Government members.

The Hon. JOHN HATZISTERGOS: I will stay longer, if you want me to. Even more than in other areas of government services it is vital for the public to have confidence in the effective operation of the justice system. Our justice system relies on the faith and support of the community when we ask victims to come forward and report crimes, when we asked witnesses to give evidence and when we ask members of the public to sit on a jury and judge their fellow citizens. It reminds me of what was said by Lord Hewart in a case *Ex parte McCarthy* when he said:

... it is not merely of some importance but is of fundamental importance, that justice should not only be done, but should manifestly and undoubtedly be seen to be done.

But for these reasons, public confidence in the criminal justice system is important. That is why at the last election the Government committed to undertaking research into public attitudes to sentences being conducted under the auspices of the Sentencing Council. This was so we could better understand the community's understanding of, and feelings towards, the sentences imposed by the courts. It will help inform governments on law reform and public education. The Sentencing Council and the Bureau of Crime Statistics and Research have now completed that research and they have released their report today.

Over 2,000 New South Wales students were surveyed for this study via telephone interviews. The bureau set quotas for the age, sex and residential location so that the group matched the New South Wales population as closely as possible. Participants in the study were asked a range of questions about their confidence in the New South Wales criminal justice system, their views about sentencing and their knowledge of crime and justice. The report found that a high proportion of people in New South Wales were very or fairly confident that the criminal justice system respects the right of an accused person—72 per cent; and treats accused people fairly—75 per cent. Regrettably, public confidence in other aspects of the criminal justice system is not as high. Over half, or 55 per cent, of adults are very or fairly confident that the criminal justice system brings people to justice. Just under half or 44 per cent are very or fairly confident that it deals with cases efficiently. Less than a third, or 29 per cent, are "very" or "fairly" confident that it deals with cases promptly. Slightly more than a third, or 35 per cent are "very" or "fairly" confident that the justice system meets the needs of victims.

Some of these questions are testing the subjective opinions of the public on issues—such as bringing people to justice or fairness. However, some of these results show that the public is not aware of some of the characteristics of our justice system. For example, contrary to public views about the efficiency and promptness of dealing with cases, the Productivity Commission's Report on Government Services 2008 shows our courts are among the most efficient in the country. The New South Wales District Court, Local Court and Children's

Court were all national leaders in terms of timeliness of criminal matters. Each of these courts, which handle over 99 per cent of the criminal matters in New South Wales, had the lowest backlog of cases in Australia older than 12 and 24 months.

The efficiency of the New South Wales Local Court deserves particular mention. For the fifth year in a row, the New South Wales Local Court achieved the lowest backlog of criminal matters older than six months and the lowest backlog older than 12 months. The New South Wales Local Court was also the only court to achieve the national standard set by the Productivity Commission for local courts, which requires that no more than 10 per cent of matters are more than six months old.

On the issue of the public's views about the justice system meeting the needs of victims, we undertake a process of continual improvement and monitor the justice system, and we will make further reforms to ensure the system is properly supporting victims. The Rees Government is committed to supporting victims of crime. The Charter of Victims' Rights enshrines the rights and roles of victims. And we support victims through a number of other practical measures. We provide \$64 million in compensation, counselling and support through the Victims Compensation Scheme. We provide funding grants of up to \$15,000 each to about 40 non-government organisations that work with victims of violent crime at the grassroots level, and we have passed tough laws to reflect community expectations in sentencing.

We are also making further legislative changes to increase the ability of victims to have their voice heard in the court process. We are making it easier to give victim impact statements in court, giving victims of young offenders a voice in court, and recognising the role of victims in sentencing options such as youth justice conferencing. We want to help victims to recover and rebuild their lives, and these steps help in that difficult task. These services do make things a bit easier for victims. Take, for example, the free counselling we provide to victims of crime. The most recent Victims Compensation Tribunal annual report showed that 4,767 victims of a violent crime were provided with counselling to help them deal with the trauma of being attacked. Over 330 approved counsellors provided 28,000 hours of counselling to victims. An additional 22,000 hours was also provided for victims to use if they want additional counselling now or in the future.

And the facts are that when victims were surveyed to find out their satisfaction with the service, 98 per cent found the counselling was worthwhile and helped them to cope better, 98 per cent found the counsellor helpful and supportive, and 99 per cent found the counsellor flexible to meet their needs. This shows that victims themselves find particular services we offer to support them useful.

The survey also measured public attitudes to sentencing and public knowledge of crime and criminal justice. A high proportion—66 per cent—of New South Wales residents feel that the sentences imposed on convicted offenders are either "a little too lenient" or "much too lenient". The New South Wales Government is committed to ensuring that criminals pay for their crimes. New South Wales has the toughest sentencing regime in Australia. We are more likely to send serious offenders—such as those convicted of sexual assault and robbery—to prison than any other jurisdiction, according to the survey conducted by the Judicial Commission.

The Bureau of Crime Statistics and Research analysed sentencing patterns in nine major offences over a decade and found that New South Wales courts were "showing no trend towards leniency in sentences". According to the bureau's analysis, in 2006 the likelihood of convicted offenders being sent to prison was considerably higher for a number of offences than when the Coalition was in government in 1993. We were the first jurisdiction in Australia to introduce standard minimum sentencing. Martha Jabour of the Homicide Victims Support Group said in the June 2007 edition of *Police New*:

'We went to the Premier ... and we basically said there is ... an inconsistency in sentencing, what is your government going to do about it? True to their word they brought in standard non-parole periods. No longer will we see the sentences that we saw [previously] ...

And our tough approach is working. What concerned me about the research was not that some members of the public thought sentences were lenient but that many members of the public were mistaken about crime and sentencing issues. To measure public knowledge about crime and justice, the survey participants were asked the following questions: whether property crime had increased, decreased or remained about the same over the last five years; what percentage of all crime recorded by police involves violence or the threat of violence; what percentage of persons charged with home burglary are convicted of the offence; what percentage of persons charged with assault are convicted of the offence; what percentage of persons convicted of home burglary receive a prison sentence; and what percentage of persons convicted of assault receive a prison sentence.

Only 11 per cent of those surveyed correctly answered that property crime had fallen in response to the first question. Most respondents grossly overestimated the proportion of all crime that involves violence, grossly underestimated the conviction rates for assault and home burglary, and grossly underestimated the proportion of burglars sent to prison. The only area where the public overestimated the percentage of persons convicted who receive a prison sentence was for assault. Significantly, a lack of confidence in sentencing and the criminal justice system was found to be strongly associated with mistaken beliefs about crime and justice. In other words, those who had the least knowledge of our criminal justice system also had the least confidence in it.

The study also measured what people reported as being the most influential sources of information about the criminal justice system: 74 per cent said television or radio news, 48 per cent said broadsheet newspapers, 41 per cent said local newspapers, 35 per cent said tabloid newspapers, and 22 per cent said talkback radio. Some of the influential sources nominated by the least number of people were: educational institutions, 8 per cent, government publications, 8 per cent, and the Internet, 18 per cent.

This research by the New South Wales Sentencing Council and the Bureau of Crime Statistics and Research will be a useful resource to inform future policy making. It will assist the Sentencing Council in its role of educating the public about sentencing matters. It will also assist the Government in future decisions on crime, justice and sentencing reform.

I commend the Sentencing Council and the Bureau of Crime Statistics and Research for their work on this important project. We will be working with the Sentencing Council on the initiatives that it proposes to undertake, to ensure that some of the matters that have been identified in relation to ensuring that information about sentencing is provided to the public are enhanced.