

MEDIA STATEMENT



NEW SOUTH WALES
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THE LAW SOCIETY
OF NEW SOUTH WALES

TIME FOR GOVERNMENT TO RECONSIDER 'JUSTICE CLUSTER' ARRANGEMENTS

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The Premier of NSW has recently foreshadowed the likelihood of a Cabinet reshuffle within the ranks of the New South Wales Government.

Ahead of any reshuffle, the President of the New South Wales Bar Association, Noel Hutley SC, and the President of The Law Society of New South Wales, Gary Ulman, have called upon the Premier to review agency arrangements and administrative orders to reflect the independence of the Attorney General as First Law Officer and her Department.

Under the current 'justice cluster' arrangements, the Minister for Justice and Police has been the Senior Minister in the 'justice cluster', which has either allowed or created the perception of police interests setting the priorities for criminal justice policy in this State. These arrangements, coupled with the reduction in legal policy resources and the downgrading of the Law Reform Commission in New South Wales, have inhibited the processes of informed policy making. The Government's Serious Crime Prevention Orders legislation from earlier this year provides an example of the incursions into civil liberties that can occur when a department does not have a clear charter for independent advice to the Attorney General alone. It is vital that the Attorney General as the First Law Officer and her Department are and are perceived to be independent and appropriately resourced to pursue the traditional roles of the Attorney General, including particularly matters of criminal justice policy.

It is acknowledged that outside of the pure legal functions of a traditional Attorney General's Department, the Attorney General can play a crucial role in ensuring that positive outcomes are achieved in key related justice portfolios such as Corrective Services and Juvenile Justice. It is unacceptable that an Attorney General would be subservient to the Police Minister in any way, either in reality or in perception. The status of the Attorney General and her Department depends upon a clear public perception of independence, which in the view of the NSW Law Society and the NSW Bar Association depends on the administrative autonomy of both.

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