

# CONSTITUENT QUESTION

## House of Assembly

ASKED BY: Janie Finlay MP

ANSWERED BY: Hon Guy Barnett MP  
Attorney-General and Minister for Justice

QUESTION:

### **Backlog for Sexual Abuse Trials**

#### **Ms FINLAY question to the ATTORNEY-GENERAL, Mr BARNETT**

Following the distressing article published in *The Examiner* last week about a young complainant having to wait more than five years for an alleged sexual abuser to go to trial, a local constituent has asked me: In anyone's world, how is this okay?

What plans do you and your government have to address this backlog? What is the exact number of people waiting for trial in the Supreme Court as of 30 June 2024? It is not just about alleged offenders. It is also about the devastating impacts on victims. Can you say how many people are on the Supreme Court waiting list broken down by how long they have been on the list and how many are on parole? This is not good enough, and my constituent and our community deserve to know how bad this really is.

ANSWER:

#### **Reduction of the backlog**

The Government is committed to ensuring that all Tasmanians have access to an efficient and effective criminal and civil justice system in which court proceedings are able to be finalised in a timely manner.

I acknowledge the impact of delays in the criminal justice system, particularly on victim-survivors and will continue to work closely with the Court to identify strategies to continue to reduce the backlog.

As well as the Supreme Court itself implementing a number of strategies to reduce its backlog, the Government is giving consideration to a range of measures through which it can support the Supreme Court in its performance and delivery of the administration of justice in Tasmania.

Our 2030 Strong Plan for Tasmania's Future includes support for the Supreme and Magistrates Courts to review their case management and listing procedures to ensure the efficient use of court resources.

It also includes the introduction of legislation to mandate pre-trial conferences to identify and resolve any legal arguments with the aim of reducing matters in dispute at trial.

As Attorney-General and Minister for Justice, I have already prioritised several significant legislative changes.

The Government has enacted legislative changes to reduce the number of bail matters coming before the Court, and to redistribute the criminal caseload appropriately between the Supreme Court and the Magistrates Court by adjusting jurisdictional boundaries. The changes were implemented by the *Justice Miscellaneous (Court Backlog and Related Matters) Act 2020* that commenced on 1 July 2021.

Since November 2021 the Court has had the benefit of a seventh judge (Justice Tamara Jago), who is primarily sitting in the Burnie registry.

Last year's budget provided an additional \$1.2 million over 2 years for additional salary and related costs of the acting judges as part of the Government's plan to provide access to justice and reduce court backlogs.

The acting judges have been appointed as a temporary measure to assist with throughput and reduce backlogs in criminal, civil and appeal cases; to preside when other judges may have a conflict of interest in a particular case; and/or to enable other judges to attend to writing reserved judgments.

The additional funding for the acting judges has been supported with additional funding to the Office of the DPP and Tasmania Legal Aid in previous years. The Department of Justice maintains regular communication with the DPP and Tasmania Legal Aid about resource levels to ensure the timely preparation and presentation of cases before the Court.

In late 2023, the jurisdiction of the Associate Judge was expanded to cover criminal as well as civil matters. This allows the Associate Judge to provide additional assistance to the judges in the areas of criminal case management and the determination of bail appeals. These changes will allow judges to focus on determining criminal matters.

I intend to continue actively engaging in discussions on these issues with the Chief Justice, at an appropriate arm's length that respects the separation of the judicial arm of government. The views of the Law Society of Tasmania, Tasmanian Bar and prosecution and defence counsel also continue to be taken into account.

I understand that the Chief Justice also continues to monitor the backlog, analyse its various causes and implement strategies designed to reduce it.

To manage the caseload, the Court has taken steps to allocate additional judicial time to reduce the criminal backlog, adopting more active case management and focussing on older cases.

A more rigorous management of the appeal process has also been introduced to ensure that the Court of Criminal Appeal is able to hear and determine appeals within a shorter timeframe. This has been reinforced by additional practice directions.

During trial sittings in Hobart, a third criminal court has been sitting to deal with pleas of guilty, directions hearings, preliminary proceedings orders, bail applications, and bail appeals.

The Court also has a policy of conducting directions hearings at regular intervals in relation to pending matters as a matter of routine case management of criminal cases, with a view to ensuring the parties are ready for trial as soon as possible and expediting the finalisation of cases.

### **Supreme Court pending caseload**

As at 30 June 2024 there were 136 pending matters defined as 'sexual offences'. In total, there were 885 criminal cases pending as at 30 June 2024, including 'sexual abuse' matters.

As at 30 June 2024 the number of pending non-appeal criminal matters, broken down by age, was:

<b>Criminal Pending</b>	<b>2023-24</b>
Less than 12 months old	498
>= 12 and < 24 months old	270
>= 24 months old	117
<b>Total</b>	<b>885</b>

The Court cannot report on the custody status of the accused persons, including whether a person is on parole. Custody status is often fluid as a person may be in custody on some matters, and on bail on others. They may be granted bail or have bail revoked throughout the course of a matter, and in some cases they may be in custody on remand or serving a sentence which may be completed before other pending matters are finalised.



Hon Guy Barnett MP  
**Attorney-General**  
**Minister for Justice**

8 September 2024