



ALS

Aboriginal Legal Service (NSW/ACT) Limited

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28 August 2013

The Hon James Wood AO QC
Chairperson
NSW Law Reform Commission
Level 13, Swire House
10 Spring Street
Sydney NSW 2000

E-mail: emma_hoiberg@agd.nsw.gov.au

Dear Commissioner,

**Inquiry into Criminal Appeals
NSW Law Reform Commission**

Thank you for this opportunity to participate in the Commission's Inquiry into Criminal Appeals by providing a preliminary submission.

The Aboriginal Legal Service (NSW/ACT) Limited (ALS) has participated in the development of a submission by the Law Society of NSW and supports its recommendations.

In our view, the current District Court appeals system operates well and has the effect of mediating inconsistencies in sentencing patterns in the Local Court. The imposition of a manifest excess test in that forum would deprive the appeals of their current "averaging out" effect - where high sentences (which may not be manifestly excessive) are sometimes reduced.

This results in the range of sentences imposed being narrowed by the current appeal process, which promotes consistency in sentencing.

We would appreciate the opportunity of participating further in the Commission's Inquiry on this issue of Criminal Appeals and would ask to be kept informed of its progress. My email address is john.mckenzie@alsnswact.org.au.

I will be on leave until 14 October. During that time, if you wish to discuss the above views further, please contact Jeremy Styles, who will be acting in my position in my absence, at: jeremy.styles@alsnswact.org.au .

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'J. McKenzie', with a stylized flourish at the end.

John McKenzie
Chief Legal Officer
Aboriginal Legal Service (NSW/ACT) Limited