



Hon Greg Smith SC MP

Attorney General
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PEOPLE SMUGGLING COST BURDEN HITS STATES

The NSW Attorney General, Greg Smith SC, today called on the Federal Government to help meet the cost of people smuggling trials that are clogging courts and jails across Australia.

Mr Smith said NSW and the other States and Territories would press the Commonwealth over the issue when the nation's Attorneys General meet in Canberra next week.

By February, NSW had spent more than \$8.5million on 102 inmates held on remand or in custody for people smuggling. And with 60 trials expected this year at a cost of more than \$5 million, the burden on State taxpayers is set to blow out dramatically.

"It is unreasonable to expect the States and Territories to bear the costs of running people smuggling trials and imprisoning offenders for crimes that generally occurred well outside of their jurisdiction," Mr Smith said.

"While the Commonwealth spent more than \$1.7 billion on combating people smuggling in 2010-11, it has not shared any of that money with the States and Territories for the trials that follow."

Mr Smith said the delays caused by people smuggling trials could adversely affect the rights of victims and defendants in other prosecutions.

The Attorney General noted that people smugglers face a mandatory sentence of five years in jail with three years' non-parole.

"The NSW Government is in favour of coming down hard on offenders who trade on the desperation of asylum seekers, but this regime results in a high proportion of cases progressing to trial and jail terms of three years and more," he said.

In NSW, the average people smuggling trial takes 11 days at an estimated cost of \$85,000. This includes the cost of a jury, which is a requirement in all Commonwealth trials. The State expects there will continue to be 60 trials per year – most involving multiple defendants – at an annual cost to taxpayers of more than \$5 million.

Between 2008 and 2010 the District Court held an average of 70 Commonwealth trials, a figure expected to rise more than 85 per cent in 2012.

At February 1, the cost of accommodating the 102 inmates transferred by the Commonwealth to NSW was approximately \$8.5 million. Those inmates spent a total

of 29,190 days in custody. Across Australia, the average cost of keeping a people smuggler in custody is estimated to be \$315,000*.

Traditionally people accused of Commonwealth offences are prosecuted in the state or territory where the offence occurred. As people smuggling offences are committed offshore, the Commonwealth has discretion in choosing the venue for prosecution – but no obligation to meet the cost.

Since mid-2010, the Commonwealth has made significant operational changes to the way people smugglers are prosecuted so that trials now occur in all States and Territories.

In February, there were 192 crew members before State and Territory courts for alleged people smuggling. A Senate Committee heard in February that it takes an average 161 days for someone held in detention to be charged with people smuggling offences.

* According to the Report on Government Services 2012, the national average cost per prisoner per day was \$289, equating to approximately \$315,000 per convicted people smuggler if a three-year minimum non-parole period is served.