
Tasmanian Government Response

Third Party Review of Backlogs in the Tasmanian Court System

August 2026

Foreword from the Attorney-General

Access to timely, fair and effective justice is fundamental to the rule of law and to the confidence Tasmanians place in our justice system.

Demand in the criminal justice system continues to grow, cases are becoming more complex, and pressures at one point in the system can create delays elsewhere. Addressing court backlogs therefore requires more than isolated or short-term measures. It requires a coordinated response that considers the justice system as a whole, from the commencement of proceedings through to their final resolution.

It was in this context that the Tasmanian Government commissioned Mr Lloyd Babb SC to conduct an independent, third-party review of backlogs in Tasmania's criminal justice system.

Mr Babb brought to this task extensive experience in criminal law, prosecution and justice-system administration, including service as Director of Public Prosecutions in both New South Wales and the Northern Territory. He was asked to examine the factors contributing to existing backlogs, identify practical ways to improve case flow and service delivery, and propose a framework through which the effectiveness of future initiatives can be assessed.

This report reflects consultation with the courts, the legal profession, justice agencies, victim-survivor advocates, community organisations and other people with direct experience of Tasmania's justice system. I thank everyone who contributed their time, expertise and perspectives to the review. Their participation has helped ensure that the report is informed by both professional expertise and the lived experience of those affected by court delay.

Mr Babb's report provides an important independent assessment of the challenges facing Tasmania's courts and the broader justice system. It also makes clear that there is no single cause of court delay and no single solution. Sustainable improvement will require cooperation across institutional boundaries, clear responsibilities, effective use of information and technology, appropriate resourcing, and a continuing focus on measurable outcomes.

The Tasmanian Government welcomes the report and is carefully considering its findings and recommendations. Our implementation actions will be developed in consultation with the judiciary, independent statutory offices, agencies, the legal profession and relevant community organisations. In doing so, the Government will respect the institutional independence of Tasmania's courts and statutory office holders.

Some reforms may be capable of early implementation. Others may require legislative change, additional resources, changes to operational practices or more detailed planning. It will be important that implementation is properly sequenced, transparent and supported by reliable measures of performance. Progress must be assessed not only by reductions in the number of pending matters, but also by whether cases are resolved fairly, efficiently and in a manner that meets the needs of court users.

I thank Mr Babb for the thoroughness and independence with which he has undertaken this important work.

I also acknowledge Tasmania's judicial officers, court staff, prosecutors, legal practitioners, police, corrections personnel, support services and community-sector organisations. Their professionalism and commitment sustain our justice system every day, often in challenging circumstances.

This report provides an opportunity to establish a more coordinated and enduring approach to court delay. The Government is committed to working constructively with all parts of the justice system to ensure that Tasmanians can access justice that is timely, fair and effective.

Background

The Tasmanian Government is committed to facilitating timely access to justice for all Tasmanians. Like other jurisdictions, our justice system faces complex process challenges which create delays and affect the efficiency and timeliness of delivering justice.

In January 2025, the Tasmanian Government engaged with the Justice Forum on how to support the Tasmanian Courts and the justice system as a whole to best deliver accessible justice. This included consideration of a third-party review and, following that, the Tasmanian Government commissioned the *Third Party Review of Backlogs in the Tasmanian Court System 2026* (the Review).

The Review was established in response to concerns about court delays and their effects on victim-survivors, accused persons and other court users. The Review's purpose was to identify practical measures to reduce delays and backlogs, improve system efficiency and support the timelier resolution of court matters.

The Review was conducted by Mr Lloyd Babb SC, an experienced Australian barrister and former Director of Public Prosecutions in New South Wales and Northern Territory. On 22 July 2026, Mr Babb SC was appointed as Deputy President and Judicial Member of the NSW Industrial Relations Commission.

Mr Babb SC provided his final report to the Attorney-General on 30 June 2026, which contains 20 recommendations aimed at reducing court backlogs, improving timeliness and encouraging the earlier resolutions of matters.

This response outlines the Tasmanian Government's position in relation to each recommendation of the review, including an explanation as to why a particular recommendation is supported or otherwise.

The Review's Terms of Reference

The 2026 Review will develop a backlog action plan with a focus on:

1. Promoting committed leadership to improve access to justice across all levels of the criminal justice system, through a systemic approach that acknowledges the interdependent roles and responsibilities of institutions and participants within the system;
2. Assessing relevant processes and procedures across the criminal justice system, including court processes, to identify issues and barriers that are contributing to delay and impacting efficiency and timeliness;
3. Identifying strategies and mechanisms that could be applied to improve case progression across the system. This would include consideration of listings, adjournments, readiness practices, and a range of case-flow and case management practices;
4. Considering how current Court resourcing arrangements correspond with the ongoing operational needs of the Courts; and
5. Developing a framework of indicators which may be used to measure the timeliness and effectiveness of any strategies coming out of the 2026 Review and may also provide a foundation for ongoing evaluation.

Implementation of the Review's Recommendations

The Tasmanian Government welcomes Mr Babb's 20 recommendations and have provided a response against each one. In summary, these responses are:

- 16 recommendations – supported
- 3 recommendations – supported in principle
- 1 recommendation – requires further consideration

In his final report, Mr Babb SC has not set timeframes for the implementation of the Review's recommendations. Notably, Mr Babb SC states, *"Whether, when and how these recommendations are implemented is a matter for Tasmania"*.¹

A key part of the implementation of the Review's recommendations will be their sequencing, including progressing multiple recommendations in tranches. As Mr Babb SC notes in his final report, it is the Review's intention that the recommendations are treated in this manner:

*"These recommendations are interconnected. I have sought to make a set of recommendations that can build upon one another to, over time, establish a system that produces early-stage resolutions. In this way the recommendations can be understood as a suite of reforms, and I suggest they would be most usefully implemented as a suite. Some reforms are only possible when done in this way, for example, the early guilty plea sentence reduction scheme depends on functional disclosure and the involvement of the ODPP."*²

Many of the Review's recommendations amount to major systemic reform across the Courts and Justice system and have significant implications. Stakeholders affected include independent Tasmanian Courts or Statutory bodies, government departments (particularly Department of Police, Fire and Emergency Management and Department of Justice), as well as the Law Society of Tasmania and many others.

The Tasmanian Government will therefore continue to engage with and seek advice from key stakeholders across the Tasmanian criminal justice system to inform implementation.

¹ *Report and Recommendations from the Third Party Review of Backlogs in the Tasmanian Court System*, p. 7.

² *Ibid*, p. 8.

Tasmanian Government Response

Recommendation	Response	Note
Recommendation 1 Tasmania should legislate to provide the Magistrates Court with powers to manage committals and ensure that the following purposes are achieved: (i) The setting of a timetable for the disclosure of the brief of evidence from the police to the prosecution and defence; (ii) The scheduling of a mandatory criminal case conference between the ODPP and defence; (iii) Preliminary proceedings for the taking of oral evidence of prosecution witnesses (where permitted); (iv) The entry of a plea in the Magistrates Court; and (v) The power to dismiss a matter (without affecting the ability to re-lay the charge) if a charge has not been settled within a prescribed period of time and if it is in the interests of justice to do so.	Supported	The Government supports Recommendation 1 as it would strengthen active case management at the committal stage, helping criminal matters progress more efficiently and be resolved earlier.
Recommendation 2 The Tasmanian Police Commissioner and the Director of Public Prosecutions should develop an agreed early disclosure protocol and codify this protocol in a publicly available Memorandum of Understanding (MOU).	Supported	The Government supports the intent of Recommendation 2. By establishing a shared framework for disclosure and resolving related issues, the recommendation would promote earlier case resolution, greater accountability and a more efficient criminal justice system.

Recommendation	Response	Note
		The Police Commissioner and DPP will be consulted on implementation options.
Recommendation 3 In criminal matters in Tasmania, the police officer responsible for a case should also be responsible for disclosing directly to the prosecution and defence.	Supported	The Government supports the intent of this recommendation and will work with Tasmania Police in considering implementation actions.
Recommendation 4 Tasmania Police should establish and formalise training initiatives to assist frontline officers and police prosecutors with the delivery of functional disclosure.	Supported	The Government supports the intent of this recommendation and will work with Tasmania Police in considering implementation actions.
Recommendation 5 The Tasmanian ODPP should have carriage of matters for committal in the Magistrates Court.	Supported	The Government supports the intent of Recommendation 5, noting the independence of the Office of the Director of Public Prosecutions and Tasmanian Courts. The ODPP will be consulted on implementation options.
Recommendation 6 Tasmania should legislate to require the ODPP, during committal-stage proceedings in the Magistrates Court, to certify a charge within a legislatively prescribed timeframe and prior to the requirement for the entry of a plea.	Supported	The Government supports Recommendation 6. By encouraging charges to be reviewed and settled at an earlier stage, the recommendation would facilitate informed decision-making, increase opportunities for early resolution and reduce delays across the criminal justice system.

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Recommendation 7 Tasmania should legislate a requirement for mandatory, committal-stage conferences between the defence and the prosecution – post-charge certification and prior to the entry of a plea.	Supported	The Government supports Recommendation 7. Early and meaningful engagement between the prosecution and defence can facilitate earlier resolution of matters, narrow issues in dispute and support more effective case management
Recommendation 8 Tasmania Legal Aid should structure and deliver legal aid with the intention of supporting the early resolution of committal matters while they are in the Magistrates Court.	Supported	The Government supports the recommendation because it would strengthen opportunities for the early resolution of criminal matters and support more effective case management throughout the justice system.
Recommendation 9 Tasmania should legislate for a sentence reduction scheme, with a sliding scale reduction based upon the timing of the plea, for criminal matters in the Magistrates Court and the Supreme Court.	Supported	The Government supports Recommendation 9 to be developed in parallel with interdependent recommendations. A statutory sentence reduction scheme would create stronger incentives for early guilty pleas, supporting earlier resolution of cases and reducing pressure on the courts. The recommendation would improve the efficiency of the justice system and bring Tasmania into closer alignment with legislative approaches adopted in other Australian jurisdictions.
Recommendation 10 Residential tenancy disputes should be moved from the Magistrates Court to the Tasmanian Civil and Administrative Tribunal (TasCAT).	Supported	The Government supports Recommendation 10, as it would provide a more accessible pathway for resolving residential tenancy disputes while ensuring matters are dealt with in the most appropriate forum.
Recommendation 11 Tasmania should expand the offences that can be dealt with by way of infringement notice with an ability to elect to challenge in Court.	Supported	The Government supports Recommendation 11. Expanding the use of infringement notices would provide a proportionate and efficient response to minor offending, reducing unnecessary demand on court resources. This would support faster

Recommendation	Response	Note
		resolution of matters and contribute to a more effective and streamlined justice system.
Recommendation 12 The Tasmanian Supreme Court should conduct a one-off “call-over” of all pending Supreme Court matters with a view to facilitating the prosecution and defence appropriately settling matters and reducing the current backlog.	Supported in principle	The Government supports the intent of Recommendation 12, noting the independence of the Supreme Court of Tasmania.
Recommendation 13 Tasmania should repeal or amend section 2 of the <i>Supreme Court Act 1887</i> (Tas) to facilitate a possible increase in the number of Supreme Court judges.	Supported in principle	The Government supports the intent of Recommendation 13 to provide greater flexibility in responding to changing demands.
Recommendation 14 Tasmania should amend the <i>Supreme Court Act 1887</i> (Tas) to make provision for a pool of reserve judges to be appointed by the Governor in Council. Reserve judges should be able to be appointed for a period of up to five years and that term should be renewable up to a specified retirement age.	Supported in principle	The Government supports the intent of Recommendation 14 to provide greater flexibility in responding to changing demands.
Recommendation 15 Tasmania should fund the Supreme Court to either appoint a further permanent Supreme Court judge or use the funds to appoint acting and reserve judges as required at the	Requires further consideration	Recommendation 15 requires further consideration due to the need for legislative amendments to be passed by Parliament and the broader system and resource implications.

Recommendation	Response	Note
discretion of the Chief Justice, up to the total cost of a permanent Supreme Court judge.		
Recommendation 16 Tasmania should introduce, as soon as possible, tailored information technology solutions to support agencies and individuals working in the criminal justice system to do their work more effectively and efficiently.	Supported	The Government supports Recommendation 16, recognising that effective technology is critical to a modern and efficient justice system.
Recommendation 17 Early-career professionals working in criminal law should have access to, and be supported by their employers to participate in, a formal mentoring program that matches them with a senior practitioner. Mentors should be supported to undertake training on effective mentoring and relevant skills such as recognising and responding to distress and effective debriefing and reflective practice. Consideration should be given to the Law Society of Tasmania providing incentives for senior lawyers to participate in mentoring, such as reduced practising certificate fees; free CPD points; reduced CPD course fees; and formal recognition of contributions to mentoring through, for example, specialist accreditation programs.	Supported	The Government supports the intent of Recommendation 17 as structured mentoring programs can enhance professional development, workforce capability and practitioner wellbeing. Strengthening support for early-career lawyers would help build a resilient and sustainable criminal law workforce, contributing to the ongoing effectiveness of the justice system.

Recommendation	Response	Note
Recommendation 18 The feasibility of an ongoing, funded Tasmanian Criminal Law Graduate Program should be explored. Such a program could build on Department of Justice Graduate Legal Officer program to enable graduate lawyers employed under the <i>State Service Act 2000</i> (Tas) to undertake a structured early career program, including placements at both the DPP and TLA with ongoing mentoring support from senior personnel.	Supported	The Government supports the intent of Recommendation 18 as dedicated graduate development opportunities can help attract, develop and retain the next generation of criminal law practitioners. By fostering practical skills, professional capability and greater engagement with criminal law practice, the implementation of this recommendation would contribute to a strong and sustainable justice sector workforce.
Recommendation 19 Tasmanian criminal lawyers should have access to training and development for the purpose of building the skills and confidence necessary for achieving appropriate early resolutions. Topics covered should include; understanding processes and the lawyers' role, planning, negotiation skills, conferencing witnesses, determining sufficiency of evidence to determine the correct charge, effectively counselling clients considering early pleas.	Supported	The Government supports Recommendation 19 because a skilled and capable legal profession is essential to the effective operation of the criminal justice system. By strengthening practitioner capability in key areas of criminal practice, the recommendation would support informed decision-making, improve the quality of legal representation and promote the earlier resolution of matters.
Recommendation 20 Tasmanian justice leaders should meet regularly, at least every six months, to collaborate on an agenda that covers: • Agreeing upon and establishing a reform agenda to deal with the root causes of court backlog;	Supported	The Government supports Recommendation 20 to promote greater coordination and collaboration across the justice sector, supporting the effective implementation of reforms and ongoing monitoring of outcomes. The Justice Forum consisting of senior leaders in the justice system meets at least twice per year and will add to its agenda

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• Development and adoption of a “minimum data set” (MDS) made of no more than 12 key indicators, strategically selected for their ability to provide a snapshot of how the reforms (and the system overall) are tracking; • Working together to consider if there are any agency-specific measures that would be worth tracking; • Overseeing an expert-conducted monitoring and evaluation program based on the MDS, and qualitative data; and • Making recommendations to Government regarding legislative changes where necessary.		for each meeting progress on reforms to deal with the root causes of court backlog.