

**Engender Equality Submission to the Third Party Review of Backlogs in the
Tasmanian Court System 2026**



To: Lloyd Babb SC

Re: Third Party Review of Backlogs in the Tasmanian Court System 2026

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Submission in relation to

Third Party Review of Backlogs in the Tasmanian Court System 2026

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Delays in Court Proceedings and Their Impact on Victim-Survivors of Family Violence

This submission addresses recurring procedural delays within the Tasmanian court system, particularly in matters involving family violence, and outlines suggested process and legislative reforms aimed at improving efficiency, reducing re-traumatisation of victim-survivors, and easing systemic burden.

1. What kinds of issues or recurring situations seem to slow matters down?

A significant source of delay arises from ongoing court mentions that do not progress matters toward plea entry. Defendants are frequently granted repeated mentions without being required to enter a plea, often citing non-attendance, failure to engage legal representation, or lack of readiness.

There appears to be considerable leniency extended to defendants who fail to attend court or do not take timely steps to obtain legal representation. In practice, this leniency enables a form of systems abuse with the Tasmanian Court System being used by perpetrators of family violence to create drawn-out processes that place victim-survivors in a state of prolonged heightened emotional distress and uncertainty.

Compounding this issue is limited education and communication for victim-survivors about why such delays occur and what each court appearance is intended to achieve, leaving many feeling disempowered and confused about the process.

2. Are there particular processes, practices or procedures that create unnecessary delay?

The number of mentions permitted before a defendant is instructed to enter a plea is excessive and should be reduced. Clearer and tighter parameters around the purpose and number of mentions would significantly reduce unnecessary delay.

Where defendants assert that they cannot proceed due to not having legal representation, it should be noted that duty lawyers are available specifically to address this issue. Greater reliance on and expectation of engagement with duty lawyer services at early stages would prevent defendants from using lack of representation as a means to defer progress.

3. Is there one process change or legislative change that you think would make the biggest difference?

Improved communication with victim-survivors

Providing clearer, consistent information to victim-survivors about each stage of the court process would increase understanding and empowerment. This would support victim-survivors to attend only those appearances that are relevant to them, rather than feeling compelled to attend every mention out of concern that an outcome may occur at any time.

Automatic special witness status in family violence matters

Victim-survivors of family violence should be granted special witness status by

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default, without requiring a formal application. Individuals should retain autonomy to choose how they give evidence (e.g. from a separate room with audio-visual link or in the courtroom).

Removing the need for special witness applications would:

- Eliminate additional court appearances required solely for these applications
- Reduce stress and re-traumatisation for victim-survivors
- Reduce prosecutorial workload, increasing readiness to proceed to plea entry or hearing
- Contribute to overall reduction in delays within the system

4. Are there features of Tasmania's justice system, geography, population, service availability or court structure that should be taken into account?

Tasmania's geography and service distribution present practical barriers to court attendance, particularly for defendants in regional or remote areas. Expanding access to regional or remote court options would reduce non-attendance and, in turn, the need for repeated leniency and adjourned mentions, thereby improving efficiency.

5. Are there approaches from other jurisdictions that should be considered?

No specific approaches from other jurisdictions are identified in this submission; however, examination of jurisdictions that have implemented tighter controls on mentions or automatic protections for victim-survivors may be beneficial.

6. Is there anything else you would like to add?

Consideration should be given to imposing stricter limits on sentencing occurring on a separate day from the hearing. Sentencing adjournments should occur only in exceptional circumstances.

Where sentencing cannot be completed on the same day as the hearing:

- Proceedings should occur on consecutive days wherever possible
- Exceptions should be limited to circumstances involving other co-occurring legal matters or compelling reasons
- Consideration could be given to accommodating sentencing timelines at the request of the victim-survivor

Reducing delays between hearing and sentencing would lessen the emotional toll on victim-survivors and reduce administrative burden on courts and legal representatives.