

BALANCE

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The Official Publication of the Law Society of the Northern Territory

Chief Justices' comments on Criminal Trial System

Comments made by the Chief Justice Brian F Martin before the Arraignments at the Supreme Court of the Northern Territory on Monday 14th August 1995 directly addressed issues of case management of criminal matters by the Supreme Court. The Chief Justice has kindly approved the Society repeating his comments in "Balance" for the information of members of the Society.

"In about April of this year it was recognised that the time set aside for criminal matters in Darwin to the end of the year was being rapidly absorbed. That was notwithstanding there were two judges listed to deal with those matters during most of the that time. I consider that to be quite unsatisfactory.

As a result of discussions between major stakeholders in the criminal trial system, a number of proposals were made and agreed upon, leading to a Practice Direction on 22 June aimed at establishing a mechanism designed to bring greater orderliness and efficiency into the conduct of that work in this court.

The primary objective was to have all matters then in the list for trial reviewed with a view to determining whether any of them might be resolved by plea. We are now at the conclusion of that review period.

Given past indicators of the proportion of matters set down for trial which turn into pleas, sometimes at the last minute, it was anticipated by me that a significant number of matters set down for trial until the end of this year would be otherwise resolved. That would enable time freed up to be used for other criminal matters which might otherwise not be dealt with until some time in 1996.

From present indications, it appears that, notwithstanding the review process which was left to the parties to undertake, the expectations have not been fulfilled; only a very few accused have indicated pleas of guilty instead of seeking trial.

The court must now proceed upon the firm understanding that proper review was conducted and all matters now in the list for trial will definitely proceed as such, with a few exceptions in respect of which it has been indicated to the court that applications are to be made for adjournment or where issues might otherwise be resolved.

The court will expect that any other applications for adjournment of trials now listed for hearing will be supported by



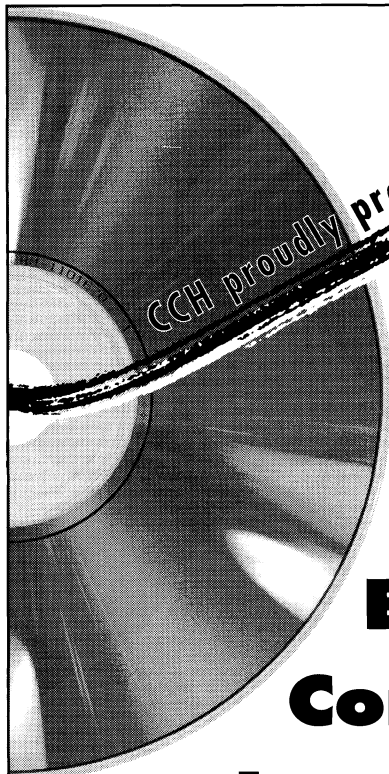
*The Hon. Justice Brian F Martin AO MBE
Chief Justice*

evidence on affidavit of changed circumstances arising after today. Changes of plea after today, in respect to matters now set down for trial, may be required to be explained. The court needs to be able to establish the reliability of information as to the course accused persons intend to follow so that appropriate judge time and other resources can be set aside.

As a consequence of the pause in listing procedures whilst the review period was running, there were in the order of forty matters requiring dates for trial or plea. The position in respect of that will be formally confirmed this morning.

The clarification of the real state of the list to the end of this year and the preparation of a draft court calendar for the early part of 1996 will now enable dates to be fixed for new trials at

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Criminal Trial System

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the September arraignments after the usual pre-trial conferences.

In accordance with the recent Practice Direction, there will be a callover of all matters listed for trial during the two months after the September arraignment in an effort to maintain a continuing and more effectual review by the court of the state of its criminal list.

As of this morning [of 14 August 1995,] including matters to be dealt with in the remainder of this year, the following is a broad indication of the nature of the charges that are pending against individual accused. There may be more than one charge pending against a particular accused but it is some indication of what we are about today.

As to murders and manslaughters; there are 12; attempted murders, 2; conspiracies to murder, 2; sexual assaults of all kinds, 22; other assaults of a serious nature, 9; robbery, 2; dishonesty, including stealing, unlawful entry and allegations of a similar kind, 12; drug-related allegations, 6; breach of bond and the like, 2.

I mention that so the profession can have some understanding of what is happening in this jurisdiction."....

Practitioners comments arising from the above may be addressed to the Editor of *Balance*.

Appointment of Deputy Registrar for NNTT

The National Native Title Tribunal are pleased to announce the appointment of Ms Merranie Strauss as the new Deputy Registrar.

Ms Strauss will be responsible for overseeing the Case Management Section of the NNTT.

The NNTT would like to advise that the Tribunal's postal address for the Northern Territory is GPO Box 9973, Darwin, NT, 0801 and that the Sydney Registry has moved to the following address:

**Level 25, 25 Bligh Street
Sydney, NSW, 2000
Phone: (02) 291 6110
Fax: (02) 233 5613**