Alternative Dispute Resolution

By Pat McIntyre

Territory Dispute Resolution Forum?

Last edition I reported briefly on meeting of a broad based interest group at Montego's Meeting Room at Parap to discuss collaborative initiatives in ADR in the Northern Territory.

At the conclusion of that meeting the participants identified the following ideas that might usefully be explored to better promote conflict resolution:

- greater interaction between local bodies interested in ADR
- development of Northern Territory Public Service Register of Mediators
- promotion of professional associations and community education
- develop a practitioner mentoring scheme
- maintain continuing meetings of a wide ADR forum
- develop a data base of persons engaged in ADR
- explore the need for a national peak body
- explore the need for co-ordination of training and accreditation
- promote multi-sector collaboration and information and training sharing
- explore the idea of establishing an NT ADR Centre

The participants agreed to report back to their respective organisations for further input into these ideas and to then meeting again for further discussion.

A follow up meeting has nc been scheduled for 2.00 pm Thur day 18 June 1998 at Conferen Room, Department of Asian Rel tions, 76 The Esplanade Darwin. T contact person for those interested Tom Stodulka Telephone 8981 869

The specific agenda for this mee ing is to explore whether there support for a Territory Dispute Res lution Forum and if so the form tha might take.

Given the publication date of *Ba ance*, no doubt many practitione will have attended that meeting the time this article reaches you. that case I trust the meeting we well and that some of you will co tribute your reflections to this journ for our next issue!

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John Wesley Hardin and the Right To Silenc

continued from page 7

foundational principle, namely, that it has grown out of the duty upon the state to demonstrate its right to punish those believed to be involved in criminal activity. It is this principle which ultimately imposes strict standards of proof upon the Crown and prevents it from compelling the suspect to cooperate in the investigation or to testify. Whilst the Crown may, in seeking to discharge its burden of proof, utilise information voluntarily provided by the suspect, those who rely upon silence do no more than ask the state to discharge the burden imposed on it by law.

In this context, the integrity, autonomy and right to self respect of individuals arrested by the police, so vigorously defended by the Royal Commission on Criminal Procedure (1981) is already at risk in the practice and ideology of criminal justice today. The police have moved historically from a position in which they have no access to detained persons to one today in which they have unmediated access. Alongside this, citizens have moved from a position in which they were asked if they had anything to say, to one in which they may be held in detention until the police are satisfied that they have nothing left to say (Code C, para 16.1). Nothing could better symbolise the primacy given in policing to arrest over information-gathering, and the subversion of a 'right' to silence into a legal requirement to remain in police detention and interrogation until the police decide that no more can be wrung out of the arrestee.

Police power in the Northern Territory is probably far greater than ar where else in the country. There are mc police here *per capita* than in New Yo

A balance to police power and in vidual freedom is essential to maint what openness this community has le

A right to silence ensures that confession does not recover its crown the most important single item in criminal investigation. We have h plenty of time to see where that rc leads. Do I have to spell it out?