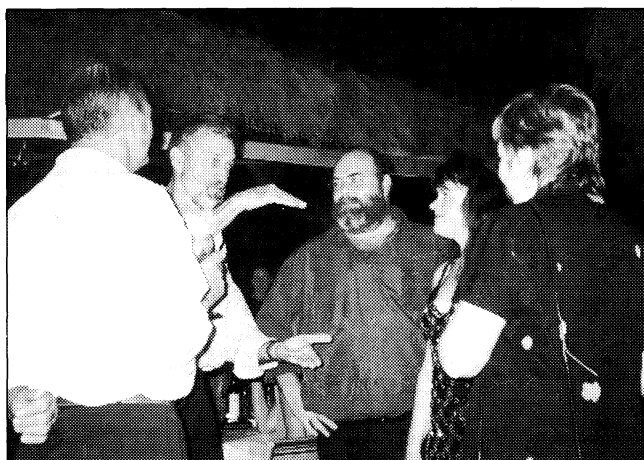


ATTORNEY-GENERAL DR PETER TOYNE

Dr Peter Toyne was sworn in as Attorney-General for the Northern Territory on Monday 27 August 2001. Prior to his swearing in ceremony at Government House Mr Toyne spoke to 105.7 ABC Radio Darwin's Morning Show presenter Fred McCue about current issues facing the Territory's legal profession. This is an edited transcript of that interview:



Dr Peter Toyne, second left, joined members of the legal profession at the Law Society Annual Dinner on 25 August

Fred McCue: Lets go to the issue of mandatory sentencing. We've already seen indications that there are certain members of the magistracy who don't want to impose the law as it stands at the moment. What's your word to them?

Attorney-General: My word is that there is due process through the parliamentary system. Under separation of powers we have to follow that process while leaving the legal system to follow their own processes and use their professional judgement in the courts. We will certainly promise that it is a high priority for us to get the [mandatory sentencing] repeal bill into parliament and through. We will do that as quickly as it can be done and with care because we don't want to put in legislation that has undue effect. We want to check that we've actually got the legislation tight and that it is going to have the effect on sentencing that we expect. The other thing that we have to do is to make sure that the parallel changes that were flagged by Labor during the election — to make sure that property crimes are still viewed in a serious way by the courts — can be put in place.

Fred McCue: Does it mean that you want to see the magistrates applying the law as it stands at the moment? You don't want to see them walking away from the prospect of handing out mandatory sentences?

Attorney-General: We're merely pointing out that the law is the law until such time as the repeal bill is passed through parliament and amends the Act. The courts have the duty to uphold the law. If the courts feel that there is

sufficient time to delay decisions that they feel are going to be unjust until such time as we can repeal mandatory sentencing then they have the mechanisms to do that and that is their business.

Fred McCue: In other words you are saying that you are going to leave this up to the magistrates themselves?

Attorney-General: It's a good start because what we have been saying all the way through is that there has been undue political interference with our legal system. What we are saying is that we are not going to play that game, we are going to leave the legal system to deal with its affairs under the laws of the day. Now the laws of the day include mandatory sentencing at the moment and will include mandatory sentencing until due process has passed through. On the parliamentary side we have to get draft legislation drawn up to repeal mandatory sentencing. We have to get that through a cabinet process and then back into the parliament and then through the normal process for dealing with a bill in parliament. That won't happen tomorrow.

Fred McCue: When will it happen?

Attorney-General: Certainly before the end of the year and certainly within a matter of months but I can't be any more specific than that because there is a lot of detail to work through.

Fred McCue: I'm just wondering what

sort of legal system you think you've actually inherited here, particularly in relation to the relationships between the people in power, the government, and the people sitting on the bench? How do you see the legal system in the Northern Territory at the moment?

Attorney-General: Under our system both the people sitting on the bench and politicians such as myself are in power, we are just in two different domains of power, and there has to be separation between those. I have a

particular role as Attorney-General of defending the integrity and reputation of our legal system and protecting it from undue influence from the political processes and I intend to do that to the best of my ability. We want to see, also, that the legal system respects the parliament and its processes. We want to see a balance struck where, despite everyone being very impatient to see the mandatory sentencing laws repealed, we can do that in a correct way and make sure it's done properly.

PETER TOYNE, Member for Stuart

Peter Toyne is also Minister for Central Australia, Primary Industry and Fisheries, Sport and Recreation, Corporate and Information Services and Regional Development.

His previous portfolios include: Parliamentary Whip; Shadow Minister for Education and Training; for Communications and Advanced Technology; for Corporate and Information Services; Shadow Minister for Primary Industries and Fisheries; for Police, Fire and Emergency Services.

Educated in Victoria: Doctor of Philosophy (Education), La Trobe University 2000; Master of Science (Pathology), University of Melbourne 1971; Diploma in Education University of Melbourne 1972.