

# LINES IN THE SAND

Over the past year we have endeavoured to raise the profile of the profession in Alice Springs. To this extent, this page has been a great success. We have also brought the profession together on a number of social occasions. We will continue to voice the views of Alice Springs lawyers on the Council. However to do this effectively, we will need regular input from practitioners and encourage you to contact us with your views and any issues you wish to be brought to the attention of the Council. One area that will be the focus of our work in the coming year is continuing legal education seminars. As evidenced by the attendance at the seminar given by David Ross QC, practitioners in Alice Springs are receptive to the seminars.

In our final report to the outgoing Council we stressed the importance of this issue. The Katherine region recently had the benefit of Justice Riley's seminar on etiquette in the Courtroom and Rex Wild QC spoke on advocacy. Such seminars are equally important in Alice Springs as we have a high proportion of young practitioners. A video link up to seminars in Darwin or video taped seminars should be provided to Alice Springs practitioners. A commitment from visiting judges, senior barristers and practitioners to provide continuing legal education seminars would be welcomed.

With the election of the new government, we look forward to the prompt dismantling of the mandatory sentencing regime. Hopefully the much anticipated legislation will not simply provide a new name and means for locking people up without just cause but bring about real changes that ensure justice in the sentencing process.

There are a number of other areas that need immediate attention. The Public Order and Anti Social Conduct Act should be repealed. Under this Act, police have wide discretionary powers. They decide what is acceptable public

behaviour and what amounts to anti social conduct, "whether amounting to criminal conduct or not". As we stated in an earlier column, we have already sufficient laws that govern public behaviour, laws that require police to act on "reasonable grounds" as opposed to "reasonable apprehension", whatever that may mean.

Trespass Notices attaching to quasi public places like shopping centres should be reviewed. The youth in Alice Springs and so called itinerants, namely Aboriginal people, have been the target of trespass notices that are used indiscriminately by management of retail complexes. The legislation should be amended to incorporate the right for the recipient of such notices to challenge them in Court. It is an important issue in a small town like Alice Springs, not to mention Aboriginal communities and other remote areas where choices are not in abundance.

Section 140 of the Police Administration Act should be amended to obligate police to advise a person of a right to speak to a lawyer before participating in a record of interview. This is especially important when dealing with people for whom English is a second or third language. Section 137 of the Act should be amended to limit the time under which a person can be kept in custody before being taken before a Magistrate. "Reasonable time" does not set acceptable or sufficiently precise limits.

## Admissions

Congratulations to Allison Phillis (Povey Stirk) and Lorraine Blakey (Morgan Buckley) who were admitted to practice on the 11th and 14th of September, respectively. We wish them well in their future careers.

*Lines in the Sand* is provided by Alice Springs Law Society Council Representatives Katrina Budrikis (Budrikis & McNamara: 8953 2242) and Domenic Conidi (CAALAS: 8952 2933)

# TRIAL SET TO HIT THE ROAD

Members of the legal community around the Territory have volunteered to participate in the Trial of the Century — a sentencing workshop designed to educate the community about how and why sentences are decided in courts.

Starting in the Supreme Court in Darwin on 6 October Justice Dean Mildren will preside over a mock court and hear three case scenarios. Following the trial members of the audience will be presented with a workshop on sentencing guidelines in the Territory and then be asked to determine the appropriate sentences for the accused.

Local lawyers in Darwin, Katherine, Tennant Creek and Alice Springs will role play defence and prosecution and lead the sentencing workshops.

Volunteers are still needed in Tennant Creek and Alice Springs. Offers of assistance or inquiries should be made to: Samantha Willcox at the Law Society on 8981 5104 or Sally Rush at NT Legal Aid on 8981 3000.

