

WINDS OF CHANGE

The last column for *Balance* that bore my moniker was a somewhat depressing analysis of the verdict on the Territory's criminal justice system brought down by the Eighth Biannual Conference held in Bali in July.

Since that time much has happened — most of it bad. The world is presently in "crisis mode". It would appear we are "at war", whatever that means. The West, headed by British PM Tony Blair, are off the leash in relation to terrorism and 11 September 2001 sits now up with there in significance with Sunday 7 December 1941.

It would appear that more than just the Twin Towers were affected — there will be a lot more "collapses" following the hijacking and bombing on that historic day.

News now is all prospective. What happened yesterday in Baltimore is no longer relevant. The focus instead is on what's going to happen in the next 24/48 hours in Afghanistan, Pakistan, Europe, Australia. All of it is, of course, dreadful.

In our humble little jurisdiction there was another wind of change. We had an election which defied all the pundits and participants.

Contrary to everyone's expectations including, most ironically, their own, the Labor Party won the NT election. The northern suburbs of Darwin crossed the line.

No doubt due to the Opposition's

reasonable and well presented manifesto combined with the CLP's atrocious efforts, the Labor Party got the biggest shock of their life. They were in power. This was truly an election where the people spoke. To the CLP it was devastating and to the Labor Party it was remarkable. Anyway they've won and our Association hopes to be able to work with them in criminal justice issues.

Of course the Criminal Lawyers Association of the NT (CLANT) has consistently opposed mandatory sentencing. The new government has quickly brought in legislation to take away the previous mandatory provisions and replace them with a less draconian regime.

On behalf of the Association I was given the opportunity to receive a briefing from Solicitor General Tom Pauling QC and Jenny Blokland who is now with the Policy Section of the Attorney-General's Department.

I was also given a copy of the proposed Bill. It will presumably be, to most intents and purposes, the law by the time this column is published.

Overall, CLANT welcomes the change. We consider it a vast improvement to the previous chronic regime.

The old mandatory provisions have been taken away and replaced with some tough sentencing provisions concerning some newly defined offences.

Without going into the detail, it is suffice to say that the new regime returns a great amount of sentencing discretion, which can only be a good thing.

It is anticipated with confidence that the pernicious effect mandatory sentencing had on various levels of our criminal justice system will now cease.

Also encouraging is the new government's willingness to hear submissions concerning the mandatory life imprisonment for murder provisions which have also continually blighted our criminal justice system. CLANT committee members Rex Wild QC and Richard Coates presented a paper on this issue at the Bali conference earlier this



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year calling for the government to review the legislation. The Association acknowledges their endeavours, as well as the helpful contributions made by Justice Steve Bailey.

This Association will endeavour to present, in whatever form the Government prefers, submissions in this area.

One other area in which our Association will be making submissions to the new government is the subject of establishing an independent Bureau of Criminal Statistics. Over the years CLANT has consistently lobbied previous governments to do so to no effect.

Such a Bureau, producing objective empirical data, is essential before any meaningful debate about law and order sentencing policies and their effect can take place. For too long the politicians have taken advantage of the dearth of objective data to vent their spleen and rant and rave in order to attract votes. In the end, mandatory sentencing was acknowledged by its authors to have had little, if no effect, on the incidence of crime to which it applied.

Any meaningful debate in changing sentencing policy needs to have as a foundation the levels of crime and its specifics. One would imagine in a jurisdiction our size with the resources already available that it wouldn't take too much expenditure to establish such an independent cell which would provide all parties with the necessary information in this area.

LAST EDITION

Next month is the last time you will receive *Balance* in 2001.

Make it a brilliant read by sending contributions to the Editor no later than 10 November 2001.

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