

prison gates.

The lack of opposition to the new law has been disappointing. Unfettered judicial discretion for first offenders has effectively been surrendered. Injustice has been allowed to flourish. The long term integrity and reputation of the Northern Territory criminal justice system will be diminished.

**Footnotes**

1. *Trenerry v Bradley* (1997) 6 NTLR 175, *Palling v Corfield* (1970) 123 CLR 52 at 58, *Cobiac v Liddy* (1969) 119 CLR 257 at 269
2. *Yardley v Betts* [1979] 22 SASR 108.
3. 'Mandatory Sentencing for Adult Property Offenders – The Northern Territory Experience', Office of Crime Prevention, Northern Territory of Australia 2003, p10
4. See Broadhurst and Loh, 'Selective Incapacitation and the Phantom of Deterrence', in R Harding (ed) *Repeat Juvenile Offenders: The Failure of Selective Incapacitation in Western Australia* (2<sup>nd</sup> ed, 1995) 55; Neil Morgan, *Capturing Crims or Capturing Votes? The Aims and Effects of Mandatories* (1999) 22 UNSWLJ.
5. JIRS, Judicial Commission of New South Wales 2009
6. Nichoals Cowdery QC, 'Who's Sentences, the Judges', the Public's or Alan Jones?', 7 November 2001, <http://www.odpp.nsw.gov.au/speeches/AAFS%20-%20meeting%207.11.01.htm>
7. Andrew West, 'Truce on Hardline Sentencing', *Sydney Morning Herald* (Sydney), January 8 2009.
8. Mark Findlay, 'Being Tough on Crime Does Not Pay', *Sydney Morning Herald* (Sydney), January 9 2009.
9. Lindsay Murdoch, 'Not Doohan Time, but \$2500 Fine for 'Hero' Mick', *The Age*, August 9 2006.

# What's happening around the Courts

By Chris Cox, Director of Courts

There has been a bit happening around the Courts of late so it is timely that we tell the legal profession what has happened, what is about to happen and what we hope and expect will happen.

**Supreme Court Website**

Practitioners would be aware that this new website went live late in 2008. The old website was fine for its day (way back in 1998) but was too clumsy and dated for modern browsing. Our intention was to make the new website as user friendly as possible and put the most heavily accessed areas on the front page – these of course being the judgments, sentencing remarks and daily court lists. We also knew that the site's most frequent visitors were legal practitioners so we specifically set up a page that practitioners could access with most of the relevant links and documents. We also pulled a lot of information out of the Law Almanac to make

it easier for users to access.

The information on the history of the court was retained but pushed into the background as our research indicated that those pages on the old site were not frequently accessed. We also managed to persuade the Judges to get out of their robes and suit up for new pics (well there were some suits anyway).

The website is a work in progress and we are continually looking at ways of improving the site for users. Please contact me if you have any thoughts on what you would like to see on the site.

The website's developers were Captovate.

**Upgrade of audio and video in courtrooms**

Court Support Services is investing more than \$100,000 upgrading the audio and video in most courts across the Territory



Northern Territory Supreme Court



## JUSTICE TERRITORY WIDE

throughout May and June. The tired old tape decks and televisions will be replaced with laptops and lcd screens which will enable almost all forms of electronic evidence to be played. The need for magistrates and solicitors to huddle around a tiny laptop to view cctv footage will be eliminated.

The new equipment will be installed in all courtrooms at the Supreme Court and Magistrates Court across the Territory where videoconferencing facilities are not already installed.

### Nichols Place renovations

Two additional courtrooms have been constructed in Zone B at Nichols Place in Darwin (above the Land Titles Office). The courtrooms are small but will accommodate minor civil matters and will free up valuable space in Zone A (i.e. where the rest of the courts are). The courts are expected to be first used during the second half of 2009. Consideration was given to calling the courts B1 and B2, given their location; however they are likely to be called simply Courts 8 and 9.

Major renovations are also taking place in Zone B that will see the Court Reporting Service (Merrill Legal Solutions), the Magistrates Court Civil Registry, the Domestic Violence Legal Service, the Court Support Services Executive and the Court Clinicians all relocate into that area. The large area currently occupied by the Magistrates Court Civil Registry on the upper level in Zone A will be converted into interview and waiting space for solicitors appearing at that court. All renovations are expected to be completed by December 2009.

### Jury instructional video

The Supreme Court will be producing an instructional video for jurors. The video will be shown to prospective jurors before any trial is to commence and will also be used as an educational tool. Portions of the video will be available for viewing on the Supreme Court website and production is expected to commence in late May/early June 2009.

### New Judge/Master/Magistrates and court security

On 27 April 2009 the Minister for Justice and Attorney-General announced an additional \$2.3 million for two additional magistrates and court staff and stronger security measures at Darwin and Alice Springs Courts. The workloads across the Territory in the criminal jurisdiction have increased substantially over the last two years and the additional funding is a direct response to that increase. Expressions of interest for the new magistrate positions should appear in Balance, the NT News and the Centralian Advocate in July.

In August this year Justice Sally Thomas and Master Terry Coulehan both retire from the Supreme Court after many years of service. An announcement on the new Supreme Court Judge will be made soon while expressions of interest for the new Master will also be called for soon. A special retirement ceremony for both judicial officers will be held in the No 1 courtroom at the Supreme Court on 30 July 2009 at 3.00pm followed by drinks. All practitioners are welcome to attend this special occasion. Of course a welcoming ceremony for the new Judge will be held around the same time.

Federal Court Justice John Reeves and John Mansfield have both been appointed as additional Judges of the Supreme Court. Justice Reeves conducts his first sitting as a Supreme Court Judge at Alice Springs during July.

Court security will be improved at the Darwin Magistrates Court and the Alice Springs courthouse by the installation of walk-through metal detectors and x-ray scanning. The intention is



*Alice Springs Law Courts*

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## JUSTICE TERRITORY WIDE

to provide a safe environment for users of the court.

### Regional and remote centres

Court Support Services is committed to improving court facilities in regional and remote areas. Many of the buildings that courts use at remote centres are owned by councils or other Government organisations and the court can visit these centres quarterly or up to 3 days a month at the larger centres. The court is endeavouring to enter into partnerships with other Government organisations and councils with a view to maintaining the ongoing use and improvement of these facilities. Courts has recently entered into a partnership with the Department of Education regarding use of the Maningrida Community Education Centre while a similar arrangement has been made with the MacDonnell Shire Council concerning the ongoing use of the Mutitjulu council offices for court sittings.

Court owned facilities exist at Nhulunbuy, Alyangula, Jabiru and Tennant Creek. The court has constructed three additional interview rooms at the Tennant Creek courthouse and has improved the size of the witness box at the Alyangula courthouse. A review of other facilities will take place later in 2009.

### New Deputy Director

Susan Ahmat has recently been appointed as Deputy Director of Courts filling the shoes of Jennifer Minns who retired in April last year after 10 years in

the position. Sue has been the Civil Registrar at the Magistrates Court for a number of years and will be responsible for the Magistrates Court operations in the Top End.

### Indigenous Court Liaison Officers

These officers have been appointed at Katherine and Alice Springs. The role of the ICLO is to assist Indigenous clients at court, particularly with regards to applications under the 'Domestic and Family Violence Act'. James Gaykamangu has been appointed at Katherine while Sarah Evans has been appointed at Alice Springs.

### Community Court

Practitioners would know that the Community Court was established in 2005 with a view to applying restorative justice principles by allowing communities to have a say in the sentencing process. While the uptake of the program has been slow in Darwin, it has flourished in other parts of the Territory, particularly Nhulunbuy and Wadeye. The program was given a significant boost of funding for expansion under the Closing the Gap Generational Plan of Action. Community Courts are soon expected to sit in the Central Australian and Barkly regions.

Community Court Co-ordinators are based at Darwin and Alice Springs. The contact for the Community Court at Darwin is Ray Morrison while Sarah Evans is the contact at Alice Springs.

### Alice Springs courthouse

There are a number of changes afoot at the Alice Springs courthouse. The workload at that court is such that it is likely a fourth magistrate will be permanently based there before the end of 2009. This will involve some renovations to the court to accommodate that appointment.

There is not much room for significant change inside the building; however an additional toilet will be installed in the witness area which will obviate the need for victims of crime to use the public facilities. Some improvements have already been made to the vulnerable witness room and to the videoconferencing facilities within the Supreme Court there. Further works in progress are renovations to the holding cells to create more interview space and more room for persons in custody waiting for their court appearances.

### Supreme Court Cafe

On a final note, the Supreme Court Cafe opened under new management in March. The new managers are John and Sue Leeder who have managed the Cornucopia Restaurant at the Museum for many years. Please get down and check out the coffee (the best in town I reckon) and the new menu. For more details check out John & Sue's website at: <http://www.courtcafe.com.au/SupremeCourtCafe/WELCOME.html>

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