

A New Year in store

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The Law Society Northern Territory is very proud to deliver the flagship publication *Balance* to our loyal readership. In 2012 the Society undertook a review of the publication and in December 2012 the Council resolved that commencing 2013, *Balance* would be published four times per year. This is a bumper double edition 5 and 6 of 2012.

I take this opportunity to thank our loyal subscribers and our member readership but also our invaluable contributors, without whom *Balance* would not happen.

Mandatory retirement

The Society acknowledges the important contribution of Mildren J, the longest serving Judge of the Northern Territory Supreme Court, having commenced in 1991. In marking the occasion of Mildren J's retirement at the Opening of the Legal Year it is fitting that the Chief Justice also commented on mandatory sentencing, as in February 2013 the *Sentencing Amendment (Mandatory Minimum Sentences) Bill 2012* was debated by the Legislative Assembly.

Mildren J's recollections of the 1997 amendments to the *Sentencing Act* imposing mandatory sentences in *Big Boss Fella all same judge: A history of the Supreme Court of the Northern Territory* are vivid. His Honour explains that by February 2000 mandatory sentencing had become "a white hot political issue." Mildren J records the *Northern*

Territory News editorial saying that "regardless of statistical outcomes, mandatory sentencing cannot deliver justice ... It is time for the government to remove these unjust laws." He recounts the absurd outcomes such as a man being jailed for a year for stealing cordial and a biscuit on Christmas day. The debate created by these laws was heated and, as Mildren J explains, the fire was fuelled by the then Attorney-General, in the course of parliamentary debate, saying "the justice system is corrupt." Chief Justice Brian Martin (the first) considered whether these comments gave rise to an apprehension of bias requiring him to stand aside from a sentencing decision. This prompted applications by the Society and Northern Territory Bar Association to appear as *amicus curiae*. Whilst a public and unreserved apology was quickly provided, the government continued to ward off threats of federal intervention, and mandatory sentencing played a key role in the loss of the election of August 2001.

His Honour reflects on the reforms of the Clare Martin government, repealing mandatory sentencing for property offences and replacing it with mandatory minimum sentences for aggravated property offences, sexual offences and violent offences and minimum non-parole periods for a wide range of sexual offences describing these reforms as "window dressing."

Mildren J highlights two flaws of mandatory minimum sentencing:

- It requires sentences to impose heavier sentences than would be proper according to the justice of the case; and
- Replaces the judicial discretion in sentencing with the discretion of the prosecutor as to what charge or charges should be laid, and whether any charges should be laid at all.

The Society will continue to strongly oppose any diminution of the judicial discretion in sentencing.

The Practitioner

By now members will have received the first few editions of our e-newsletter *The Practitioner* for 2013, the first of which was distributed in the week of 7 January. *The Practitioner* is an important information tool for the profession, where we include information from the Courts, Government agencies and the Society. If you wish to have something included in *The Practitioner* please do not hesitate to contact publicrelations@lawsocietynt.asn.au. *The Practitioner* has important notices about regulatory obligations such as Trust Account declarations and practising certificate renewals. *The Practitioner* also advises when information on the Society's website has been added or updated.

Website/ Facebook/ Twitter

We continue to keep the profession

and the community informed with up to date information using on-line media. Take time to re-visit the website where we have recently updated the Pro-Bono pages, including an extensive review of the forms and FAQ, adding the eligibility guidelines.

We have also reviewed the content of the Membership Pages, clarifying the types of membership and eligibility.

You can also keep up-to-date about CPDs by checking the Society's facebook page. We hope to use this medium more and more to answer frequently asked questions about events, Continuing Professional Development and what the Society does.

Events

Events are an important part of the Society's membership function. They provide an important opportunity to meet and network with your colleagues in a non-adversarial setting. This last year's Christmas drinks party held in Darwin was attended by approximately 100, which is a great turn-out for this busy time of year. Unfortunately a Christmas drinks event was not held in Alice Springs this year for reasons beyond our control. Please see the events calendar on this page.

Law Week 13-19 May

Passionate Human Rights advocate, Bishop Eugene Hurley, has recently confirmed his availability as keynote speaker. The focus of his speech will likely be his role on the Minister's Council on Asylum Seekers and Detention (MCASD).

CORO 2013

The Conference of Regulatory Officers is to be hosted by the Northern Territory in 2013. This conference is attended by legal regulators from Australia. It is an

important opportunity to explore the issues that present to regulators of the legal profession. CORO 2012 was held in Brisbane and hosted by the Queensland Law Society and the Legal Services Commission. The Northern Territory last hosted the event in 2008.

Committees

Committee Membership

Council resolved the 2012-13 membership of committees at its meeting on 28 Nov 12. Council also approved a Committees Charter that governs the procedure for appointment of committee members. The Council approved terms of reference for the following committees

- Legal Practice Committee
- Commercial Law Committee
- Social Justice Committee
- CPD/ CDU Committee
- PII Committee
- Family Law Committee
- Ethics Committee

You can view the membership at www.lawsocietynt.asn.au/about-Isnt/committees.

The Society thanks all volunteers from the profession and particularly committee members who participated in 2012/13. The Society greatly benefits from the voluntary contribution of countless hours which in 2012 amounted to

in excess of 50 meetings. This volunteer contribution does not include the Council and Executive meetings.

Pro Bono

The number of Applications for Assistance to the Pro Bono Clearing House continues steadily. As noted above the pro-bono forms and website information have been revised and updated. If you are interested in assisting by registering on the Pro-Bono Register do not hesitate to contact porp@lawsocietynt.asn.au

Strategic Planning Day

The Council Strategic Planning day saw the Council discussing where the Society is heading in the next few years. The Council arrived at the following vision and values which will be the guiding principles for the direction of the Society to 2016.

Our Vision

The pre-eminent voice, supporting and advancing the legal profession in the Northern Territory.

Our Values

Integrity; Collegiality; Accessibility; Excellence; Fairness and Influence

We would love your feedback on what these mean to you.

Until we meet again. ●

Events Calendar

Law Week Lunch Darwin	Thursday 16th May
Law Week Dinner Alice Springs	Friday 17th May
President's XI Cricket Match	Sunday 19th May
Kreiwaldt Address	TBA
Annual Dinner	Saturday 31st August
Conference of Regulatory Officers	Thursday 12 - Friday 13th September
Mental Health Week Breakfast	Thursday 10th October
AGM	Wednesday 16th October
Christmas Drinks Darwin	Thursday 5 th December
Christmas Drinks Alice Springs	Thursday 12 th December