

Justice on the sniff of an oily rag

CRIMINAL LAWYERS ASSOCIATION OF THE NORTHERN TERRITORY (CLANT)

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Thirty years ago, CLANT held its first Bali conference, featuring papers by two Northern Territory judges—John Nader and Phillip Rice—and two South Australian barristers—Michael Abbott and Kevin Borick. Here's the class photo, featuring, among others, the blurry but familiar faces of CLANT Life Members Dean Mildren (our current Patron), Colin McDonald and Tom Pauling. There is an alarming preponderance of bushy moustaches and bright blue shorts.

CLANT, together with its conference, has grown. This year—our sixteenth such gathering, on the theme of 'Justice on the sniff of an oily rag'—we will present twenty-five papers, plus a play, and a hypothetical and, forty years on from *R v Anunga; R v Walker* (1976) 11 ALR 412, an after dinner speech by one of the CAALAS lawyers in that landmark case, Victorian County Court Judge David Parsons.

Fittingly, the legacy of Anunga, and the continuing challenges in ensuring that vulnerable suspects are treated fairly, will be the subject of a paper authored by CLANT Vice-President Felicity Gerry QC and NAAJA Principal Legal Officer David Woodroffe.

In a similar vein, we are delighted to welcome Chief Justice Wayne Martin of the Supreme Court of Western Australia back to Bali, this time as our Keynote Speaker, to speak on 'Unequal Justice for Indigenous Australians – An Inconvenient Truth'. For several years, Chief Justice Martin has been outspoken, both on and off the bench, on this most pressing of issues.



A Chief Justice's speech is a difficult act to follow, but we reckon another Chief Justice, our own Michael Grant, will be up to the task.

The bulk of criminal justice is dispensed on a shoestring in the Local Court, and accordingly, Chief Judge Lowndes has adopted our conference theme as the topic of his paper. To round out the first morning, CLANT Committee member David Morters outlines his proposals for one of the big-ticket items on the new Northern Territory Government's to-do list: ICAC.

The afternoon agenda is set by Making Justice Work (MJW). This dynamic broad-based coalition conducted a smart and highly effective campaign leading up to the last NT election. Their six election 'Asks' were all endorsed by the incoming government, and are currently in transition from promises to policy and programs. Priscilla Collins and Sam Bowden will tell us how MJW did it, and what's next.

Then follow presentations addressing three of MJW's 'Asks', by Brendan Murray, a pioneer in the field of education within the youth justice system; Arrernte lawyer Leanne Liddle on how to build an Aboriginal Justice Agreement; and Jenna Dennison on the 'COMMIT Program', a shining example of therapeutic justice on the sniff of an oily rag.

The second day starts with 'The Unfit and the Impaired', a hypothetical devised and presented by CLANT expat extraordinaire Jonathon Hunyor, followed by a paper on related issues by forensic psychiatrist Olav Nielssen.

Where possible, the Bali conference includes a local focus, and we are delighted to welcome this year Professor Melda Ariadno from Universitas Indonesia, who together with Alistair Wyvill QC, will compare the treatment of foreign fishers who fall foul of, respectively, Australian and Indonesian laws.

The afternoon will see a range of presenters (Charlie Rozencwajg SM, David Davidson and Simon Ower SC) from a range of jurisdictions (Victoria, Western Australia and South Australia) address us on a range of issues.

In accordance with long-established CLANT tradition, Thursday morning starts with a Rex Wild & the CLANT Players production. The unfortunate victim of the criminal injustice system on this occasion is John Kerr (no, *not that* John Kerr). The rest of the morning will be given over to a trio of criminological papers, including a report by Jeanette Kerr (no relation, as far as we know), who in her spare time while serving as an Assistant Police Commissioner in Alice Springs, interrogated the NT police database of over 60 000 cases of intimate partner violence. Over lunch we'll screen the bittersweet 'Prison Songs', shot in Berrimah Gaol and featuring many of our own clients. The afternoon session will feature contrasting papers on contemporary issues in identification evidence, before Tracey Stevens explores the tension between complying with the rules of evidence (as required by judges), and constructing a compelling narrative (as desired by juries).

The final morning starts with Bali conference stalwart Tom Percy QC, casting his retrospective big-picture eye over the last forty years of Australian criminal law. Later we'll step right out of the box, with an inter-disciplinary miscellany.



Firstly, Kate Wild (a journo married to a criminal lawyer) will explain why journos and lawyers don't get on, and (one would hope) what to do about it. Next, playwright/director/actor Kate Wyvill will provide us with some performance tips (hmm, maybe we should have scheduled her *before* the play). And finally, Beth Morrisroe will contend that rather than timorously sniff the oily rag, we should set the damn thing alight.

Suffice to say that as usual, the sixteenth Bali conference promises to be as stimulating, provocative and entertaining as ever. If you haven't yet registered, there may still be time: we kick off with the Welcome Party on Saturday 24 June, and kick on until the Farewell Dinner on Friday 30 June.

Go to www.clant.org.au for the Conference Program together with details of speakers and their papers, and a link to register online. See you by the sea in sunny Sanur!

