

If you are not part of the solution you are part of the problem

CRIMINAL LAWYERS ASSOCIATION OF THE NORTHERN TERRITORY (CLANT)

Egos, grudges, finger-pointing and filibustering are of no utility in reforming policy. They cannot effect or assist in creating meaningful change. There needs to be a willingness from all involved to work together, to set aside real or imagined differences and appreciate that together we stand but divided we fall.

But what does CLANT stand for?

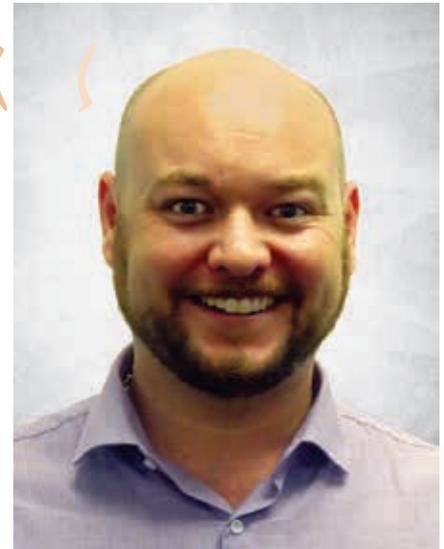
What we want to see:

- A fair and just criminal justice system that takes a balanced approach to all participants including offenders, victims and the community.
- A significant reduction in crime rates and prison populations.
- A reduction in the gross over representation of Aboriginal and Torres Strait Islander peoples incarcerated in our prisons and detention centres.
- A community in which home owners and businesses can have confidence that their property is safe.
- Safe places in the community to assist and care for vulnerable persons with pervasive health issues.
- The next generation of 'at-risk children' to be diverted and assisted away from our criminal justice system.

What we need to acknowledge:

- Change is never easy and success is never instant.
- Contemporary approaches to crime and punishment either DO NOT or CANNOT deter or reduce crime and recidivism given the unique underlying issues that exist in the NT.
- Mandatory sentencing undermines the principle of individual justice and by its very nature creates or perpetuates injustice.¹
- Criminogenic risk factors including alcohol and substance abuse issues, mental health issues, entrenched social disadvantage including exposure to physical and sexual abuse; and lack of access to and engagement in education, training and employment CANNOT be adequately or effectively addressed by the criminal justice system alone.
- Without a whole-of-government investment including departments and agencies responsible for infrastructure, housing, health and employment—we will NEVER see improvements in our crime statistics, nor will we 'close the gap' or live in a safer community.
- Minor drug offences committed by persons with an addiction are a health issue not a criminal justice issue.





Marty Aust

President
CLANT

- Community Courts and health/justice diversion programs have a role to play in improving our justice system.

What we must do:

- Invest in culturally appropriate employment programs; not work for the dole schemes, in remote and regional communities that provide real pathways and opportunities for gainful employment.
- Create health infrastructure in communities including AOD clinics in all regional and larger remote communities including multi-bed residential rehabilitation facilities. The labour force required to construct this infrastructure could well be staffed by members of those communities, appropriately trained and skilled by the provision of said employment and training programs.
- Ensure that all regional and remote health clinics have a qualified mental health practitioner.
- Re-invigorate and re-establish pro-social youth groups, services and programs in remote and regional centres.
- Implement all of the recommendations of the Royal Commission into Youth Detention and Child Protection; recognising of course that:
 - Youth should be arrested and detained as a last resort.
 - If Supported Bail Accommodation is either underutilised or empty,

the model needs to be re-configured until it works effectively.

- The primary goal of any future Detention Centre must be targeted rehabilitation and education as opposed to punishment and lock downs.
- Trauma informed training and best practices must be implemented and applied by all staff within detention centres at all times.
- Continue to administer and monitor alcohol policy in accordance with the recommendations of the Riley report and the Liquor Commission.
- Increase the number of appropriately qualified mental

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BALI CONFERENCE

Save the date and join us in Sanur, Bali, for CLANT's 17th Bali Conference.

22nd Welcome Cocktails

24th, 25th, 27th & 28th Presentations & Papers

28th Gala Ball

Theme and venue TBC.

For conference updates, please visit:

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health practitioners in the Department of Health so as to adequately resource and facilitate the demands of the Court system.²

- Invest in large scale multi-bed, 24-hour secure care mental health facilities in urban centres and cities in the NT.³
- Look to the decriminalisation of certain drug offences and the implementation of a rehabilitation based international model.
- Where appropriate, look to the re-establishment of Community Courts and Therapeutic Courts.
- Make diversion available to youth and adults alike and extend diversion to offences against the *Traffic Act*.
- Amend the *Bail Act* to remove presumptions against the grant of bail in favour of a neutral presumption or 'show cause' approach.

What we already know:

- This course of action will cost a very significant amount of money
- This course of action will not reduce crime rates overnight or in the short term
- This course of action will not fix the youth justice system overnight
- This course of action will not compensate or vindicate victims of crime
- This course of action will not compensate or vindicate children that were previously or are currently exposed to trauma in detention

If you want to reduce crime you don't increase penalties for offenders, you address the underlying causes of crime and increase resources to minimise their impact. No NT Government has committed to a multi-agency, global investment in the future of our community on a scale such as we have proposed. It is time for this Government to recognise the failures of those that have come and gone across the years. It is time for the people of the NT to open their eyes, minds and hearts.

Until we recognise and action all of the above we will continue to live in a community in which our most vulnerable members continue to be trapped in a cycle of entrenched disadvantage. In which public drinking and anti-social behaviour are the norm. In which property, violent and drug offences continue to increase. Where we don't feel safe in our homes or to let our children walk up the road to the shops alone.

Talk is cheap. Real, sustainable, generational change is very expensive. It is time that we all accept responsibility for and bear the cost of changing the future. Let's be a part of the solution.

- 1 Including the 20 year non-parole period for murder, 70 % non-parole periods for certain drug and sex offences, financial penalties and disqualification periods.
- 2 There has been a 350% increase in forensic mental health reports ordered by NT Courts from 2013 to 2017. This trend will continue to increase markedly if the mental health diversion list piloted in Darwin is extended to Katherine and Alice Springs and if the Local Court's jurisdiction to deal with Pt IIA type matters is extended as is rumoured and discussed in hushed tones.
- 3 Absent these facilities we are 'kidding ourselves' about justice for mentally impaired and unfit persons. They simply get locked up in our prisons. This is particularly frightening if the jurisdiction is extended to encompass the imposition of community custody orders or similar in the Local Court.