

Call for 'urgent' COVID-19 law reform system

JASON WALLS

THE NT's criminal lawyers association has called on the Territory Government to take urgent action to prevent the justice system from "coming to a grinding halt" due to coronavirus restrictions.

Criminal Lawyers Association of the NT president Marty Aust said the suspension of jury trials during the crisis would create an "enormous backlog" for the courts, which could last for years.

Mr Aust called on the government to change the law to allow for Supreme Court trials to be heard by a judge alone and declare COVID-19 an "exceptional circumstance" in mandatory sentencing.

Mr Aust said on top of the suspension of jury trials, many Local Court matters would also have to be postponed due

to the unavailability of witnesses during the lockdown.

"The effect is that justice is delayed – this is particularly devastating for persons on remand in custody who want to defend their charges," he said.

"At law, a person on remand is presumed innocent. We are reaching a point at which prisoners will either remain in custody for extended periods with no certainty as to when or if they will see their day in court.

"Alternatively they may be released into the community and still have to wait for months or possibly years to finalise their matters."

Mr Aust said similar "controversial" legislative changes had been made in other Australian jurisdictions and "proactive and urgent changes need to occur in the Territory".

"The time for real action is now," he said. "We need

changes that protect the health and safety of our community but also ensure our criminal justice system can continue to function and that timely access to justice is available to all that need it, including victims, witnesses and accused persons."

A spokesman for the courts said the current suspension of jury trials had "only led to the loss of about 10 trials" but it was impossible to predict how much longer the restrictions would be in place. The spokesman said "it is possible that the impact will not be as significant as one might imagine", with the suspension allowing for more cases to resolve through guilty pleas.

He said the suspension of jury trials had freed up resources to deal with other matters.

Attorney-General Natasha Fyles' office was contacted for comment.