

A MATTER OF PUBLIC SAFETY...

We live in interesting and difficult times. As a Nation and indeed here in the NT, our community is enduring significant social constraints and economic hardship due to ongoing COVID19 lockdown laws and enforceable legal obligations as a result of CHO directions. We are constantly reassured that public safety is paramount in the government response to the pandemic and as such the government is following expert medical advice from health professionals in determining the policy moving forward beyond the pandemic.

There are currently four crucial reports or documents in the hands of the NT Government; the final report of the Royal Commission into the Protection and Detention of Children in the Northern Territory, the Aboriginal Justice Agreement, the Northern Territory Law Reform Committee Final Reports on Mandatory Sentencing and Community-Based Sentencing Options; and on The Recognition of Local Aboriginal laws in Sentencing and Bail.

These final reports set out in excess of 300 recommendations that are made following exhaustive consultation with key stakeholders in the criminal justice system and consideration of evidence and expert opinion following review of both interjurisdictional and international law and law reform modelling.

These reports, in a nutshell, pave the way for a future in which the criminal justice system is equitable and able to provide pathways for young people to break free from a revolving door of crime, punishment and institutionalisation. The abolition of mandatory sentencing of all kinds may afford some adult offenders greater opportunities to deal with their underlying criminogenic risk factors such that they too can avoid recidivism and become meaningful contributors to our society.

The reports recommend reforms that enable the court system to recognise customary Aboriginal laws and to fashion orders or impose just sentences according to all of the relevant competing sentencing principles and matters personal to an offender. In some cases this may involve consideration of restorative or therapeutic sentencing dispositions or hearings before a Community Court in a remote setting.

These reports are expert legal advice. They must be placed on the floor of the Parliament and brought to the fore; they could be passed into law with the flick of a pen. This is particularly poignant when the Federal Government is purportedly preparing to commit huge sums of money to 'closing the gap' initiatives. Now is the time for the NT to act.

If we saw all of these recommendations passed into law and a firm and immediate commitment of appropriate financial support from both the Federal and NT Governments in conjunction with adequately resourced NGOs and philanthropic support, we could see long term changes for the benefit of the entire community and tackle the revolving door of social disadvantage and crime. However the major political parties in the Northern Territory are more interested in playing politics with our most vulnerable members – namely victims of crime and at risk youths.

This expert legal advice for law reform policy, if implemented, will, in the middle to longer term, see vast improvements in the safety and wellbeing of the entire NT community.

We, as good citizens and Territorians, comply with the lockdown laws and the CHO directions because our governments and leaders tell us “we must follow the expert advice”. When individuals or groups refuse to follow the expert advice and ignore CHO directions by refusing to wear a mask, or holding parties or attending rallies, our leaders and government spokespeople describe these persons as reckless, idiotic and dangerous. They are branded as selfish for putting their own interests above the greater good of the community.

How then should we as the NT community describe the members of our NT Government when they put political aspirations first and similarly ignore the expert advice?

Marty Aust

24 August 2021