



Criminal Lawyers Association of the Northern Territory (CLANT)

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Fiona Hardy
Senior Policy Lawyer
Department of the Attorney-General and Justice
GPO Box 1722, DARWIN NT 0801

7th February 2017

Dear Ms Hardy,

Re: Justice Legislation Amendment (Body-worn Video and Domestic Violence Evidence) Bill 2016

Thank you for notifying CLANT of the above legislation. Noting that submissions were not invited on this Bill, we request that the Department of Attorney-General and Justice have regard to the following comments.

CLANT is concerned that a significant piece of legislation involving newly adopted technology is due to be introduced in parliament without proper community consultation. There are significant issues concerning privacy, cultural sensitivities and prohibitions, and the scope of the use of cameras that deserve exploration. If the legislation is passed but is ultimately ineffective or problematic in practice, CLANT urges the government to consult with stakeholders and be responsive to submissions. It would be prudent to incorporate a review of the legislation after a fixed period, to assess whether the implementation has been successful or otherwise.

CLANT acknowledges that body worn camera footage and its use in court proceedings may provide a more accurate picture of a police investigation. This would help to preserve fairness to all parties involved. To that end, it is important that the legislation or governing regulations specify the camera must be activated for the entire duration that police are present at an incident. This would be in line with general police practice in other jurisdictions such as the United Kingdom and would prevent distortion or manipulation of events as they unfolded.

CLANT recognises that strengthening of investigative and prosecutorial tools does not operate in a vacuum. If the introduction of this legislation leads to enhanced prosecution of domestic violence offences, the risks of recidivism are only partly addressed. Effective rehabilitative sentencing options must also be incorporated. This can only be achieved if the current mandatory sentencing regime for violent offences is reviewed and greater sentencing discretion is restored to the judiciary. Accordingly, CLANT urges the government to take a holistic approach to law reform in the area of domestic violence.

Yours sincerely,

Russell Goldflam
PRESIDENT