



Criminal Lawyers Association of the Northern Territory (CLANT)

Patron: The Hon Justice Dean Mildren • President: Marty Aust (telephone: 0421 782 339) •
Secretary: Sarah Gibbs • GPO Box 1064 Darwin NT 0801 • www.clant.org.au • ABN:64391168 310

2019 Annual General Meeting President's Report

It has been an extremely busy and productive year for the committee. We have had members involved in a number of capacities on external committees, reform groups, attending ad hoc community meetings and conferences. I thank the committee for their continued hard work and enthusiasm.

Our Biennial Bali Conference returned to the Bali Hyatt in Sanur this year from 22 June to 29 June. The Conference was attended by over 140 registrants with representatives from every jurisdiction of Australia. Our Keynote Speaker was George Georgiou SC, who was appointed to the County Court of Victoria shortly before his arrival in Bali. The papers were interesting and varied, the events were well attended and the venue, staff and catering were fantastic.

We have had extremely positive feedback about the conference and I would like to thank both Dee Berkley and Lyn Wild from Solusi, as well as the Bali organising sub-committee, and all of the presenters for their hard work in making the conference such a success. Notwithstanding the overall expenses in delivering the conference amounting to over \$134,000, I am pleased to report that we made an overall profit of approximately \$52,000 which will be reflected in our financial reports for the next financial year.

Our financial reports show us operating at a loss this financial year; that is largely due to costs associated with the Bali Conference, however we also made financial contributions to a number of important causes including:

- Childrens Court Practitioners Training Conference
- Language and the Law Conference III
- Fitzgerald Human Rights Awards
- Nauru 19
- Titus Ani
- Youth Justice Coalition strategic planning day

This year we have looked to broaden our avenues to engage with the community. We have sought assistance from a media adviser and are developing a strategic plan to increase the efficacy of our ability to influence policy reform.

In May this year I gave evidence at the Social Policy Scrutiny Committee public hearings regarding the *Youth Justice and Related Legislation Amendment Bill (2019)*.

In June, we provided information to the public on important policy reforms through mainstream media including an advertisement in the NT News and also an opinion piece that was published.

In June we also resolved to discontinue our membership of the Legislative Amendment Advisory Committee (LAAC). A step that was later followed by a number of non-government organisations. Together we are now a part of a newly formed Youth Justice Coalition.

Throughout this year I have regularly met with the Attorney General and the Minister for Territory Families. I thank them for their willingness to continue our collaborative approach to policy reform. I also met with the independent MLAs prior to the second reading of the *Youth Justice and Related Legislation Amendment Bill (2019)*. I thank them for agreeing to meet and engaging with CLANT and the Youth Justice Coalition.

There is a significant amount of work to be done in the youth space, however I am confident that there is a way forward and that CLANT and the newly formed coalition will be an integral part in ongoing meaningful reform that will see long term results.

We have published our four annual 'Balance' articles which have identified our key messages for reform in the criminal justice system. As president I have been engaged by the media to speak on a number of wide ranging topics throughout the past year.

On 26 July this year CLANT sent a letter, supported by evidence, to the then Chief Judge of the Local Court, Dr John Lowndes, setting out a number of complaints relating to the conduct of Local Court Judge Greg Borchers. This letter was also provided to the Chief Justice of the Supreme Court, President of the Law Society, President of the Bar Association, Director of Public Prosecutions, Director of Legal Aid and the Principal Legal Officer of NAAJA. I have since received notice, that the newly appointed Chief Judge of the Local Court, Ms Elizabeth Morris, will be conducting the investigation. We are yet to be notified of the outcome or current status of the investigation.

It has been yet another tough year. We continue to struggle, despite the Royal Commission, with ongoing pervasive failings within our youth justice system. The scourge of mandatory sentencing remains on our statute books, legal aid organisations are crippled by underfunding and the NT's Prisons are at near record capacities. We need to accept drug and alcohol abuse as health issues rather than criminal justice issues. Consideration must be given to the decriminalisation of certain offences and the reinstatement of specialist courts.

We hope that the draft Aboriginal Justice Agreement can be meaningfully implemented and that some of the evidence based and sensible plans around justice reinvestment and reform can pave the way for a fairer system of criminal justice and ultimately a safer and more inclusive community.

A holistic, multi-agency approach is needed to tackle many of the issues that the criminal justice system is left to try and resolve. Both Federal and Territory agencies controlling health, housing, employment, welfare, infrastructure, Indigenous affairs and youth affairs must take a pro-active and early interventionist role in assisting the criminal justice system before we can hope to see long term improvements in our sector.

I thank the committee and our membership for their continued support.

Marty Aust
President
19 November 2019