

Good Morning everyone. I am honoured to be here in Bali today to open the 16th Biennial Conference of the Criminal Lawyers Association of the Northern Territory.

I acknowledge the distinguished members of the profession who are present, including:

- Chief Justice Michael Grant (Supreme Court, Northern Territory);
- Chief Justice Wayne Martin (Supreme Court, Western Australia);
- Chief Judge John Lowndes (Local Court, Northern Territory);
- Judge David Parsons (County Court, Victoria); and
- Magistrate Charlie Rozencwajg (Victoria).

Thank you to those distinguished guests, and to all other members of the profession, for making the trip to join us here today.

Though it is my first time at the conference, I see many familiar faces across the room – many good people I've been very pleased to work with since I became Attorney-General and Minister for Justice.

And how time flies – it has been almost a year of Government.

Stepping back to when we first entered Government, as a team we came to office with a united focus on addressing the stark reality of many of the problems the Territory faces.

It is a guiding principle of what we want to achieve as a Government – not only do we want to leave the Territory better off than when we came to power, we will address issues and problems that for too long have been stuck in the 'too-hard' basket.

Generational change doesn't fit with election cycles but change is necessary and it's what we are working towards.

Territory Labor won the last election on a platform of investing in Children, Families, Bush Communities, Jobs and TRUST.

And TRUST is central to achieving all of these values.

Territorians want and deserve a government structure that they can trust.

We have to acknowledge that the chaos of the last four years under a particularly destructive CLP team destroyed faith in government.

We have to rebuild that trust – and we're working to that by:

- Establishing an Inquiry into political donations
- Changing the laws to stop taxpayer money being used for political advertising
- Publishing details and costs of overseas Ministerial travel before it occurs... like I did just a few days ago.
- Setting out a framework for an anti-corruption watchdog in the Territory

...and I can tell you that we will see a draft bill on ICAC released in the coming week for community consultation and I would hope to see input from CLANT and from the many individuals in this room who can provide valuable feedback to government...

I remember listening to Chief Justice Grant speak at the opening of the legal year and he described the problem many of you, as legal practitioners, face. The legal profession and the Courts are left to manage those Territorians who have disengaged with mainstream society, made mistakes – many of them life changing - and entered the legal system.

So a big part of what I want to do as Attorney-General is to implement an 'upstream approach' - addressing issues early so we have fewer people involved at this end of the justice system.

The Royal Commission into the Protection and Detention of Children in the Northern Territory has amply demonstrated that no Territory government has ever got youth justice right.

We know that investing in children is key to a long term solution – it is the smart thing to do and it is the right thing to do.

One of the first things we did on coming into government was to implement Machinery of Government changes shift Youth Justice from Corrections to Territory Families.

Led by Minister Wakefield, we have implemented reforms and injected \$18.2 million in additional money to be spent every year on breaking the cycle of youth crime and incarceration.

These are historic reforms delivering:

- 52 youth diversion workers – who for the first time will be getting adequate training – to get involved with youth early (and often) and steer young people away from crime.
- victim/offending conferencing – something used across Australia but not enough in the Territory.

These are youth justice reforms that are evidence-based.

Throughout this term, evidence-based policy will be our guiding principle as we increasingly turn to examining and reforming the justice system.

We have to take an evidence based approach to policy development if we really want to improve the future of the Territory and Territorians.

An example of how we are doing this – and I know it will be featured in more detail during this conference – is through the *Parole Amendment Bill* that I have had the great pleasure of introducing to parliament – to reduce high rates of incarceration and recidivism.

The *Parole Amendment Bill* allows for the Compliance Management or Incarceration in the Territory program (COMMIT) to be extended to parolees – supporting a smoother transition from prison to community.

We know that the vast majority of people who commit crimes are eventually released back into the community, so to provide the safe and vibrant communities that Territorians want and deserve – we have to break the cycle of reoffending.

The COMMIT program has a strong international evidence base - showing it can lead to reduced recidivism at the same time as reducing incarceration rates.

COMMIT's trial in the Territory has been successful – led, of course, by Justice Southwood, who should be commended for his passionate advocacy of the program.

Importantly, as well as getting the legislative framework right, our recent Budget 2017/18 funds the COMMIT program expansion.

This story hasn't been a hit in the 24/7 media cycle, but it's important work that we must do to reduce reoffending.

Another area of focus for our Government has been addressing what can only be described as an epidemic of domestic and family violence in the Territory.

I was pleased to introduce legislation late last year following the recommendations of our Coroner, Judge Greg Cavanagh.

The legislation allows the use of evidence in domestic violence prosecutions where evidence is obtained from police body-worn cameras. We believe that we have struck the right balance in this legislation, ensuring that technological advancements in cameras are recognised but that there is due process for alleged perpetrators and ample oversight given to the Courts.

In Budget 17/18, we have also funded the Alice Springs Local Court to adopt a specialised approach to domestic and family

violence. I commend the Local Court, and particularly Chief Judge Dr Lowndes, for their initiative on this project.

The report I have seen on the project makes it clear that service providers, Police, Government and Courts must work together to address the myriad of problems arising in the context of domestic and family violence.

Indeed, it is my hope that our Government can bring further legislation to the Assembly later this year which aims to increase information sharing between Government agencies for the purpose of intervening in at risk domestic and family violence legislation.

Our Government's journey on law reform to address domestic and family violence – and for that matter, the broader criminal justice system – cannot be complete until we also look at sentencing.

The bedrock of our Government must be evidence-based policy and as Attorney-General, I am focused on reducing incarceration rates and reducing re-offending through evidence-based policy.

This requires re-considering all aspects of the justice system – laws, sentencing, and diversion programs. Mandatory sentencing obviously falls within that system.

There are two key questions our government is looking at with mandatory sentencing.

- is there evidence showing mandatory sentencing reduces crime?
- what are the costs – both financially and socially of various forms of mandatory sentencing?

Under the Northern Territory's mandatory sentencing regime for property crime in the late 1990s, property crime rates in the NT increased. – It decreased after mandatory sentencing was removed.

Our current system of mandatory sentencing for assault was reviewed by the Department of Attorney-General in 2015, under the former CLP government.

That report showed mandatory sentencing for assault had little effect on deterrence or recidivism. It showed the predominant effect of mandatory sentencing for assault was increased incarceration rates and delayed court processes.

We must also consider if the money we're spending on incarcerating people through mandatory sentencing is preventing us from delivering other programs that prevent crime?

We know, for example, that it costs over \$75,000 per year to lock up an adult and on some estimates \$350,000 per year for a juvenile.

But there are other costs, too. The former CLP Government held a review of the Domestic and Family Violence Act. It noted a recommendation from the Australian Law Reform Commission that state and territory domestic violence legislation should not impose mandatory minimum penalties or mandatory imprisonment for the offence of breaching a DVO.

In their submission, the North Australian Aboriginal Justice Agency noted that:

- there is no evidence that mandatory penalties have reduced the incidence of domestic violence or breaches of DVOs; and
- consideration is required as to how imprisonment is likely to affect a victim where the relationship is to be ongoing. For example, imprisonment potentially punishes victims who are required to take sole parental and financial responsibilities for the children and household while the defendant is in prison.

It's a view that is gaining support from some unlikely camps.

- A submission from the NT Police to that same review supported the ALRC recommendation against mandatory sentencing.
- The conservative Independent Member for Araluen, Robyn Lambley also called for a new approach away from mandatory sentencing during radio interviews on this issue
- And even the NT News editorialised for reform of mandatory sentencing at the end of last year. It is worth quoting part of that editorial:

“As things stand, mandatory sentencing does not work, simply because our sentencing options don’t work. We’re not rehabilitating offenders, particularly young ones.”

As a government we must consider – whether the mandatory sentencing laws – which are designed to punish perpetrators – could in fact be causing increased harm to victims of family and domestic violence.

I look forward to receiving further advice from the Department of Attorney-General and of course, the wider profession, on what the long term solutions should be on this complex issue.

On that point, I’d like to place on record that I am thankful to the Department of Attorney-General and Justice for giving advice, creating policy, and driving legislation to implement the work we were elected to do.

It is has been a very busy year, and it is going to get much busier upon our return as we push ahead with the development of the Territory’s Independent Commission Against Corruption.

So a very warm welcome to all of you and please feel free to approach me about any of our governments initiatives if you have any questions, suggestions or just want to meet and say hi!

I would like to express my gratitude to the organising committee for organising everything down to the smallest detail and I am excited to see the great line up of speakers.

Otherwise, I would like to thank you for the honour of opening the conference and will pass you back to Russel Goldflam to continue the great line up of speakers.