

# Scare campaign will make innocent people victims, writes Marty Aust

MARTY AUST, NT News  
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THERE is too much crime in the NT. We need to make changes to reduce the number of innocent victims.

We as a community cannot afford to let fear stand in the way of good policy and reduced crime rates in the NT.

The newly introduced Youth Justice Reform Bill has the potential to pave the way for true inter-generational change. Unfortunately a plainly political fear campaign is being waged by the opposition and federal political hopefuls who seem hell bent on keeping voters and the NT community completely misinformed.

Such political tactics will condemn our most troubled children, and ultimately innocent members of our community to become victims of a floundering criminal justice system. In a word it is disgusting. The proposed bail amendments do not entitle a child to bail especially a child who is a serious risk to the community.

Every person brought before a criminal court is entitled to make a bail application.

There are presumptions that may impact upon the success of a bail application, however it is a fundamental right to all persons.

Further, the ultimate decision rests with the judge who is provided with all of the information required to make a determination.

The question of bail does not impact upon whether the child will ultimately be found guilty or necessarily any sentence that will be imposed.

The reason why children and adults are entitled to bail is because they are presumed innocent. Because jail or detention is a punishment of last resort and is really just a warehouse with almost no needs-based professional medical rehabilitation available.

Removing breaches of bail as a criminal offence for a youth does not remove any or all consequences for a breach of bail. The consequence is that you get arrested and brought before the court. You may well then not get released until your matter is finalised.

Or if you commit fresh offending, again the question of bail needs to be considered by the court.

Criminalising breach of bail criminalises children for victimless crimes.

It creates unnecessary financial pressures on the criminal justice system.

If children are not committing offences on bail, how does arresting them and locking them up assist victims of crime? There is simply no justification for equating changes in bail laws to increases in crime. It is pure propaganda.

Tough on crime is a phrase that neither reduces crime nor promotes safety.

Locking up children, in fact, does the opposite and creates dangerous criminals through dehumanisation, hopelessness and lack of opportunity to move forward.

The current issues in youth crime are, in part, a by-product of punitive policies that have proven to be ineffective and have in no way protected community members from the indignity and ongoing costs of becoming a victim of crime. Statistics do not lie. The 2018/19 projected criminal court statistics project that this year we will have the lowest total criminal and domestic violence court lodgements in the NT Local Court since the 2010/11 financial year. The years with the greatest total lodgements were 2012/13 to 2015/16. On a positive note there has been a modest decline in lodgements since 2016/17.

The way to speed up declines in crime rates is to continue to invest in alternatives to detention and restorative justice practices.

Public hearings on the reform Bill will commence on May 30, 2019.

It is farcical that members of the committee overseeing these hearings have publicly disclosed a fundamental misunderstanding or wilful blindness to the benefits of the proposed legislation and evidently have limited expertise or understanding of criminogenic risk factors or the practical reality of the mechanics of basic criminal law processes.

Many stakeholders, CLANT included, have made submissions to the scrutiny committee making it plain that the proposed amendments do not go far enough.

We want to see an environment where crime is reduced and children are rehabilitated. We had a Royal Commission that has set out a pathway for that very purpose.

Experts were consulted and grilled by lawyers for all and sundry to observe while we the NT taxpayers bore the brunt to the tune of over \$40 million.

Political partisanship must be cast aside for the good of our community.

It is time for us to trust the experts and make real and positive changes.

***Marty Aust is the president of the Criminal Lawyers Association NT***