



Criminal Lawyers Association of the Northern Territory (CLANT)

Patron: The Hon Justice Virginia Bell • President: Russell Goldflam (telephone: 040 1119020) •
Secretary: Catherine Voumard (PO 969, ALICE SPRINGS NT 0871) • www.clant.org.au • ABN:64391168 310

Hon John Elferink
Attorney-General and Minister for Justice
Parliament House
Darwin NT 0801

16 August 2015

Dear Attorney

CLANT is supportive of the Government's efforts to introduce reforms of the criminal justice system with the objectives of improving efficiency, reducing unnecessary cost and delay. To that end we propose that consideration be given to introducing procedures for committal or administrative committals. CLANT appreciates that amendments to the committal process in the Northern Territory were based on the Victorian model but considers that benefits may accrue from the incorporation of provisions which permit a more administratively efficient approach to the transfer of indictable matters from the lower to the superior courts.

In this regard we refer to the provisions of Part 5 Division 7A of the *Justices Act* (QLD) which was part of the package of reforms introduced by the Queensland Government under the *Civil and Criminal Jurisdiction Reform and Modernisation Amendment Act 2010*;¹ and provisions to similar effect contained in section 43 of the *Criminal Procedure Act 2004* (WA).

¹ The Queensland provisions were introduced following the 2008 Moynihan *Review of the civil and criminal justice system in Queensland* (2008), accessed at: http://www.justice.qld.gov.au/_data/assets/pdf_file/0020/26291/Review-of-the-civil-and-criminal-justice-system-in-Queensland.pdf (see p 196).

The Registry Committal procedure facilitates the speedy transfer of matters without the need for multiple court appearances or adjudication by a judicial officer. The procedure is permitted only in circumstances where an accused is legally represented and consents in writing. It requires only the completion of an application form which is in a prescribed format. The procedure has been well received and utilised by the profession in Queensland.

The Queensland provisions do not permit for a Registry Committal in circumstances where an accused is in custody. CLANT sees no reason why such a restriction should apply if legislation of a similar nature were introduced in the Northern Territory.

Some of the advantages of the adoption include less delay in final resolution of a matter (which is particularly to the advantage of accused persons who are in custody on remand), reduction of court appearances, and the elimination of the need for a judicial officer to assess the merits of a matter in circumstances where both prosecution and defence agree that the matter should proceed in a superior court.

CLANT requests that consideration be given to the introduction into the *Justices Act* of provisions comparable to those contained in the Queensland legislation. A copy of the relevant Queensland provisions is attached.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'R. Goldflam', with a long horizontal flourish extending to the right.

Russell Goldflam
PRESIDENT