



**DIRECTOR OF PUBLIC
PROSECUTIONS**

**NORTHERN TERRITORY
OF
AUSTRALIA**

A N N U A L

R E P O R T

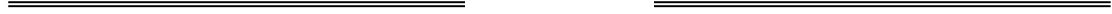
2005-2006



**OFFICE OF THE
DIRECTOR OF PUBLIC PROSECUTIONS
NORTHERN TERRITORY**

SIXTEENTH ANNUAL REPORT

FOR YEAR ENDED 30 JUNE 2006



Printed by the Government Printer of the Northern Territory





**Director of Public Prosecutions
Northern Territory**

Richard Coates

Level 6, Old Admiralty Tower
68 The Esplanade
Darwin NT 0800
Telephone (08) 8935 7543
Facsimile (08) 8941 8345
GPO Box 3321
Darwin NT 0801
Australia

30 September 2006

The Hon Syd Stirling MLA
Attorney-General
Parliament House
State Square
DARWIN NT 0800

Dear Attorney-General

ANNUAL REPORT 2005-2006

In accordance with the requirements of section 33 of the *Director of Public Prosecutions Act*, I submit to you the Annual Report on the performance of the Office of the Director of Public Prosecutions for the period 1 July 2005 to 30 June 2006.

This is the sixteenth Annual Report of the Office since its establishment in January 1991 and the first since my appointment in February 2006.

This year's Report does not include the complete statement of guidelines issued and published pursuant to section 25 of the *Director of Public Prosecutions Act* as these were comprehensively reviewed in 2004 and republished in their entirety in last year's Annual Report. Only those new or amended guidelines are published in this Annual Report but the existing guidelines, in their entirety will be available on the ODPP website (www.nt.gov.au/justice/dpp) or on request. It is hoped that the information contained within the Report and on the website in respect of the Office will advance public knowledge of its operations and its role in the criminal justice system.

A statement of these various guidelines provides Crown prosecutors and others engaged in law enforcement with clear guidelines for the making of various decisions which arise in respect of prosecutions. They are intended also to inform the public generally of the considerations upon which those decisions are made.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Richard Coates', with a large, stylized initial 'R'.

RICHARD COATES



TABLE OF CONTENTS

	Page No
OFFICE LOCATIONS	7
MISSION STATEMENT(S)	8-9
DIRECTOR'S OVERVIEW	11
ORGANISATION CHART	15
FUNCTIONS OF THE DIRECTOR OF PUBLIC PROSECUTIONS	17
HUMAN RESOURCE MANAGEMENT & DEVELOPMENT	19
PROFESSIONAL STAFF	23
PROFESSIONAL ACTIVITIES	25
• General workload	25
• Notable Cases	26
• Appeals	28
SUMMARY PROSECUTIONS	33
WITNESS ASSISTANCE SERVICE	43
ABORIGINAL SUPPORT	51





OFFICE LOCATIONS

1. **DIRECTOR'S CHAMBERS (Head Office)**

Level 6

Old Admiralty Tower

68 The Esplanade

DARWIN NT 0800

GPO Box 3321

DARWIN NT 0801

Telephone: (08) 8935 7505

Fax: (08) 8941 8345

2. **NORTHERN REGIONAL OFFICE DARWIN**

Level 5

Old Admiralty Tower

68 The Esplanade

DARWIN NT 0800

GPO Box 3321

DARWIN NT 0801

Telephone: (08) 8935 7500

Fax: (08) 8935 7552

Free Call: 1800 659 449

3. **SOUTHERN REGIONAL OFFICE ALICE SPRINGS**

1st Floor

Centrepont Building

Cnr Hartley St & Gregory Tce

ALICE SPRINGS NT 0870

PO Box 2185

ALICE SPRINGS NT 0871

Telephone: (08) 8951 5800

Fax: (08) 8951 5812



MISSION STATEMENT

The mission of the Office of the Director of Public Prosecutions is to provide the people of the Northern Territory of Australia with an independent, professional and effective criminal prosecution service that:

- *operates with integrity*
- *is fair and just to both victims and the accused and*
- *is sensitive to the needs of victims, witnesses and to the interests of the community on whose behalf it acts.*



MISSION STATEMENT (IN KRIOL)

Wed bla DPP-mob

DPP-mob bin pudimdan dijlat wed la dijan peipa dumaji olabat wandi dalim eberibodi bla no, hau detmob wandi duwim det wek bla olabat brabli raitwei.

Det wek bla olabat, jei gada album yu bla dijkain trabul:

maiti ib pilijimen im rekin samwan bin meigim brabli nogudwan trabul, laiga ib jei merdrem o kilimbat yu; ib jei stilimbat o demijim enijing blanganta yu.

Maiti det pilijimen rekin det ting im lilbit nogudwan, wal olabat pilijimenmob teigim la kot. O maiti det pilijimen rekin det trabul im rili rongwei, wal det DPP-mob gada teigim la kot det nogudwan sambodi.

Det DPP-mob olabat teigim yu pleis la kot, seimwei laig det Liguleid teigim pleis la det sabodi weya olabat rekin imin duwim rongwan ting.

Det DPP-mob gan weistimbat taim en mani en olabat gan libim dijan hiya rul bla olabat wek:

- Ola weka onli gada woriyabat faindimbat raitwan wed bla wot bin hepin - nomo laigim yu o heitim yu o yu femli o enibodi.
Jei gan toktok la enibodi bla yu bijnij, onli la jeya weka wen jei albumbat yu.
- Det DPP-mob wandim stap gudwan binji seimwei la yu en la det sambodi weya olabat rekin imin duwim det nogudwan ting.
Jei wandi album yu gidim det samwan hu bin duwim det samting rong en faindat la kot raitwei bla banijim bla wot imin du.
- Olabat DPP-mob wandi meigim bla yu en en det sambodi en ola widnijmob go la kot gudwei, nomo hambag en nomo bla meigim yu fil sheim. DPP-mob duwim dijkain wek bla album eberibodi la Northern Territory jidan seifwan en gudbinjigeja.

DPP-mob bin pudim dan dislat wed la dijan peipa dumaji olabat wandim dalim eberibodi bla no, hau detmob wandi duwim det wek bla olabat brabli raitwei.





DIRECTOR'S OVERVIEW

Introduction

This is the sixteenth Annual Report of the Office of the Director of Public Prosecutions since its establishment in January 1991 and is my first since my appointment on 1 February 2006 following the retirement of the Territory's longest serving Director of Public Prosecutions, Mr Rex Wild QC on 31 January 2006.

At the outset I must pay tribute to my predecessor Rex Wild for the contribution he has made to the fair and effective administration of justice in the Northern Territory during his ten years as Director of Public Prosecutions. I have known Rex since he first came to the Northern Territory and indeed it was through my Office at the Northern Territory Legal Aid Commission that his application for admission to practice in the Territory was filed.

When Rex was appointed as the Northern Territory's second DPP in 1996 he came to an Office which had been through a period of significant stress and uncertainty. Staff morale was low and the Office did not enjoy a particularly constructive relationship with the profession at large. Through the introduction of more inclusive workplace arrangements and by involving himself and the Office in professional organisations such as the Criminal Lawyers Association Rex turned the Northern Territory ODPP around. The organisation grew from 39 staff to 56. He established the Witness Assistance Service and brought Summary Prosecutions within the umbrella of the DPP. Rex played an important role in the establishment of the Aboriginal Interpreter Service and also spoke out on important law reform issues such as the lack of any discretion in sentencing for murder.

The Northern Territory has benefited greatly from Rex Wild's stewardship of this important Office. I had cause to thank him for his efforts in my previous role as Chief Executive Officer of the Department of Justice but feel bound to thank him again, both on behalf of all the staff who have worked with him during those ten years and as his successor who is now reaping the rewards of his hard work. Thank you Rex Wild QC for your magnificent contribution to the administration of justice during your term as the Northern Territory's second Director of Public Prosecutions.

The first half of the reporting year was overshadowed by the *Murdoch* trial which occupied much of Rex's final days as DPP and was a fitting high note on which to take his leave. This was also a period of great sadness for the Office due to the untimely death of Nathan Crafti, who had come to Darwin from the Victorian Bar to take on the role of General Counsel in July 2005.

I have been greatly assisted in achieving what I believe was a relatively successful transition to my new role through the support I received from all staff and in that regard I wish to pay particular thanks to Jack Karczewski QC, Libby Armitage, Dr Nanette Rogers, Lilia Garard and Patricia Smith.

There has been no shortage of challenges to occupy me since 1 February. The Commissioner of Police and the DPP in late 2005 commissioned a joint review of the Darwin Summary Prosecutions unit which was conducted by Mr David Rolfe, Executive Consultant of the Department of the Chief Minister. Mr Rolfe's report was released in January 2006 and made a number of recommendations aimed at better managing the Summary Prosecutions unit. He recommended that the 1998 Memorandum of Understanding between the DPP and Commissioner of Police be revisited and that consideration be given to providing additional resources and improved training and business systems for the Police Prosecutors. I am currently working with Police towards implementing those recommendations.

In May the Darwin Office finally relocated from Moonta House in Mitchell Street to our new premises in Old Admiralty Tower on the Esplanade. Moving always results in heightened stress levels, particularly when the new phones don't work and the particular law report that is required urgently is in a box somewhere in transit. However it all went off reasonably well with thanks largely to the patience and good humour of our staff who were ably assisted by Kevin McShanag, the former Infrastructure Manager from the Department of Justice.

Although the space we now occupy is not quite as large as had been originally hoped for it would be churlish not to acknowledge that we are now working in one of the best office locations in Darwin and for that matter Australia.

On 15 May Dr Nanette Rogers Senior Crown Prosecutor-in-Charge of our Alice Springs Office was interviewed on the ABC's Lateline program. She spoke of some of the distressing cases our Office deals with all too regularly, involving violent sexual offending against indigenous women and children. She also spoke of some of the customary practices which diminish the effectiveness of our response to the needs of women and children who are the victims of violent offending in the Territory's remote indigenous communities. She had almost twelve months earlier presented similar information in a paper to an Australian Police Commissioners' Conference. The paper outlined in stark detail the everyday practical difficulties prosecutors in the Northern Territory face in prosecuting cases where the victims are indigenous women and children.

She explained that indigenous people have extended family relationships which may act to prevent potential witnesses coming forward and speaking honestly about crimes they have seen. Indigenous witnesses will usually speak to Police shortly after violent offences occur because they naturally feel angry and distressed by those events. However over time family obligations and expectations regain precedence and may prevent a witness from giving a full account when the matter is eventually brought to Court. The other unfortunate reality is that in some indigenous communities violence is so much a part of daily life, that successive incidences of violent activity tend to merge into one and can cloud the witnesses' recollection of the original events by the time the matter is finally heard.

Her statements have been sensationalised and misinterpreted by some media commentators and the issue of what part indigenous customary law does or should play in the Territory justice system has now become a source of political difference between the Commonwealth and the Territory.

It was right for Dr Nanette Rogers to explain to the Police Commissioners and indeed to the wider community the practical difficulties prosecutors face when dealing with indigenous witnesses. The fact that the debate has been hijacked by various interest groups for their own purposes is unfortunate but not unexpected and is certainly not a reason to remain silent and not to speak out against the violence and injustice being visited upon the most vulnerable in our community.

Directions

Pursuant to the *Director of Public Prosecutions Act* there is provision for the Attorney - General to provide directions to the Director of Public Prosecutions as to the general policy that we follow in the performance and function of the Director. Any such direction shall be in writing and should be included in the Annual Report. I formally note that no direction has been issued by the Attorney-General during the year under review to either myself or my predecessor Rex Wild QC. I formally also note that the Attorney-General has not sought to interfere on the conduct of the Director's functions. As a result, I and my predecessor have been able to enjoy appropriate professional independence in exercising the powers confirmed by the *Director of Public Prosecutions Act*.

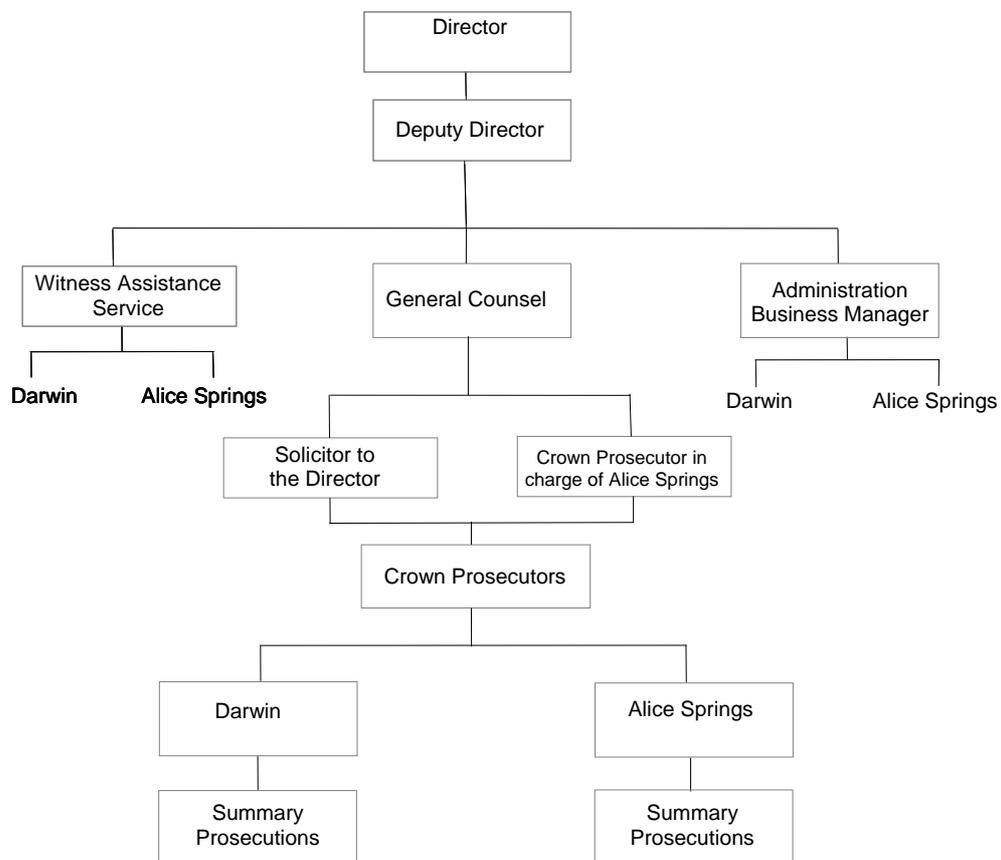
RICHARD COATES
Director of Public Prosecutions

31 August 2006





ODPP ORGANISATION CHART 2006







FUNCTIONS OF THE DIRECTOR OF PUBLIC PROSECUTIONS

The major responsibilities of the Director of Public Prosecutions (hereinafter referred to as the Director) may be identified as follows:

- (a) the preparation and conduct of all prosecutions in indictable offences
- (b) the preparation and conduct of committal proceedings
- (c) to bring and conduct proceedings for summary offences
- (d) the assumption where desirable of control of summary prosecutions
- (e) to institute and conduct prosecutions not on indictment for indictable offences including the summary trial of indictable offences
- (f) the power to institute and conduct or take over any appeal relating to a prosecution or to conduct a reference under s414 of the *Criminal Code*
- (g) the right to appeal against sentences imposed at all levels of the court hierarchy
- (h) the power to grant immunity from prosecution
- (i) the power to secure extradition to the Northern Territory of appropriate persons
- (j) the power to participate in proceedings under the *Coroner's Act* and with the concurrence of the Coroner, to assist the Coroner if the Director considers such participation or assistance is relevant to the performance of some other function of the Director and is justified by the circumstances of the case
- (k) the power to conduct proceedings under the *Criminal Property Forfeiture Act* and if as a result of the proceedings a person becomes liable to pay an amount to the Territory or property is forfeit to the Territory under a court order, it is a function of the Director to take any further proceedings that may be required to recover the amount or enforce the forfeiture or order

- (l) to provide assistance in the Territory to other State or Commonwealth Directors of Public Prosecutions
- (m) to institute, intervene in and conduct proceedings that are concerned with or arise out of any function of the Director or to otherwise do anything that is incidental or conducive to the performance of the function of the Director
- (n) the power to furnish guidelines to Crown prosecutors and members of the police force related to the prosecution of offences
- (o) to require information or to give directions limiting the power of other officials.

General powers

The Director has power to do all things that are necessary or convenient to be done for the purpose of performing the functions of the Director and may exercise a power, authority or direction relating to the investigation and prosecution of offences that is vested in the Attorney-General.



HUMAN RESOURCE MANAGEMENT AND DEVELOPMENT

CORPORATE SERVICES

As at 30 June 2006 the total number of staff was 56.5.

Level	Number	Female	Male
Director	1		1
ECO4	1		1
ECO1	5	2	3
EO3	2	1	1
P4	5	3	2
P3	2	1	1
P2	10.5	6.5	4
P1	4	3	1
Indigenous Law Cadet	1	1	
AO7	1	1	
AO5	4	2	2
AO4	6	6	
AO3	13	12	1
AO2	1		1
TOTAL	56.5	38.5	18

Note: figures do not include staff on extended leave without pay

Equal Employment Opportunity

The following statistics represent the diverse workforce of the ODPP in the 2005-2006 period.

	% of Staff
▪ Women	68%
▪ People from culturally diverse backgrounds	14%
▪ Indigenous Australians	7%
▪ People with disabilities	4%

The ODPP acknowledges that efforts to increase the representation of Indigenous Australians and people with disabilities need to be increased.

Workplace Diversity

The Office is committed to recognising staff diversity and a workplace culture that supports the balance of work, flexible work practices, part time employment, family and lifestyle responsibilities.

Occupational Health and Safety

The Office continued its focus on preventative measures, providing staff with flu vaccinations and eye tests.

Encouraging physical fitness is also an on-going initiative, funds for staff to attend Life Be In It activities including lawn bowls, hockey and corporate walk are provided by the Office.

Training and Staff Development

Training and staff development programs are devised and implemented in line with the Office Business Plans, to maximise the potential for achievement of targets through a trained and supported workforce.

Performance agreement discussions were held for both the professional and administrative staff. Discussions enabled staff to highlight achievements, receive feedback on performance and on their contribution to the Office Business Plan as well as to identify goals for Individual Learning Plans and assist employees with career development. Performance agreements are conducted on an annual basis.

Eighty seven percent (87%) of staff participated in at least one learning and development activity during the year.

Studies Assistance

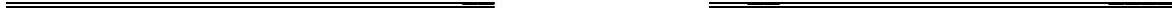
Study assistance was used by three staff. The ODPP strongly supports employees gaining relevant skills through tertiary study.

National Indigenous Cadetship Program (NICP)

The NICP is a career development program for indigenous people which offers financial support during their tertiary studies. The NICP is funded by the Northern Territory and Commonwealth Governments and is aimed at improving the professional employment prospects of indigenous people. The ODPP employs one Law Cadet. Continuing involvement by the ODPP in the NICP ensures on-going assistance to a Law Cadet. The NICP has allowed the Cadet to establish a network within the legal fraternity and gain access to mentors.

Reporting Against Performance Measures

Performance Measures		2004-05 Actual	2005-06 Estimate	2005-06 Actual	2006-07 Estimate
Quantity	New matters	1050	1010	1520	1060
	Witness Assistance Service (WAS) clients	684	650	954	660
Quality	Establish sufficient evidence before Court of Summary Jurisdiction	95%	90%	94%	90%
	Findings of guilt in Supreme Court	90%	90%	94%	90%
	Convictions after trial or hearing	90%	80%	92%	80%
	WAS client satisfaction	81%	85%	80%	85%
Timeliness	Filing of indictments within 28 days of committal	57%	85%	64%	85%
	Service of a s105A <i>Justice Act</i> brief of evidence no later than 14 days before committal	88%	85%	82%	85%
	Meeting client timeframes	68%	80%	100%	80%





PROFESSIONAL STAFF

Apart from the changes at the top with the departure of Rex Wild QC and appointment of Richard Coates as the Northern Territory's third Director of Public Prosecutions, the most significant change within the professional staff was the sad loss of Nathan Crafti in October 2005 following his appointment as General Counsel in July 2005.

Nathan Crafti

Nathan was admitted to practice in Victoria in 1973. He was a Solicitor/Advocate and partner in a law firm until 1978. In that year he was placed second in the Law Institute of Victoria's annual Solicitor's Prize. In the same year he signed the Roll of Counsel at the Victorian Bar where he remained in practice until moving to Darwin. Nathan had a predominately criminal practice, mainly on the defence side, however he prosecuted from time to time on behalf of the Commonwealth. He had also appeared as appellate counsel in the CCA and the High Court.

Nathan made a great contribution to the professional and social life of the Office and will be sorely missed.

Gemma Beggs

Gemma Beggs came to the Office as a graduate clerk and was admitted to practice in August 2005. She left the Office in March to take up a position with the DPP in Western Australia. During the short time she was here she made an extremely valuable contribution to the Office and we can only hope that she might once again return to Darwin from the West sometime in the not too distant future.

Richard Coates

Richard graduated from the University of Melbourne with a Bachelor of Laws in 1973. After completing his articles with the Melbourne firm J N Zigouras and Co. He was admitted to practice in Victoria in 1974. He then worked as an employed solicitor with Zigouras and Co in the area of criminal and industrial law until 1978 when he became a partner in a Carlton law firm Coates and Rozencwajg which specialised in criminal law advocacy work. Richard first worked in the Northern Territory as a locum

with CAALAS in 1975 and again in 1977 and with NAALAS in 1978. In 1986 he moved to the Territory to take up the position of Principal Legal Officer with CAALAS in the expectation that he would return to Melbourne after two years. In 1988 he was appointed a Stipendiary Magistrate and whilst based in Darwin served in most of the Magistrates Courts across the Territory until July 1990 when he left the Bench to become the first Director of the Northern Territory Legal Aid Commission. Throughout his eleven years as Director of Northern Territory Legal Aid Commission Richard appeared as counsel in numerous criminal trials, pleas and appeals. Between 1997 and 2000 he also occupied the position of Chair of National Legal Aid the body representing Australia's eight Legal Aid Commissions. He is a past council member of the Law Society of the Northern Territory and was also a council member of the Australian Institute of Judicial Administrators between 1999 and 2004 during which period he convened the Institute's East Timor Support Committee.

Between 1998 and 2002 he served as the Northern Territory's representative on the Law Council of Australia's National Criminal Liaison Committee. He was Chief Executive Officer of the Northern Territory's first Department of Justice. He is currently a council member of the Criminology Research Council and on the Board of the Australian Institute of Criminology.



PROFESSIONAL ACTIVITIES

General Workload

BREAKDOWN OF PROSECUTION CASES			
for the period 1 July 2005 to 30 June 2006			
	2004-05	2005-06	% change from 04-05
New Matters	911	962	6%
New Phases	1465	1521	4%
Court Appearances	6532	7244	11%
Matters Completed in CSJ & SC - Criminal			
CSJ Pleas	134	148	10%
CSJ Guilty (incl pleas)	166	189	14%
CSJ Committed	202	226	12%
CSJ Not Guilty/ Not Committed	16	22	38%
Withdrawn	87	77	-11%
Total CSJ (includes juvenile)	471	514	9%
SC Pleas	227	252	11%
SC Trial guilty	23	20	-13%
SC Trial not guilty	23	16	-30%
SC Trial Mistrial	3	5	67%
Nolle Prosequi & s297	37	35	-5%
Total SC	313	328	5%
Forfeiture			
Commenced	74	52	-30%
Completed	56	68	21%
ExOfficio			
Commenced	59	69	17%
Completed	52	58	12%
Justice Appeals			
Commenced	92	97	5%
Completed	78	81	4%
Court of Appeal and Court of Criminal Appeal			
Commenced	40	35	-13%
Completed	21	35	67%
High Court of Australia			
Commenced (incl leave to appeal)	0	8	
Completed	2	2	0%

Notable Cases

The Queen v Jimmy Watson

Jimmy Watson was charged with murder and the trial commenced in Alice Springs on 7 March 2006 before Martin CJ. Nanette Rogers and Kate Ratcliffe prosecuted. David Ross QC and Trudi Aickin appeared for the defence.

The deceased was an older man sitting some distance away. The accused began to assault his own wife. The accused removed his clothes and cut the deceased's throat multiple times and stabbed him in the chest. The accused claimed to the psychiatrists that either the kaidaitcha men told him to perform the killing or that the kaidaitcha men did it. The accused had earlier in the day consumed cannabis and alcohol.

The trial proceeded with the Crown calling twelve witnesses. These included eye witnesses to the killing as well as Dr Jock McLaren, psychiatrist. Dr McLaren said that there was no evidence of any mental abnormality.

From the commencement of the trial, the defence indicated that there were two issues: automatism and diminished responsibility. It was held by the trial judge that because of the repeal of s6 *Criminal Code* (presumption of normality of mind), the onus of proof fell upon the Crown to disprove the defence of diminished responsibility beyond reasonable doubt. Note that prior to the repeal of s6, the onus of proof regarding diminished responsibility lay on the defence, as it does in those other Australian jurisdictions that have this defence. Amendments to the *Criminal Code* regarding the onus of proof and diminished responsibility are currently before Parliament.

The defence called a forensic psychiatrist and a psychologist. The former said that the accused had a cannabis induced psychosis; the latter said that the accused had some brain damage from petrol sniffing earlier in his life.

The jury returned a verdict of guilty of murder on 16 March 2006. On 22 March 2006, Martin CJ sentenced the accused to life imprisonment and a non-parole period of 23 years backdated to commence on the date of the arrest.

The Queen v Bradley John Murdoch

The trial of *R v Bradley John Murdoch* for the murder of Peter Falconio on 14 July 2001 near Barrow Creek and the deprivation of liberty and aggravated assault upon his girlfriend Joanne Lees was heard in the Supreme Court between 17 October and 15 December 2005 before Chief Justice Martin. This was a lengthy and complex prosecution involving a large number of professional and administrative staff from this Office, led by the former Director Rex Wild QC. The Crown called more than eighty witnesses, many of whom were required to travel from interstate, overseas and remote locations within Australia to give evidence. There were more than 140 exhibits tendered and the transcript of proceedings runs for more than 2560 pages.

The jury found Murdoch guilty on all three counts and he was sentenced to the mandatory term of life imprisonment for murder, with a non-parole period of 28 years. He was further sentenced to four years imprisonment for depriving Joanne Lees of her liberty and two years imprisonment for aggravated assault, to be served concurrently. Murdoch has appealed against his conviction and sentence. The appeal is presently listed for hearing in the Court of Criminal Appeal between 12 and 15 December 2006.

The Queen v Thomas, Burns & Syrch

On 11 April 2005 after a preliminary examination of witnesses in the Darwin Court of Summary Jurisdiction occupying 15 days, each accused was committed to stand trial in the Supreme Court for the murder of Marshall Haritos.

The prosecution case against each accused was largely based upon statements they had made to police prior to their formal arrest. In the Supreme Court the accused Syrch and Burns challenged the admissibility of those statements on various grounds including failing to properly caution, failing to electronically record/video record certain conversations and failing to comply with the Police Commissioner's General Orders resulting in statements which were said to be involuntary and illegally and unfairly obtained.

The evidence led before the trial judge on the *voir dire* dealing with the issue of the admissibility of the confessional statements occupied 5 weeks. At the conclusion of the evidence and before submissions began, the accused Thomas indicated that he would enter a plea of guilty to the charge of murder. Shortly thereafter, following discussions between the prosecution and counsel for Syrch and Burns, both accused indicated that they would enter pleas of guilty to the lesser offence of manslaughter. As a result, the trial judge was not required to make any rulings relating to the admissibility of evidence.

The respective pleas of guilty were entered on 3 May 2006 and the sentencing proceedings proceeded by way of agreed facts.

In legal terms, Syrch was a party to the common purpose of assaulting the deceased and by pleading guilty to manslaughter acknowledged that she foresaw the death of the deceased as a possible consequence of Thomas' assault upon him.

By his plea of guilty to manslaughter Burns acknowledged that he acted in concert with Thomas in the assault of the deceased and that he foresaw the death of the deceased as a possible consequence of the joint assault. The Crown accepted that Burns was not a party to the use of the knife and that Burns did not intend to cause death or grievous harm to the deceased.

On 11 May 2006 after a sentencing hearing occupying five days, Thomas was sentenced to mandatory life imprisonment. A non-parole period of 20 years was fixed. Syrch was sentenced to imprisonment for four years and six months. A non-parole period of two years and six months was fixed. Burns was sentenced to imprisonment for ten years. A non-parole period of five years was fixed.

The Crown subsequently appealed against the inadequacy of the sentences imposed on Syrch and Burns. Those appeals have been listed for hearing by the Court of Criminal Appeal in September 2006.

Appeals

It is a function of the Director of Public Prosecutions to:

- (i) institute and conduct, or to conduct as respondent, any appeal or further appeal relating to prosecutions upon indictment in the Supreme Court;
- (ii) request and conduct a reference to the Court of Criminal Appeal under s414(2) of the *Criminal Code* and
- (iii) institute and conduct, or to conduct as respondent, any appeal or further appeal relating to prosecutions not on indictment, for indictable offences, including the summary trial of indictable offences.

An explanation of the appeal process together with a summary of decisions of the Court of Criminal Appeal, Court of Appeal and Full Court for the reporting year can be found on the ODPP website.

Table A below contains the results of applications for leave to appeal determined by a single judge *on the papers* during the reporting period.

NB: The figures in brackets in each of the tables below are for the period 1 July 2004 to 30 June 2005.

TABLE A

**Outcome of defence applications for leave to appeal from the Supreme Court to the Court of Criminal Appeal as determined by a single judge upon the papers
2005-2006**

	Sentence		Conviction	
Allowed	8	(10)	5	(3)
Dismissed	*4	(5)	#4	(3)
Total	12	(15)	9	(6)

* Two applicants applied to have their applications re-heard and determined by the Court of Criminal Appeal constituted by three judges

Two applicants applied to have their applications re-heard and determined by the Court of Criminal Appeal constituted by three judges

Tables B and C below summarise the results of appeals from and to the Supreme Court decided during the reporting period.

TABLE B

**Outcome of defence appeals from the Supreme Court to the Court of Criminal Appeal/Court of Appeal/Full Court
2005-2006**

	Conviction		Sentence		Other	
Allowed	4	(5)	8	(4)	1	(0)
Dismissed	7	(7)	5	(8)	1	(0)
Total	11	(12)	13	(12)	2	(0)

**Outcome of prosecution appeals and references from the Supreme Court to the Court of Criminal Appeal/Court of Appeal/Full Court
2005-2006**

	Sentence		Other	
Allowed	6	(0)	1	(1)
Dismissed	0	(1)	1	(0)
Total	6	(1)	2	(1)

TABLE C

**Outcome of defence appeals from the Court of Summary Jurisdiction to the Supreme Court
2005-2006**

	Conviction		Sentence		Other	
Allowed	8	(4)	36	(12)	0	(0)
Dismissed	14	(7)	12	(29)	0	(1)
Discontinued	12	(6)	8	(29)	0	(0)
Total	34	(17)	56	(70)	0	(1)

**Outcome of prosecution appeals from the Court of Summary
Jurisdiction to the Supreme Court**

2005-2006

	Dismissal of Charge		Sentence		Other	
Allowed	2	(0)	0	(0)	1	(0)
Dismissed	0	(1)	3	(8)	0	(0)
Discontinued	0	(0)	0	(0)	0	(1)
Total	2	(1)	3	(8)	1	(1)

The Office was involved as respondent in three applications for special leave to the High Court during the reporting period. The grant of special leave was opposed by the respondent in each of the applications. The results of those applications are set out below.

In *GJ v R* [2006] HCA Trans 252, 19 May 2006, the applicant sought special leave to appeal against the unanimous decision of the Court of Criminal Appeal allowing an appeal by the Director of Public Prosecutions against the inadequacy of a total effective sentence of two years imprisonment to be suspended after one month for the offences of aggravated assault and having sexual intercourse with a child under the age of 16 years and substituting a total effective sentence of three years and 11 months to be suspended after 18 months. A summary of the decision of the Court of Criminal Appeal [*R v GJ* (2005) NTCCA 20] can be found on the ODP website under the heading Decisions Delivered 1 July 2005-30 June 2006.

At trial the applicant, a 55 year old Aboriginal male, contended that the complainant had been promised to him as his wife when she was four years old and that what he did conformed with his culture and traditions. In the High Court, the applicant sought to argue that the Court of Criminal Appeal erred in the weight it gave to the traditional beliefs of the applicant and that, in re-sentencing, it failed to observe the usual principles of moderation applicable to successful prosecution appeals.

The High Court refused special leave to appeal holding that the actual sentence imposed by the Court of Criminal Appeal, as moderated, was not inappropriate. Nor was the court convinced that the case was a suitable vehicle to explore further the issues of the relevance of Aboriginal customary law for the general criminal law. Nor was the court convinced, that in the circumstances of the case, an appeal would succeed in reducing the custodial sentence of the applicant.

In *Ahwan v R* [2006] HCA Trans 349, 22 June 2006, the applicant sought special leave to appeal against the majority decision of the Court of Criminal Appeal allowing an appeal by the Director of Public Prosecutions and fixing a non-parole period of 25 years in respect of the applicant's life sentence for murder in lieu of the standard non-parole period of 20 years fixed by the transitional provisions of the ***Sentencing (Crime of Murder) and Parole Reform Act 2003***. A summary of the decision of the Court of Criminal Appeal [*Director of Public Prosecutions v Jacob Ahwan* (2005)]

NTSC 21] can be found on the ODPP website under the heading Decisions Delivered 1 July 2005-30 June 2006.

The question sought to be agitated before the High Court was whether the Court of Criminal Appeal had erred in law in its interpretation of s19(3)(b) of the ***Sentencing (Crime of Murder) and Parole Reform Act 2003*** which required the Supreme Court to fix a non-parole period of 25 years where *the act that caused the victim's death was part of a course of conduct by the prisoner that included conduct, either before or after the victim's death that would have constituted a sexual offence against the victim.* The judge, at first instance, interpreted the legislation literally, holding that the applicant's conduct in penetrating his wife's vagina with a broken broom handle, after her death, was not conduct that amounted to a sexual offence. The purpose of the legislation was to capture conduct amounting to a sexual offence (a term not defined at the time of the offence but later defined to include the conduct complained of) provided the impugned conduct occurred prior to death. The Court of Criminal Appeal, by majority, held that giving the words their literal meaning did not give effect to the clear purpose of the legislation which was to capture conduct that would have constituted a sexual offence against the victim if the victim was alive, after the victim's death.

The High Court refused special leave to appeal holding that the Court of Criminal Appeal had applied orthodox methods of statutory construction to produce a correct result.

In *Heffernan v R* [2006] HCA Trans 350, 22 June 2006, the applicant sought special leave to appeal against the unanimous decision of the Court of Criminal Appeal dismissing his appeal against conviction for murder. A summary of the decision of the Court of Criminal Appeal [*Heffernan v R* (2005) NTCCA 14, 194 FLR 370] can be found on the ODPP website under the heading Decisions Delivered 1 July 2005-30 June 2006.

In essence, it was asserted that the trial judge had erred in law in failing to hold an investigation into the applicant's fitness to stand trial and that the Court of Criminal Appeal subsequently erred in law by failing to apply the correct criteria in its determination that there were no reasonable grounds on which to question the applicant's fitness to stand trial.

The High Court refused special leave to appeal holding that the Court of Criminal Appeal had conducted a thorough review of the evidence and had carefully considered the requirements of s43J(1) of the ***Criminal Code*** and applied them properly.





SUMMARY PROSECUTIONS

Summary Prosecutions in Darwin and Alice Springs consists of civilian legal practitioners employed by the ODPP, members of the Northern Territory Police Force attached to ODPP and employees under the *Public Sector Employment & Management Act*. This arrangement is pursuant to the *Memorandum of Understanding* between the Director and the Commissioner of Police, dated 11 February 1998 (reproduced on the ODPP website).

Darwin

Functions

Summary Prosecutions, Darwin (SPD) is responsible through the Officer-in-Charge to the Director of Public Prosecutions. SPD carries out the following functions:

- receiving initial files including arrest, summons and opinion files both for adults and juveniles
- providing advice to investigating police on issues of substantive, evidentiary and procedural law in appropriate cases, these matters are referred to the *Crown side* of ODPP
- checking files and determining appropriate charges, according to the Director's Guidelines and in particular, the *reasonable prospect of conviction* and *public interest* tests. Some categories of files are referred to the *Crown side* of ODPP for advice as to charges
- issuing summonses to defendants in the Court of Summary Jurisdiction (CSJ) and the Juvenile Court (JC), for service by police
- all preliminary mentions of files in the CSJ and JC, including opposition to bail applications, setting dates for committal hearings in serious indictable matters, setting dates for hearing in minor indictable and summary matters and taking pleas of guilty in minor indictable and summary matters, with the exception of matters that:

- are of a serious or complex nature
- involving difficult or complex points of law
- serious indecency offences
- other matters considered appropriate to be handled by a Crown Prosecutor
- conducting contested hearings in the CSJ and the JC
- summoning witnesses for hearings & committals
- after a *finding of guilt*, making applications to breach sentencing orders or good behaviour bonds as appropriate
- receiving all prosecutions from Department of Correctional Services for
 - breach of home detention
 - breach of community work orders
 - breach of sentencing orders
- prosecuting applications for extradition to places outside the Northern Territory under the Commonwealth *Service and Execution of Process Act*.

SPD services all of the circuits conducted by the Darwin-based Stipendiary Magistrates, as follows:

- Port Keats – three or more days per month
- Alyangula – three days per month
- Nhulunbuy – three days per month
- Jabiru – one day per month
- Oenpelli – one day per month
- Maningrida – at least one day per month
- Nguiu – at least one day per month
- Daly River – one day each second month and
- Galiwin’ku – one day each third month.

Generally, one legal practitioner from SPD is sent to each circuit. At times a police prosecutor will also attend to assist. Prosecutors travel the day prior to court to allow for thorough preparation.

Police stations at Adelaide River and Batchelor do not have circuits. Their prosecution files are dealt with in Darwin. Files from Pirlangimpi police station are dealt with at Nguiu.

Each *bush* station has a designated police member who acts as liaison with SPD, manages the files between circuits and attends court. These members are given the opportunity to develop their skills and progress through simple pleas to more complicated matters, as their experience permits. This informal *Prosecutors’ Development Program* raises the skill levels in the bush and provides a recruiting pool for the Darwin Office.

Since the commencement of June 2006 SPD have allocated a Summary prosecutor to Katherine to conduct all hearing matters. This allocation of resources arose due to workload and lack of experience and knowledge of police prosecutors in Katherine. The situation should be rectified by the employment of an additional Summary prosecutor for Katherine in the early part of 2006-2007.

Location

SPD is located on the fourth floor of Old Admiralty Tower, 68 The Esplanade, Darwin.

Staffing

	Establishment	Actual
Senior Sergeant^	1	1
Sergeant^	5	11
Constable & Senior Constable	2	1
Auxiliary	2	2
Legal Practitioners*	5	7
AO3*	4	4
Total	19	26

^ Incorporates staff acting at the rank

* Legal Practitioners – includes Mary Chalmers on loan from NT Police
Legal Services

* AO3 – includes DPP PA for Summary prosecutors

Officer-in-Charge

The Officer-in-Charge is responsible for managing the section, answering correspondence, providing guidance to police prosecutors and where required assisting in court matters in Darwin and on circuit. Acting Senior Sergeant Jamie O'Brien is currently filling the role of OIC.

Police staff

The police members are employed under the *Police Administration Act*. They are entitled to appear in court, on the Director's behalf, pursuant to the *Director of Public Prosecutions Act*, s22(b). Other aspects of the role of police members attached to the ODPP are governed by the *Memorandum of Understanding* between the Director and the Commissioner of Police. There are various sub-specialties within the office. Police members are rotated through each sub-specialty with the object of producing well-rounded Summary prosecutors. Their duties include file checking and charge selection, presenting pleas in the CSJ and JC and presenting evidence in contested hearings in those courts.

The police staff (and their respective dates of commencement in SPD) are:

Sergeants

Erica Sims (2005)
Gavin Kennedy (2005)
Stuart Davies (June 2006)

Acting Sergeants

Dave Moore (2000)
Karen Sanderson (2002)
Mick Brennan (2003)
Andrew Littman (2004)
Ivan Marinov (2005)
Jason Rothe (2005)
Renee McGarvie (2005)
Wayne O'Neill (April 2006)

Constables

Garry Johnston (January 2006)

Police Auxiliaries

Senior Auxiliary Karren Brown (1996)
Senior Auxiliary Tony Stafford (2004)

Legal Practitioners

The legal practitioners primarily conduct contested hearings in summary and minor indictable matters in the CSJ. Each attends at least one circuit per month, where they are expected to advise and assist the locally based police prosecutors.

It is now recognised that a position in SPD can be the first rung on the ladder for junior legal practitioners who desire to explore the possibility of a career as a prosecutor, or in advocacy generally.

There are currently a pool of six legal practitioners attached to SPD with one of these permanently seconded to the ODPP on rotation.

As at 30 June 2006 the legal practitioners were as follows (with dates of commencement):

John Duguid (2001)
Timothy Smith (2002)
Martin Fisher (2003)
David Robertson (2004) – on LWOP in Tasmania returning to ODPP Aug 2006
Jodi Mather (2004)
Corinna Baohm (2005)
Ian McMinn (2005)

In addition, Natalie Sheridan-Smith (ex Commonwealth DPP) is on a contract for six months (Mar 06 – Sept 06) whilst Jodi Mather has taken extended leave. Mary Chalmers (Mar 06 – Sept 06) has also been seconded for a period of six months from NT Police Legal Services. Corinna Baohm is currently rotating through ODPP (Mar 06 – Dec 06) and has been replaced by Celia Kemp from ODPP. John Duguid has also been conducting a rotation through ODPP and is expected back in August 2006.

Public Sector employees

Police professional assistants

Tiffany Kilian (2002)
Hayley Barber (2003)
Anglea Dyer (2006)

Professional assistant to prosecutors:

Maria Pyke (2006)

Liaison with WAS

SPD continues to have close liaison with the ODPP Witness Assistance Service (WAS). WAS assists with compilation of *Victim Impact Statements* for presentation, on behalf of victims, to the courts. It also provides a support service to victims and witnesses.

Other Resources

SPD benefits significantly from access to the *Chambers Prosecutor* and the *Senior Research Solicitor*.

Training and advice

SPD also provides advice and training to police recruits. A prosecutor attends the Police Fire and Emergency Services (NTPFES) College and gives lectures as required. Also, the Moot Court Facility at CDU was utilised.

Advice is given to police members in the police stations included in the Darwin circuit.

Four police prosecutors completed the Level II Prosecutors Course during the reporting period. The course leads on from the Level I Prosecutors Course and is designed to provide knowledge and skills to develop police prosecutors up to the stage of being able to conduct basic hearings. The course was conducted by staff of ODPP at the NTPFES College. The course was seen to need further development and resources and should articulate into some form of accreditation.

Formal and informal in-service training was provided during the year to in-service police officers regarding preparation of files for court. SPD delivered training to in-service officers at the NTPFES College. Less formally, refresher classes for general duties police were also conducted. A prosecution training component has also been incorporated in the police promotion courses for which SPD provides the training. It is anticipated this will further increase the quality of files and the understanding of the judicial process across the police organisation.

Caseload

The caseload for SPD remains high. Statistics indicate the following:

	2004-2005	2005-2006
# New files received (Arrest/Summons)	4134	4263
Summary file listings	13123	13,525
*Matters listed for contested hearings	767	733
Matters listed in bush courts requiring travelling Darwin prosecutor	710	499
Matters listed for Contest Mentions	795	1098

This figure relates to Darwin arrest & summons files only (no DVO files)

* The figure of 612 contested hearings quoted in last year's annual report was incorrect and should have read 767 (This figure refers to hearings listed in Darwin only and does not include hearings listed in the bush circuit)

General comment – future issues

SPD was the subject of a review during the reporting period. The review was conducted by David Rolfe. The review focused on two main aspects; Functions (staffing, job descriptions, training and workloads) and Business Processes (management, coordination and processing of files).

The Rolfe report made a number of recommendations to increase support staff and the creation of some new positions. Further recommendations were made to develop a comprehensive Police Prosecutor training package and a Police Brief Course to improve quality of briefs from Police officers. The Business Processes were identified

to need change in order to reduce duplication and increase efficiencies with recommendations of systems that should be adopted.

Staffing issues are being analysed and recommendations implemented as funding comes available. Some positions have been prioritised due to the excessive pressure placed on some current support staff. The Rolfe report on Business Processes was finalised in June 2006 with a large portion of issues previously being identified as needing improvement or change. Business Processes recommendations are currently in the process of being analysed and suitable changes implemented to assist both SPD and ODPP in file management and flow through of cases.

The working relationship between the Summary Prosecutions arm and the *Crown side* of the ODPP remain strong. The unique hybrid model employed in the ODPP continues to generate a successful partnership approach to prosecutorial matters between the ODPP and the Police Force.

New challenges lie ahead for the current year in maintaining that close working relationship and adequate staffing for SPD.

Alice Springs

Summary Prosecutions Alice Springs (SPAS) is immediately responsible to the Crown Prosecutor-in-Charge, ODPP Alice Springs. SPAS carries out the following functions:

- receiving initial files including, arrest, summons and domestic violence order applications
 - checking of files and determining appropriate charges
 - issuing summonses for service by police
 - making applications to breach sentencing orders as appropriate
 - all preliminary mentions of files in court
 - opposing bail applications in appropriate cases
 - prosecuting guilty pleas in the lower courts
 - receiving all prosecution briefs from the Department of Correctional Services, for
 - breach of home detention
 - breach of community work orders
 - conditional breach of sentencing orders
 - prosecuting applications for extradition to places outside the Northern Territory under the Commonwealth *Service and Execution of Process Act*
 - prosecuting minor breaches of liquor licences before the Licensing Commission Tribunal
 - prosecuting all matters in the CSJ and JC except for:
 - matters which are of a serious or complex nature
 - matters involving difficult or complex points of law
 - matters involving indecency
 - other matters considered more appropriate to be handled by senior counsel
-
-

Location

SPAS is located on the top floor in the Centrepoint Building on the corner of Gregory Terrace and Hartley Street, Alice Springs. The area is adjacent to the ODPP.

Staff

	Establishment	Actual
Senior Sergeant	1	1
Legal Practitioners	2	2
Sergeant	2	3
Senior Constable	1	2
Auxiliary	1	1
AO3	1	1
Total	8	10

OIC	Senior Sergeant Rob Burgoyne
DPVPU Prosecutor	Tom Svikart (resigned 16 June 2006)
ODPP Summary Prosecutor	Michael Fay
Police Hearing Prosecutor	Sergeant Kevin Winzar (retires 1 August 2006)
Bush Court Prosecutor	Sergeant Peter Nunn
Bail & Arrest Prosecutor	Sergeant Michael Cornford (supernumerary)
Relief Prosecutor	Senior Constable Lindsay Westphal (supernumerary)
Prosecutions Constable	Senior Constable Neville Muller
Witness Travel	Senior Auxiliary Patricia Arnell
Reception/admin	Michelle Carr

During the year SPAS was fortunate to have 2 supernumerary police officers return. Both had prior prosecutorial experience. Senior Constable Lindsay Westphal joined us in November 2005 and was nominally transferred to Unattached Summary Prosecutions in May 2006. Sergeant Michael Cornford commenced in February 2006.

Bush Courts

A prosecutor attends for hearings and assists with bail and arrest as required. SPAS conducts a monthly five day court at Tennant Creek. Bush courts are also held at Ali Curung, Hermannsburg, Kintore, Papunya, Yulara, Ti Tree and Yuendumu bi-monthly. An additional court is covered every three months at Elliott. There were additional sittings scheduled during the year to cover the high number of files at Tennant Creek and Hermannsburg.

Training and Advice

With the increase in staff, training for the year was able to be carried out with the OIC conducting five training sessions with the five Alice Springs Police patrol groups and assisting with training at the Correctional Facility with new prison officers. In addition Tom Svikart in conjunction with NTPFES Developmental Studies, Darwin prepared a PowerPoint lecture regarding the new bail criteria provisions enacted during the year.

Advice and training in the law, procedures and the IJIS system (by the AO3) was given to police at Alice Springs and Tennant Creek and members carrying out basic prosecution duties at Ali Curung, Elliott, Hermannsburg, Kintore, Papunya, Ti Tree, Yuendumu and Yulara (Mutitjulu). Advice was also given to members at current non-court stations in the Southern area at Borroloola, Harts Range and Kulgera on aspects of law, evidence and procedure.

Caseload

The caseload for SPAS continues to remain high, statistics indicate the following:

	2004-2005	2005-2006
Total files listed (Alice Springs/Tennant)	7954	11648
*New files (Arrest/Summons/DVO)	3271	3466
#Hearings (Alice springs)	414	449
Bush Courts attended include Tennant (days)	116	102

*Unlike Darwin and Katherine, Alice Springs only compiles files for Alice Springs and Tennant Creek. Others, except for in custody bush station matters listed for Alice, are compiled by the actual stations themselves.

#Those files proceeding to the actual hearing date.

The above figures can only be interpreted after taking into consideration changes in bush court file preparation, namely the taking over of Tennant Creek prosecuting in December 2004 and the establishment of a court at Ti Tree. An increase of 1865 in the *total files listed* above is from Tennant. Ti Tree also commenced creating their own files when a court was established there in April 2005 meaning there was a small loss of about 150 new files being created in Alice Springs.

Even with those caveats these figures obviously show a large increase in workload for SPAS.

General Comment

SPAS is operating under significant pressure and current staffing is not adequate to cover the existing case load. The increase in additional police numbers will inevitably create even more work in the future. An additional solicitor has been approved from July 2006 and this together with replacements for Sgt Winzar and Tom Svikart need to be advanced as soon as possible. Additional administrative support services are also needed to cope with the increased caseload within the Southern Region. This will allow centralisation of caseload administration, improving procedure at the bush courts where the disparate level of the IT court based IJIS system knowledge and use is very evident.

The ODPP Witness Assistance Service continues to assist with an increased number of requests for CVA information and compilation of Victim Impact Statements.

The Alice Springs *Crown side* of ODPP gives significant support to SPAS through advice and shared facilities.



WITNESS ASSISTANCE SERVICE

Support to victims of crime, witnesses and their families has been provided within the Office of the Director of Public Prosecutions (ODPP) since 1995. The Victim Support Unit was established in April 1997. In 2004 the name of the unit was changed to the Witness Assistance Service (WAS).

The WAS team consists of six witness assistance officers. In Darwin: Nannette Hunter, WAS co-ordinator; Colleen Burns, Aboriginal Support co-ordinator; Christine Prescott (who has had a temporary position in another department since late 2005); Ken James and Susan Cooper (as a replacement for Christine). In Alice Springs: Carolyn Woodman, WAS co-ordinator (South) and Ronda Ross. WAS in Darwin also has some wonderful administrative support from Kerrie Wilson.

The WAS role has been detailed in previous reports. It is repeated here to illustrate the range of services offered to victims of crime, witnesses and their families.

Support

This involves court preparation and can include court tours, demonstration of vulnerable witness facilities and observations of court sittings. Support regularly involves accompanying witnesses to court and can include being with a witness in a closed circuit television room, behind a screen or in a closed court.

Information

WAS notifies victims of crime about the service and invites them to make contact. Witnesses are provided with several publications at the appropriate time. These include the Northern Territory Charter for Victims of Crime, the WAS pamphlet and the Victim Impact Statement booklet. WAS also gives information about the time, date and place of court appearances, the stage that the matter is up to and whether attendance by the witness is required. In December 2000 we began writing to referred witnesses whose matters would be dealt with by Summary Prosecutions Darwin. In the past year 403 of these witnesses were contacted; over 3000 in total.

Referral

Victims, witnesses and their families can be referred to appropriate agencies for counselling including specialist sexual assault or domestic violence counselling, psychologists, psychiatrists or solicitors for financial assistance claims. WAS has established and maintains contact with a wide variety of agencies.

Explanation

The explanation of legal processes, language and rules of evidence is vital. The aim is to explain technical legal language in plain English. When people have a better understanding and are given timely information about what is happening in relation to court proceedings, they report a higher level of satisfaction with their experience of the criminal justice system.

Liaison

WAS acts as a point of reference for victims, witnesses and their families. Liaison between police and witness, prosecutor and witness, police and prosecutor or counsellor and witness is a valuable function.

Interpreters

WAS can assess the need for and organise the provision of interpreters to assist witnesses in their appearances before court.

Victim impact statements

WAS assists victims of crime to prepare victim impact statements(VIS). Victims of crime have the right to present to the court a statement detailing the effect the crime had on their lives. This can include a comment to the court on the appropriate orders that the court may make.

VIS were introduced in the Northern Territory in March 1997. Since then many people have decided to participate in the criminal justice system by exercising their right.

Since the beginning of this scheme WAS has assisted almost 2400 victims to prepare a VIS.

Committee work

WAS fully participates in the professional business of the ODPP. This is shown by WAS membership on various internal committees.

Executive Committee

WAS members participate in the Executive Committee of the ODPP. WAS representation on the committee is rotated on a quarterly basis.

Professional Staff Meetings

WAS members attend all of these meetings.

Sexual Assault Committee

All three WAS co-ordinators are members of this ODPP committee which works to ensure that sexual assault matters are dealt with appropriately.

Members of WAS also participate in many committees and activities on behalf of the ODPP to represent the ODPP and network with as many agencies as possible.

Victims of Crime NT (VOC)

The WAS co-ordinator and the executive officer of VOC meet regularly to ensure the services are complementary and to discuss issues of mutual interest.

Community Court

This year WAS participated in several community courts in Darwin and the Tiwi Islands. Most of the cases proceeded with either the victim being supported by a WAS officer or a WAS officer present on behalf of the victim. When the victim did not want to be present, WAS obtained a victim impact statement which was presented to the court as well as relaying concerns to the court.

Training and Community Education

Members of WAS regularly give presentations to groups of people who come into contact with witnesses in their workplace. This year this work included presentations to Salvation Army Hostel staff, Parole Officers, Court of Summary Jurisdiction staff and Sexual Assault Referral Centre counsellors. WAS also participated in the Law Week Forum and the Mega Training Day. We regularly use the WAS DVD *Being strong, a court story* in our presentations.

Conferences

WAS participated in the Australasian Conference for Women in Policing, the National WAS conference in Adelaide and the ODPP Kakadu Conference.

Parole Board

In recent months the Parole Board has requested input from victims into the considerations of the Board. WAS has responded to 42 requests.

Prosecutors

WAS gives all new prosecutors, whether recruited to SPD or ODPP, an orientation presentation about the role of WAS.

Publications

WAS is responsible for two publications, a booklet, *Victim Impact Statements* and a pamphlet, *Witness Assistance Service*.

Bush Courts

WAS officers have continued to increase services to remote communities. Each member of the WAS team has worked at a number of communities to support witnesses appearing in Bush Courts. This is an increasingly demanding and time consuming aspect of our work. This has almost doubled from 90 days in 2001-2002 to 172 days in 2005-2006. Across the Territory WAS attended 35% of bush courts and 44% of possible sitting days.

Client Satisfaction Survey

WAS surveyed clients from July to September 2005. There was an 8.8% response from those surveyed. The results showed that 80% of respondents rated the overall service as very good. For those respondents who prepared victim impact statements 100% rated the service as good or very good.

WAS Statistics

The workload of WAS increased in 2005-2006 as measured by our statistics in all areas:

VIS up by 119 or over 30% more than 2004-2005 (9% higher than our previous highest number in 2002-2003 and 2003-2004);

clients up by 251 or over 36% more than 2004-2005 (or over 30% more than our previous highest number in 2002-2003);

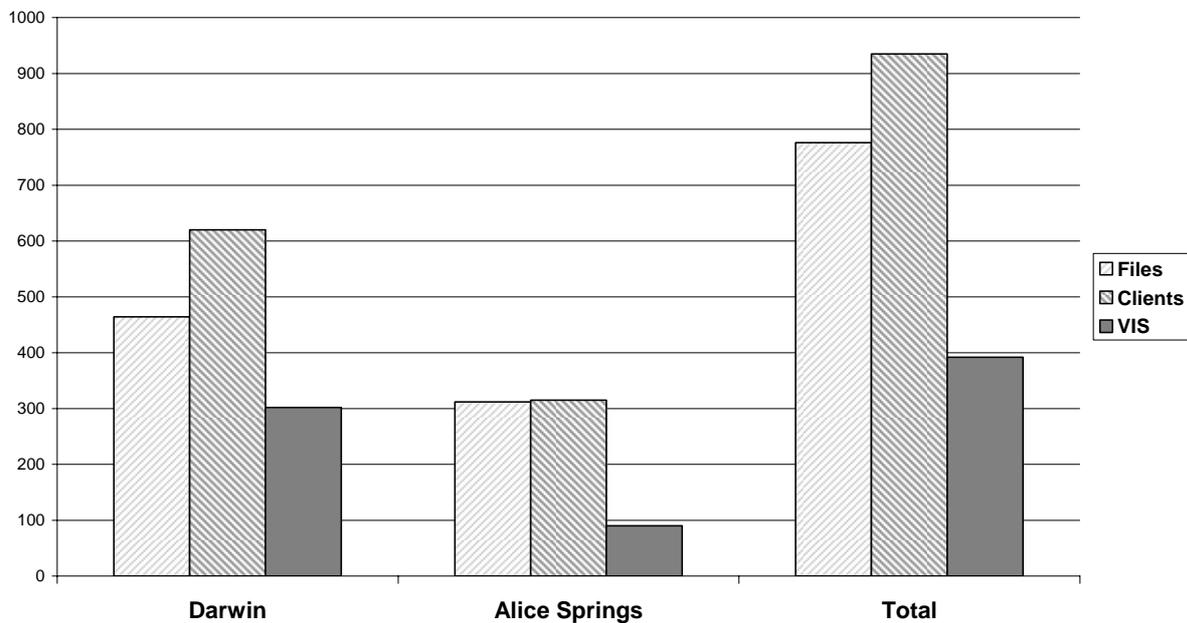
files up by 144 or over 22% more than 2004-2005 (or over 18% more than our previous highest number in 2003-2004);

bush court days up by 23 or over 15% more than 2004-2005 (or over 91% more than when we began recording in 2001-2002).

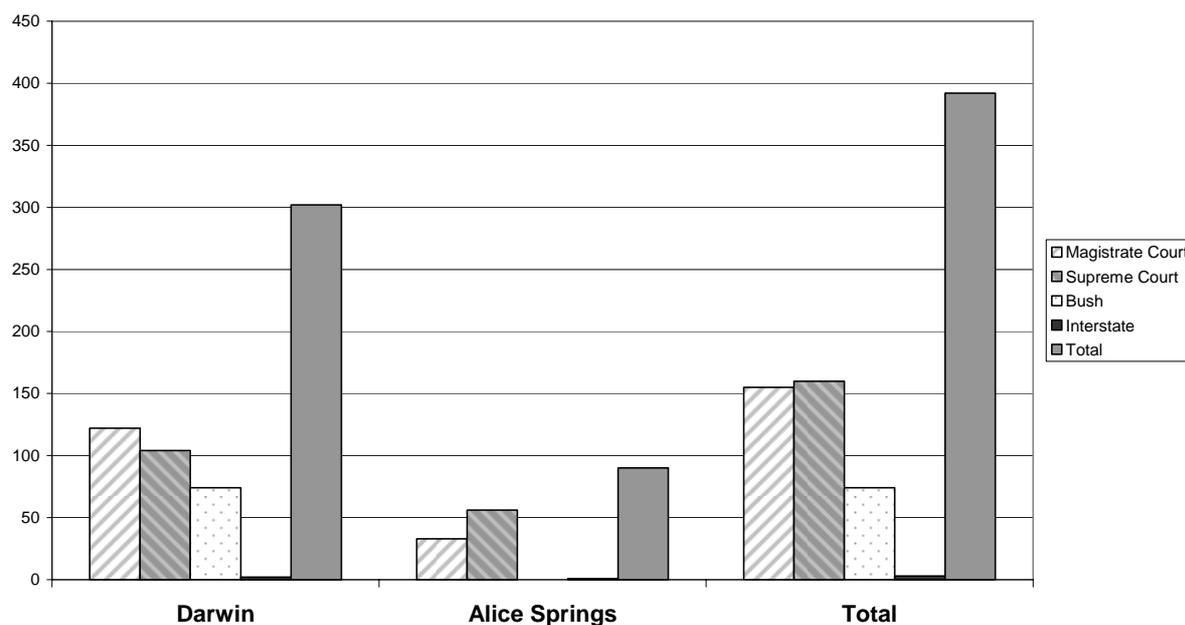
It would be unrealistic to expect any further growth in client numbers or more time spent out bush as all WAS officers are working to capacity. Any future expansion of the service will need to be underpinned by an increase in staffing levels or by refocussing the work of WAS to prioritise the bush.

The question is how much more can WAS reasonably be expected to do without extra resources. Alice Springs has not had an increase in staff since the VSU was set up in 1997 and Darwin has been operating on four officers for some time.

WAS Statistics Period: 2005- 2006



Victim Impact Statements Period 2005 - 2006



ALICE SPRINGS

Figures for this financial year show another increase in client numbers. As always the greater part of our work is with those who become involved in the system as victims and witnesses. While our focus continues to be on the courts in Alice Springs we have visited clients in Ampilatwatja, Anthelye and Nturiya Outstations, Ali Curung, Hermannsburg, Elliott and Ti Tree. We have also attended the regular court circuit in Tennant Creek.

The Co-ordinator has made a number of trips to the Darwin office. Some of these were used to attend a Social Work Conference, Negotiation/Mediation Training with the Accord Group and the National Sexual Assault Reform Committee meeting. Both staff attended the bi-annual, in-house conference at Kakadu. The Witness Assistance Officer also attended a Career Development Strategy Workshop.

WAS provided information to the Australian Institute of Criminology for a research project on violence and to research on victim support services in the cross-border areas for the Department of Justice in South Australia.

We have also had inter-agency involvement with the Alice Springs Hospital, the Aboriginal Interpreter Service, Family and Children's Services, NT Police, Community and Women's Councils, the Sexual Assault Referral Service (Darwin and Alice Springs) and Community Corrections.

Formal public education has been provided to nurse administrators, Anyanginyi Health Service in Tennant Creek and the Stronger Families Programs.





ABORIGINAL SUPPORT

This year WAS staff continued to be involved in ongoing presentations of the WAS DVD; bush courts and community courts. These are duties added on to core business of providing support to victims and witnesses. In particular community courts have mainly involved indigenous clients.

In the last quarter of 2005 there was another significant promised bride case which eventually went to appeal. There were several difficulties surrounding this case due to the customary law issues that were not discussed in court and were not a part of the court process. It was difficult at times to provide adequate WAS assistance to the victim and family when there were issues that were outside core business. These issues need to be highlighted.

Bush Court Circuit

WAS has again increased its attendance at bush courts. WAS had some excellent feedback regarding our attendance at remote communities like Borroloola and Timber Creek. WAS is still looking at an increased presence in the Katherine region. This can only be done with stability of prosecution staff in that region, which in turn, will see increased referrals to WAS. In the Top End 60 bush courts were attended this year. WAS staff spent 123 days out of the office.

In Katherine four or five oral committals have been listed for one week with a WAS officer attending. This is a good practice, however the difficulties have been lack of office space for prosecutor and WAS staff with an inability to provide a safe, secure and private space to proof victims and witnesses.

Indigenous Staff

Colleen Burns	Aboriginal Support Co-ordinator, Darwin
Nigel Browne	Prosecutor, Darwin
Ronda Ross	WAS Officer, Alice Springs
Jack A'Hang	Indigenous liaison officer, Alice Springs
Joh-Ann Coates	Indigenous law cadet

Networking

During the past year the Aboriginal Support Co-ordinator networked with various government and non-government agencies. In July 2005 all indigenous staff within the Department of Justice attended an Indigenous Employment Forum. One of the main issues discussed was the permanent position of an Employment Officer within this Department.

The Aboriginal Support Co-ordinator continues to strengthen the network between the Aboriginal Interpreter Service and ODPP. It was with much appreciation that I was recently asked to be a part of the interviewing panel for AIS staff. AIS has done a great job providing interpreters for court. As we are all aware, courts cannot proceed without interpreters if defendants or witnesses do not speak English.

This year has seen a strengthening of networks between WAS and non-government agencies. This is important because of the difficulties that WAS has in covering many bush courts, other agencies can be asked to assist WAS in the bush.

Community Courts

Ken James co-ordinates community courts for WAS. He does an excellent job with the assistance of Susan Cooper. They have covered most of the community courts both in Darwin and in the bush. WAS has continued to give constructive feedback regarding this project. WAS has seen the benefits of this project for victims especially when they have received an apology from the defendant at community court. It is also good to see Elders from various communities taking ownership of community problems and assisting the Magistrate to find relevant community solutions.