



**DIRECTOR
OF PUBLIC
PROSECUTIONS**
NORTHERN TERRITORY

**DIRECTOR OF PUBLIC PROSECUTIONS
NORTHERN TERRITORY OF AUSTRALIA**

A N N U A L R E P O R T

2017-2018



**DIRECTOR OF PUBLIC PROSECUTIONS
NORTHERN TERRITORY**

TWENTY-EIGHTH ANNUAL REPORT

FOR YEAR ENDED 30 JUNE 2018





DIRECTOR
OF PUBLIC
PROSECUTIONS
NORTHERN TERRITORY

Director – WJ Karczewski QC

30 September 2018

Ms Natasha Fyles MLA
Attorney-General and Minister for Justice
Parliament House
State Square
DARWIN NT 0810

Dear Attorney-General

ANNUAL REPORT 2017-2018

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 Director of Public Prosecutions for the period 1 July 2017 to 30 June 2018.

Yours sincerely

WJ KARCZEWSKI QC

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OFFICE LOCATIONS

1. **NORTHERN REGIONAL OFFICE DARWIN (Head Office)**

Level 3, 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

2. **SOUTHERN REGIONAL OFFICE ALICE SPRINGS**

1st Floor, Centrepoint Building
Cnr Hartley Street & Gregory Terrace
ALICE SPRINGS NT 0870
PO Box 2185
ALICE SPRINGS NT 0871

Telephone: (08) 8951 5800
Fax: (08) 8951 5812

3. **KATHERINE OFFICE**

Level 1, Ground Floor (Rear)
Randazzo Building
Katherine Terrace
KATHERINE NT 0850
PO Box 1295
KATHERINE NT 0851

Telephone: (08) 8973 8813
Fax: (08) 8973 8866

MISSION STATEMENT

MISSION

The mission of the Director of Public Prosecutions is to provide the Northern Territory community with an independent, professional and effective criminal prosecution service.

VISION

The vision of the Director of Public Prosecutions is to provide the highest quality prosecution service to Territorians.

GOALS

Achieving the following goals is recognised as being fundamental to achieving our mission and vision:

- *To operate with integrity*
- *To deliver an independent, professional and efficient service*
- *To operate as a committed and dedicated team of professionals*
- *To provide a fair and just service to victims and the accused, and*
- *To be respectful to the needs of victims, witnesses and to the interest of the community.*

Mission Statement in Kriol

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 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

The major challenge for the Office in the reporting year has been to do more with less. While it is appreciated that all agencies must exercise budgetary constraint, the fact of the matter is that the DPP's activities are largely non-discretionary. The Office has no control over the number or kind of offences it is called upon to prosecute. Nor does it have control over the quantum of evidence required to be adduced to prove any given case beyond reasonable doubt. Nor can the Office stop prosecuting cases simply because to do so, will result in a budget overspend.

The mission statement of the DPP is to provide the Northern Territory community with an independent, professional and effective prosecution service. It cannot do so unless it is adequately resourced.

In the overview to the 2012-2013 Annual Report, I observed that

The most important resource in any prosecution office is the human resource. No prosecution service will be able to meet its commitments and properly discharge its obligations to the court and to the community it represents unless it is staffed with a sufficient number of suitably qualified and experienced prosecutors.¹

Any measures which are designed to reduce the overall staffing level within the Office or which have the effect of putting into abeyance or dismissing out of hand on policy grounds, legitimate funding bids to meet increased demand placed upon the Office, can only have a negative effect upon the quality of prosecution services provided to Territorians.

To take a case in point. In the 2012-2013 Annual Report, I noted that Summary Prosecutions Katherine, was staffed by one prosecutor and that due to increasing demands, there was justification for an additional second prosecutor in Katherine². In the 2015-2016 Annual Report I spoke of the challenges presented by the gross imbalance resulting from the sole Katherine based prosecutor being outnumbered 11 to 1 by Katherine based criminal defence lawyers. I also noted that as the prosecutor position had become vacant, Darwin based prosecutors had been required to travel to Katherine on a weekly rotational basis, thus placing further demands on limited resources in Darwin.

In the 2016-2017 Annual Report I again made mention of the significant workload of the sole prosecutor employed in Katherine, the failed attempts to find funding from within for a second prosecutor and the adverse effect of having to allocate some or all of the Katherine circuit court work to Summary Prosecutions in Darwin.³

¹ 2012-2013 DPP Annual Report at page 10.

² 2012-2013 DPP Annual Report at page 34.

³ 2016-2017 DPP Annual Report at page 44.

The Katherine based prosecutor's position has been vacant since 15 September 2017. Not surprisingly, successive attempts to recruit to that position have been unsuccessful. The principal reasons for being unable to fill that position are set out on pages 35-36 of this report.

Despite the fact that there is a very strong case for the establishment of a second permanent prosecutor position in Katherine, funding for this position at a Professional 3 level for 2018 ongoing was not approved by Cabinet.

As is apparent from the report dealing with Fraud Prosecutions on pages 26 to 28 of this report, there is also a strong case for ongoing funding for the four positions in the unit established in 2015 to deal with such matters. Since it's temporary establishment, the unit has prosecuted a large number of fraud and fraud related matters and has developed an expertise in prosecuting such matters. To date, the unit has been funded internally by the Department of the Attorney-General and Justice. However, as a result of budgetary constraints, the Department is unable to fund these positions beyond the end of the 2018 calendar year. A submission to government for ongoing funding for these positions was unsuccessful. Consequently, the unit will cease to exist at the end of 2018.

This decision not to provide ongoing funding is regrettable for the reasons stated earlier and is short-sighted, particularly in light of anticipated referrals for advice and prosecution which this Office expects to receive from the Independent Commissioner against Corruption once the legislation creating that position commences in the second half of 2018.

As stated on page 36 of this report, prosecutors from Darwin will continue to travel to Katherine and to the six circuit towns serviced by the Katherine based Local Court judge until such time as a replacement prosecutor can be recruited. In the meantime, the shortfall in Darwin caused by having to send a prosecutor to Katherine will continue to be met by briefing out cases to the private bar. Whilst briefing out cases to the private bar is sometime unavoidable, doing so simply because of staff shortages within the Office is false economy as it inevitably contributes to the budget being overspent. Further, briefing out removes the opportunity for in-house prosecutors to further develop their skills, knowledge and experience.

The key deliverables reported on page 16 of this report show that there was a slight decrease in the number of trials run and pleas of guilty entered in the Supreme Court from the previous reporting year. However, this decrease does not mean that prosecutors were any less busy. Statistics maintained by the Supreme Court show that there was an increase in activity in the Court's criminal jurisdiction when compared to that in the previous year.⁴ The increased activity of course translated to increased appearances by prosecutors on each and every occasion. Another telling statistic was the increase in the number of new files received in the reporting year from 9,214 to 9686. It needs to be remembered that not every file received in the Office results in a court lodgement. Even so, each file must be properly considered and assessed by a prosecutor.

⁴ There was an increase of 42 sittings days and the number of cases finalised increased from 88% to 97%.

The 2017-2018 reporting year saw the resignation and departure of Deputy Director, Paul Usher. Paul joined the NT DPP in March 2008. He was appointed Deputy Director on 10 April 2014. He resigned with effect from 4 February 2018. Paul left to return to his home State to take up a senior Crown prosecutor position with the WA DPP in Perth. Paul made a significant contribution to the Office. He prosecuted some difficult cases, provided me with sound advice in high profile matters, was a good mentor to junior prosecutors and discharged his duties and responsibilities as Deputy Director fairly and commendably. I wish Paul and his family the very best of fortune in the next chapter of their lives.

On 29 March 2018, Matthew Nathan SC was appointed as Deputy Director to replace Paul Usher. Mr Nathan was first admitted to practice in Qld in 2001. He commenced work as a Legal Officer in the Queensland office of the DPP in June 2001 and progressed to the position of Crown Prosecutor in 2004 and Senior Crown Prosecutor in November 2006. He was successful in obtaining a position of Senior Crown Prosecutor in the NT DPP in September 2008 and in February 2012 was appointed as the Sexual Assault Senior Crown Prosecutor.

Throughout his career Mr Nathan has prosecuted many high profile complex jury trials and has appeared for the Crown in a large number of appeals to the Court of Criminal Appeal / Court of Appeal both as counsel for the appellant and as counsel for the respondent. He has prosecuted all manner of offences including murder, manslaughter and the entire range of sexual offences including child sexual abuse cases.

Mr Nathan was appointed as Senior Counsel on 15 September 2015.⁵

Mr Nathan's appointment as Deputy Director was well received by members of staff and by the profession.

During the reporting year the Alice Springs Office received a much needed refurbishment the details of which can be found at page 49 of this report. Alice Springs Staff were consulted in relation to proposed layout changes and colour schemes and are happy with the result.

As to the progress made in securing more suitable office accommodation in the Katherine Government Centre ("the KGC"),⁶ I am pleased to say that during the course of the reporting year the DPP has been involved in discussions with the Department of Infrastructure, Planning and Logistics and with architects engaged in the planning of a major refurbishment of the KGC expected to take place before the end of the current lease in August 2020. I am cautiously optimistic that the DPP's claim for accommodation at the KGC will be third time lucky.

In the reporting year there has been an increase in workload which has been compounded by a loss of experienced staff with an indication being given that more staff will be leaving in the 2018/2019 reporting year. This combination of factors has resulted in increased demands being placed on existing staff members.

⁵ A note of Mr Nathan's appointment as Senior Counsel appears on page 11 of the 2015-2016 DPP Annual Report.

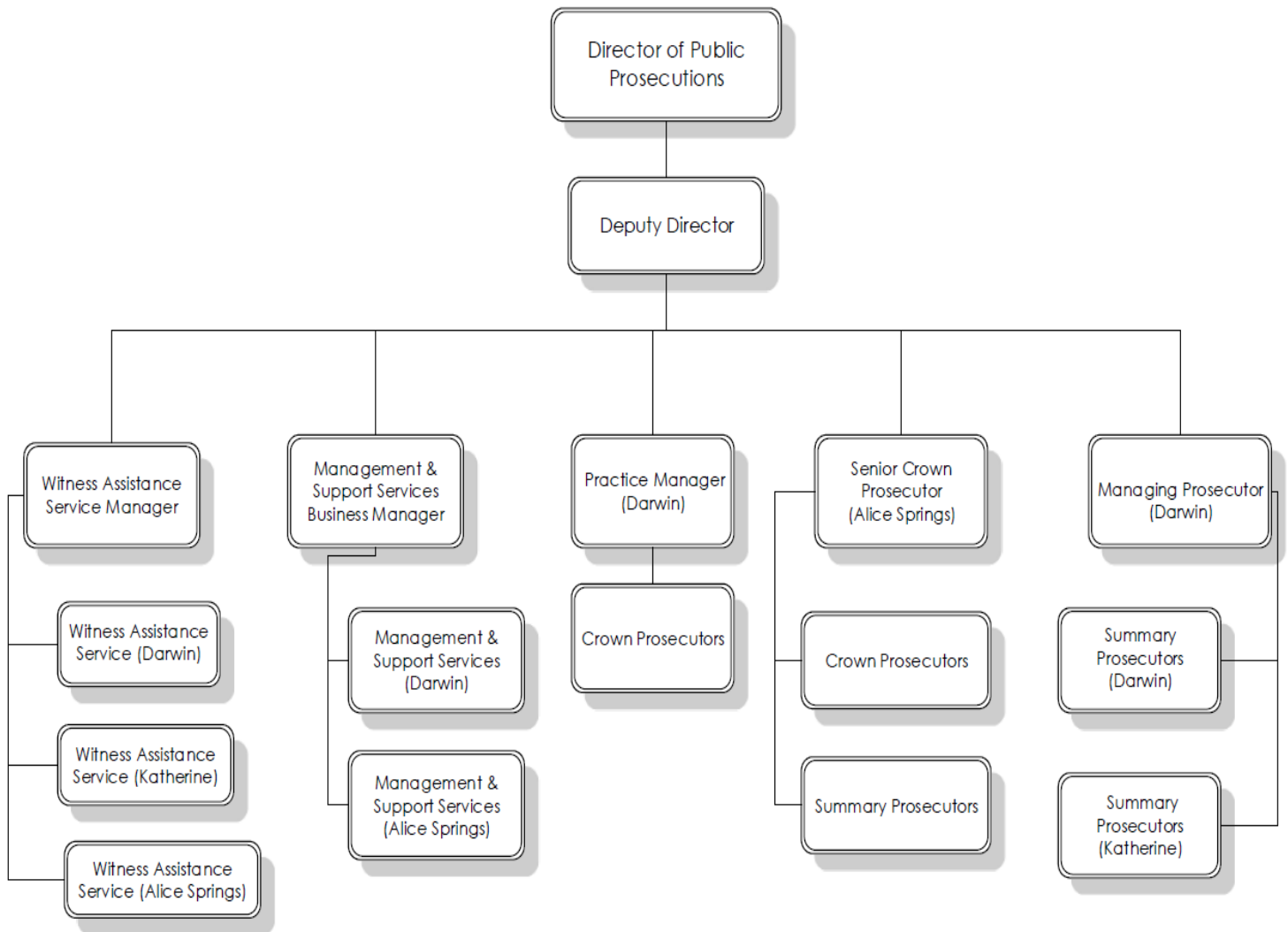
⁶ A note setting out the case for office accommodation in the KGC and the details of two previous unsuccessful attempts to secure that accommodation can be found at pages 27-28 of the 2016-2017 DPP Annual Report.

I would like to express my thanks and gratitude to all of my staff who have worked tirelessly and in sometimes difficult circumstances throughout the year in order to discharge their obligations to the court and to the community they represent. Their commitment which manifests itself in long periods of preparation after hours or on weekends for which there is no remuneration is a testament to their dedication.

Section 26 of the **Director of Public Prosecutions Act** provides that the Director is not subject to direction by the Attorney-General or any other person in the performance of the Director's functions. Section 28 of the **Director of Public Prosecutions Act** permits the Attorney-General, after consultation with the Director, to issue to the Director directions as to the general policy to be followed in the performance of a function of the Director. Every such direction must be in writing and must be included in the Director's Annual Report. A direction may not be issued in respect of a particular case.

No directions were issued by the Attorney-General to me during the reporting year under either section 26 or 28.

DPP ORGANISATIONAL CHART





FUNCTIONS OF THE DIRECTOR OF PUBLIC PROSECUTIONS

The functions of the Director of Public Prosecutions (hereinafter referred to as the DPP) are set out in Part 3 of the *Director of Public Prosecutions Act* (hereinafter referred to as the DPP Act). These functions are 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 s.414 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 *Coroners 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 forfeited 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; and
- (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.

REPORT ON PROSECUTION FUNCTIONS

Output Reporting

Key Deliverables	Target	Current Year		Previous Years Actuals		
	2018-19 Budget	2017-18 Budget	2017-18 Actual	2016-17	2015-16	2014-15
New matters	9,400	9,400	9,686	9,214	9,418	8,551
Finalisations:						
- Supreme Court pleas	450	450	418	426	483	436
- Supreme Court trials	60	60	64	69	55	57
- Supreme Court withdrawn ¹	40	40	22	45	41	36
- Not committed to Supreme Court	N/A	N/A	N/A	N/A	N/A	1
- Local Court hearings/pleas	7,000	7,000	6,738	6,483	6,805	6,450
- Local Court withdrawn	800	800	841	814	463	728
- Appeals at all levels	60	60	59	63	84	62
Findings of guilt (including guilty pleas):						
- in Supreme Court	94%	94%	97%	96%	93%	93%
- in Local Court	97%	97%	97%	97%	97%	97%
Convictions after trial or hearing	97%	97%	97%	97%	97%	97%
Filing of indictments within 28 days of committal ²	N/A	N/A	N/A	N/A	45%	55%
Supreme Court matters withdrawn less than 28 days before a trial was to commence ²	N/A	N/A	N/A	N/A	26%	50%
Witness Assistance Service clients ³	1,730	1,730	2,216	1,934	1,923	1,717

¹ Continual review of matters by prosecutors before the committal phase has resulted in a decrease in the number of matters withdrawn at the Supreme Court phase.

²These KPIs are no longer reported.

³Increase in the number of Witness Assistance Service (WAS) clients was due to an additional 0.50 position provided to WAS for 12 months.

Charges requiring DPP's consent or signature

Certain offences cannot be commenced without the consent of the DPP or a Crown Law Officer which term is defined to mean the Attorney-General or the DPP and includes a person authorized under a law of the Territory to exercise a power or perform a function

in the name of or on behalf of a Crown Law Officer.⁷ Similarly, indictments charging certain offences and documents evidencing significant prosecutorial decisions can only be signed by the DPP or a Crown Law Officer.

Pursuant to s 10(2) of the *Director of Public Prosecutions Act*, a Deputy DPP may exercise the powers and perform the functions of the DPP. However, the exercise of the powers and functions by a Deputy DPP is subject to the direction and control of the DPP.

The more important provisions are identified and reported against below.

Conspiracy

Section 43BJ of the *Criminal Code* creates the offence of conspiracy. Section 43BJ(10) provides that proceedings for an offence of conspiracy must not be commenced without the consent of the DPP.

During the reporting year no consents to commence proceedings for this offence were sought or given.

Criminal Defamation

Part VI Division 7 of the *Criminal Code* creates the offences of unlawfully publishing defamatory matter and publishing or threatening to publish defamatory matter with intent to extort money.⁸

Section 208 of the *Criminal Code* provides that a prosecution of an offence against Division 7 cannot be begun except by the direction of a Crown Law Officer.

During the reporting year no directions to commence proceedings for an offence against this Division were sought or given.

Distributing Intimate Images

Part VI Division 7A of the *Criminal Code* creates offences relating to the distribution of intimates images.⁹

Section 208AD of the *Criminal Code* provides that a prosecution of a child for an offence against Division 7A must not be commenced without the consent of the DPP.¹⁰

During the reporting year no consents to commence proceedings for this offence were sought or given.

⁷ See definition of Crown Law Officer in s 1 of the *Criminal Code*.

⁸ Sections 204 and 205 of the *Criminal Code*.

⁹ Sections 208AB and 208AC of the *Criminal Code*.

¹⁰ A child is a person under the age of 18 years. See the definitions of adult and child in s 1 of the *Criminal Code*.

Money Laundering

Part VII Division 3A of the *Criminal Code* creates offences relating to money laundering. Section 231E of the *Criminal Code* provides that a prosecution for an offence against Division 3A must not be commenced without the consent of the DPP.

During the reporting year no consents to commence proceedings for this offence were sought or given.

Maintaining a relationship of a sexual nature with a child under 16

Section 131A(2) of the *Criminal Code* creates the offence of an adult maintaining a relationship of a sexual nature with a child under the age of 16 years. Section 131A(9) provides that an indictment charging this offence must be signed by the DPP.

During the reporting year three indictments charging this offence were signed.

No True Bill

Section 297A of the *Criminal Code* provides that when a person charged with an indictable offence has been committed for trial and it is not intended to put him on his trial, a Crown Law Officer shall issue a certificate to that effect and deliver it to the person committed. The effect of the document is that any conditions of bail cease to have effect or, if the committed person has not been released on bail, the warrant of commitment ceases to have effect.

The filing of a No True Bill is the alternative to the filing of an indictment.

During the reporting year four No True Bills were issued.

Ex-officio indictments

When a person charged with an indictable offence has been committed for trial and it is intended to put him on his trial for the offence, the charge is to be reduced to writing in a document that is called an indictment. The indictment is to be signed by a Crown Law Officer.¹¹

Section 300 of the *Criminal Code* provides that a Crown Law Officer may sign an indictment against any person for any offence whether the accused person has been committed for trial or not. These indictments are called ex-officio indictments.

In the normal course of events, ex-officio indictments are signed at the request of an accused person with a view to by-passing the preliminary examination procedure in the Local Court and expediting a plea of guilty in the Supreme Court.¹²

¹¹ Section 298 of the *Criminal Code*.

¹² The advantage for the accused in consenting to proceeding by way of ex-officio indictment is to maximise discount on sentence. The Northern Territory Court of Criminal Appeal has held that pleas of guilty or indications of pleas of guilty at the earliest possible opportunity accompanied by true remorse are entitled to attract a greater reduction than late pleas which are not accompanied by true remorse. *Wright v The Queen* (2007) 19 NTLR 123 at 125 [32].

In the reporting year five ex-officio indictments were signed and filed in the Supreme Court.

Nolle Prosequi

After an indictment charging an accused person with an offence has been filed in the Supreme Court, a Crown Law Officer may inform the Court that the Crown does not intend to proceed further upon that indictment, or in relation to a charge contained in the indictment, then pending in the Court. The manner in which the Court is informed is by the filing of a document called a nolle prosequi.

In the reporting year 17 nolle prosequi were signed and filed in the Supreme Court.

Taking over proceedings

Section 13 of the DPP Act provides that it is a function of the DPP to take over a prosecution, not on indictment, for an indictable offence brought by another person and to take over and conduct proceedings in respect of a summary offence.

Section 14 of the DPP Act provides that it is a function of the DPP to take over an appeal relating to a prosecution which has instituted by another person.

No prosecutions or appeals were taken over by the DPP in the reporting year.

Indemnities and undertakings

Section 21(2) of the DPP Act provides that the DPP may grant an indemnity from prosecution, whether on indictment or otherwise and may give an undertaking that an answer given or a statement or disclosure made by a person will not be used in evidence against the person.

No indemnities were granted or undertakings given during the reporting year.

Joint trial arrangements with Commonwealth DPP

There exists between the Commonwealth DPP and the Territory DPP an arrangement for the conduct of Territory prosecutions by the Commonwealth DPP, and for the conduct of Commonwealth prosecutions by the Territory DPP.¹³

The arrangement is given effect by each DPP delegating to the other the power to sign and present indictments, including ex-officio indictments, in respect of an offence against the law of the conferring jurisdiction and to conduct on behalf of the DPP for the conferring jurisdiction the trial on such an indictment. The arrangement also deals with the conduct of summary prosecutions, preliminary examinations and appeals.

The purpose of the arrangement is to facilitate a single prosecution of an accused person who has been charged with both Commonwealth and Territory offences. Without the

¹³ Similar arrangements exist between other State and Territory DPPs and the Commonwealth DPP.

arrangement, separate trials would have to be held for the Commonwealth offences and for the Territory offences. A common situation which enlivens the arrangement is when an accused person is charged with possessing child abuse material, an offence against Territory law,¹⁴ and making available child pornography material using a carriage service and / or accessing child pornography material using a carriage service, both of which are offences against Commonwealth law.¹⁵

The arrangement requires consultation between the Territory and Commonwealth DPPs in order to determine the question of which jurisdiction should prosecute all of the offences.

In the reporting year consultation between the Commonwealth DPP and the Territory DPP took place on 8 occasions resulting in the Commonwealth DPP prosecuting two cases on behalf of the Territory and the Territory prosecuting six cases on behalf of the Commonwealth.

Appeals

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

- (i) institute and conduct, or 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 s.414(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 can be found on the DPP website under the Appeals tab.

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 2016 to 30 June 2017.*

¹⁴ Contrary to s 125B(1) of the *Criminal Code (NT)*.

¹⁵ Contrary to s 474.19(1) of the *Criminal Code (Cth)*.

TABLE A

Outcome of defence applications for leave to appeal from the Supreme Court to the Court of Criminal Appeal determined by a single judge *on the papers* 2017-2018

	Sentence	Conviction
Granted	8 (6)	3 (2)
Refused	4** (3)	2* (1)
Discontinued	5 (1)	1 (0)
Total	17 (10)	6 (3)

* Each of the two applicants refused leave to appeal against conviction applied to have their applications re-heard and determined by the Court of Criminal Appeal constituted by three judges. One application was heard but not determined following oral argument in the reporting year. The other application was not heard in the reporting year.

A third application for leave to appeal against conviction by an unrepresented applicant was referred to the Court of Criminal Appeal constituted by three judges for hearing and determination. As the application was argued as if it was an appeal, the result has been included in Table B.

** Two applicants refused leave to appeal on the papers applied to have their applications re-heard and determined by the Court of Criminal Appeal constituted by three judges. One application was subsequently dismissed and the result has been included in Table B as the matter was argued as if it were an appeal. The other application was heard but not determined in the reporting year.

TABLE B below summarises the results of appeals from the Supreme Court to the Court of Criminal Appeal and Court of Appeal 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 2017-2018

	Conviction	Sentence	Other
Allowed	1 (2)	3 (2)	0 (0)
Dismissed	3* (0)	6 (4)	0 (1)
Discontinued	0 (0)	0 (0)	0 (0)
Total	4 (2)	9 (6)	0 (1)

* Included in this figure was one re-hearing of an application by the Court of Criminal Appeal constituted by three judges where the application for leave to appeal against conviction was refused by a single judge. Also included in this figure is an application for leave to appeal which was referred for determination by three judges without the application first having been determined by a single judge on the papers. Both applications were determined following oral argument. As both applications were argued as if they were appeals, the results have been included in Table B.

**Outcome of prosecution appeals and
references from the Supreme Court to the
Court of Criminal Appeal/Court of
Appeal/Full Court
2017-2018**

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

No questions of law were reserved by a trial court for the consideration of the Court of Criminal Appeal pursuant to s 408 of the *Criminal Code*.

One proceeding was referred by a single judge to the Full Court for consideration or determination pursuant to s 21 of the *Supreme Court Act*. In the matter of *Andalong v O'Neill* [2017] NTSC 7 the issue for determination by the Full Court was:

Is the offence under s 33(1) of the *Traffic Act* (NT) (drive unregistered vehicle) of which the appellant was found guilty a “similar offence” within the meaning of s 18 of the *Criminal Code* (NT) to the offence under s 34(1) of the *Traffic Act* (NT) (drive uninsured vehicle) of which the appellant was also found guilty?

A note of this case can be found on pages 25-26 of this report.

No point of law following the acquittal of a person after his trial on indictment was referred to the Court of Criminal Appeal for its consideration and opinion by DPP pursuant to s 414(2) of the *Criminal Code*.

TABLE C below summarises the results of appeals from the Local Court to the Supreme Court decided during the reporting period.

TABLE C

**Outcome of defence appeals from the Local Court to the Supreme Court at Darwin
2017-2018**

	Conviction		Sentence		Other	
Allowed	3	(1)	9	(4)	0	(0)
Dismissed	12	(4)	18	(6)	2	(0)
Discontinued	10	(1)	11	(10)	1	(0)
Total	25	(6)	38	(20)	3	(0)

**Outcome of prosecution appeals from the Local Court to the Supreme Court at Darwin
2017-2018**

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

**Outcome of defence appeals from the Local Court to the Supreme Court at Alice Springs
2017-2018**

	Conviction		Sentence		Other	
Allowed	0	(0)	4	(11)	0	(0)
Dismissed	2	(2)	7	(5)	0	(0)
Discontinued	2	(0)	3	(2)	0	(0)
Total	4	(2)	14	(18)	0	(0)

**Outcome of prosecution appeals from the Local Court to the Supreme Court at Alice Springs
2017-2018**

	Dismissal of Charge		Against Inadequacy of Sentence		Other	
Allowed	2	(0)	0	(1)	0	(0)
Dismissed	0	(1)	0	(1)	0	(0)
Discontinued	0	(0)	0	(0)	0	(0)
Total	2	(1)	0	(2)	0	(0)

High Court of Australia

The Office was involved as respondent in two applications for special leave to the High Court of Australia during the reporting period.

Chad Roe v The Queen

13 December 2017
Gageler & Keane JJ
[2017] HCASL 318

The Supreme Court in Darwin sentenced the applicant to 3 years and 9 months imprisonment to be suspended on conditions after the applicant had served 1 year and 9 months in prison following his plea of guilty to one count of unlawfully taking part in the supply of a commercial quantity of methamphetamine over a period of three months in 2015. It was agreed at the sentencing proceedings that the applicant had supplied at least 200 grams of methamphetamine during that period, which is five times the commercial quantity for that drug.

The Crown instituted an appeal in the Court of Criminal Appeal against the inadequacy of the sentence on the sole ground that the sentence was manifestly inadequate. By majority,¹⁶ the Court of Criminal Appeal allowed the appeal and increased the sentence to 6 years imprisonment and fixed a non-parole period of 3 years.

In allowing the appeal the majority held that (i) methamphetamine is a particularly dangerous and insidious drug which causes considerable harm in the community and that this was the chief consideration which pointed to the inadequacy of the sentence, and (ii) there was no substantive basis for findings made by the sentencing judge that the offender was remorseful and highly motivated to address his drug misuse.

The applicant then applied for special leave to appeal to the High Court of Australia on the grounds that the majority of the Court of Criminal Appeal erred (i) in taking into account the harm caused by methamphetamine, and (ii) in evaluating the sentence by discarding reference to factual findings of the sentencing judge. As to the first ground, the applicant submitted that where the penalties for supply of a dangerous drug vary depending on whether a commercial quantity of drug is supplied or less than a commercial quantity, i.e., where the penalty regime is dependent on quantity, the harmfulness of the particular drug was irrelevant to the exercise of the sentencing discretion. As to the second ground, the applicant argued that no ground of appeal had been advanced by the Crown in the Court of Criminal Appeal contending that the sentencing judge had erred in finding that the applicant was remorseful or had erred in finding that the applicant was highly motivated to address his drug misuse. As no challenge had been made to any of the sentencing judge's fact finding, it was erroneous for the majority of the Court of Criminal Appeal to evaluate the adequacy of the sentence by discarding reference to those factual findings of the sentencing judge.¹⁷

¹⁶ Grant CJ & Southwood J, Blokland J dissenting.

¹⁷ These arguments were set out in the written submissions filed in support of the application for leave to appeal.

The High Court directed that the application for special leave be listed for determination without hearing oral argument from the parties.

On 13 December 2017, the High Court ordered that the application for special leave be refused.

Andalong v O’Neill

20 April 2018
Bell, Gageler & Nettle JJ
[2018] HCA Trans 070

The appellant was charged with offences under the *Traffic Act* (NT), including driving an unregistered vehicle on a public street contrary to s 33; and driving a vehicle in relation to which a current compensation contribution had not been paid contrary to s 34.

In the Local Court the applicant indicated that he would plead guilty to the offence of driving an unregistered motor vehicle, but contended that the offence of driving a vehicle which did not have a current compensation contribution was a “similar offence” within the meaning of s 17 of the *Criminal Code* giving rise to a defence under s 18(b) of the *Criminal Code*. The Local Court rejected this contention and found the appellant guilty of both offences.

The applicant then appealed to the Supreme Court. The sole ground of appeal was that the Local Court erred “in finding that the defence in section 18 of the *Criminal Code* (NT) did not apply to [the offence of driving a vehicle in relation to which a current compensation contribution had not been paid]”. It was an agreed fact that in the NT fees for the registration of a motor vehicle and the compulsory compensation contribution are paid in the form of a single fee at the time of registration. A sum representing the compulsory compensation contribution is then withheld by the Registrar of Motor Vehicles and paid to the Motor Accidents (Compensation) Commission.

Section 18 of the *Criminal Code* relevantly provides that it is a defence to a charge of any offence to show that the accused person has already been found guilty or acquitted of a “similar offence.” Section 17 of the *Criminal Code* defines “similar offence” to mean an offence in which the conduct therein impugned is substantially the same as or includes the conduct impugned in the offence to which it is said to be similar.

Without deciding the appeal, the Supreme Court referred the following question to the Full Court for determination.¹⁸

Is the offence under s 33(1) of the *Traffic Act* (NT) of which the appellant was found guilty a “similar offence” within the meaning of s 18 of the *Criminal Code* (NT) to the offence under s 34(1) of the *Traffic Act* (NT) of which the appellant was also found guilty?

The Full Court unanimously held that the operation of the defence requires a comparison between the elements of the two offences under consideration. It will have application

¹⁸ pursuant to s 21 of the *Supreme Court Act*.

only where the elements of the offences charged are substantially the same, or where the elements of the “similar” offence include all the elements of the offence charged. In either case, it is necessary that all the elements of the offence charged are wholly included in the first offence.

The Full Court accepted that the two offences exhibited common features. Both were constituted by the appellant driving a motor vehicle with particular attributes on a public street. However, for the offence under s 33(1) of the *Traffic Act* it was necessary to establish that the vehicle was not registered at the relevant time. In relation to the offence under s 34(1) of the *Traffic Act* it was necessary to establish that, at the relevant time, a current compensation contribution had not been paid in relation to the vehicle. The administrative arrangements that permit the fees and the contribution to be paid at the same time cannot elide or conflate those distinct elements.

The Full Court answered the question referred to it in the negative and the appeal to the Supreme Court was dismissed.¹⁹

The applicant then applied to the High Court for special leave to appeal claiming that the Full Court erred (i) in its interpretation of the term “offence” in sections 17 and 18 of the *Criminal Code*, and (ii) in failing to conclude, in its application of s 18(b) of the *Criminal Code*, that “the conduct therein impugned” under s 33 of the *Traffic Act* was “substantially the same” as the conduct impugned in the charge under s 34 of the *Traffic Act*.

After hearing oral argument from the applicant, the High Court refused to grant special leave holding that the decision of the Full Court decision was not attended by sufficient doubt to warrant the grant of special leave. The respondent was not called upon by the Court to present oral argument.

Fraud Prosecutions

Funding for an additional 4.5 full time employees to staff a fraud unit was continued in the reporting year. That funding was initially advanced in 2015 to support the prosecution of persons involved in the defrauding of the NT Government Pensioner and Carer Concession Scheme (PCCS).

Investigations into the abuse of the PCCS travel scheme remain ongoing however there were no prosecutions commenced against any persons involved in this part of the scheme in the reporting year.

The success of the fraud unit in prosecuting fraud and the publicity surrounding those successful prosecutions has led to a significant rise in the number of complaints being made to police about the commission of fraud offences and a concomitant increase in the number of prosecutions.

Notable prosecutions in the last twelve months include the prosecution of George Manolas for fraud against the company that he managed and held a fifty percent equity interest. Manolas was convicted on twenty representative counts after a three week trial

¹⁹ *Andalong v O’Neill* [2017] NTSC 77; 328 FLR 340.

and was unsuccessful in his appeal to the Court of Appeal. In excess of 100 further charges remain outstanding.

A procurement manager employed by Royal Darwin Hospital, John Zvimba, pleaded guilty to defrauding the hospital of approximately \$150,000.00 by processing false invoices for works that had never been undertaken. He was sentenced to imprisonment for four years and three months. His co-accused is the subject of similar allegations.

Bradley Reeves pleaded guilty to stealing in excess of \$450,000.00 from his employer, a car dealership, and was sentenced to six years imprisonment.

Best Okwa was convicted and sentenced to two years imprisonment suspended after six months for manipulations of the NT government computer database as part of a plan to commit identity fraud. This was the first prosecution of this nature in this jurisdiction.

Paul Aitken was convicted and sentenced to two years and three months imprisonment suspended after nine months for a \$154,000.00 fraud committed against a Darwin business.

Thomas Riley was convicted and sentenced to 22 months imprisonment for a \$90,000.00 fraud committed against various employers in Alice Springs and Darwin.

Several officers of the Department of Corrections have been convicted for frauds committed in obtaining sick leave entitlements.

The unit has several complex prosecutions currently before the courts including:-

- Christopher Deutrom the former Darwin manager for Elders Real Estate who is alleged to have stolen approximately \$220,000.00 from his employer. A trial is set for November 2018.
- An Alice Springs company and its manager for abusing the NT Government Indigenous Employment Scheme.
- The accounts manager for a Darwin based car hire business alleged to have defrauded approximately \$500,000.00 from that business. The accused has left the jurisdiction and a warrant has been issued for his arrest.
- A woman charged with defrauding the PCCS in relation to electricity subsidies over several years of \$17,000.00
- Suzanne Meyering, a former book keeper for a local tiling business who is alleged to have stolen \$84,000.00 from her employer. A trial is set for November 2018.
- Several Nigerian nationals alleged to have engaged in computer identity fraud to obtain benefits in excess of \$400,000.00
- Colin Voek and Amy Pittman who are alleged to have obtained in excess of \$1.7 million from investors in the purchase or lease of automatic teller machines which the prosecution alleges operated as a Ponzi scheme in

which dividends were paid from new investments received and no investments were ever made.

- Ulamila Sanoko is being prosecuted for a \$44,000.00 employee fraud against her employer, the Northern Land Council.

The unit is involved in the provision of advice on an ongoing basis to members of the NT Police Fraud Squad about a large number of investigations including major operations investigating the roting of the government's Indigenous Employment Program, the PCCS and government procurement activities. Complaints about fraud related crime continue to increase as the public becomes more aware from publicity surrounding ongoing prosecutions that police and the DPP are interested in and capable of investigating such complaints.

Despite the success of the unit, a submission for ongoing funding for the four supernumerary positions which make up the unit was rejected by Cabinet. As the positions can no longer be funded from within the Department of the Attorney-General and Justice, the unit will cease to exist at the end of the 2018 calendar year.

Other notable cases

Each of the 64 trials conducted in the Supreme Court following a plea of not guilty was notable in one way or another.

The one case which captured the interest of the public and the media, both local and international, was that of *The Queen v John Ringland McRoberts* in which the accused, a former NT Commissioner of Police, stood charged with one count of attempting to pervert the course of justice. The offending took place between 2 May 2014 and 17 November 2014. The trial, presided over by Mildren AJ, commenced in the Supreme Court in Darwin on 23 April 2018 and occupied 27 sittings days. On 31 May 2018, the jury returned a unanimous verdict of guilty.

It was necessary to brief interstate counsel to prosecute the trial as both the DPP and a senior Crown prosecutor were called as Crown witnesses in the trial.

On 26 June 2018, McRoberts was sentenced to three years' imprisonment to be suspended after serving 12 months in prison.

Further details of the evidence led and the issues involved in the case can be found in the following court documents each of which is available for viewing on the Supreme Court website.

- The reasons for the ruling made by Mildren AJ on the unsuccessful defence submission of *no case to answer* at the end of the Crown case,²⁰

[The Queen v McRoberts decisions 2018 NTSC42.](#)

- The sentencing remarks of Mildren AJ

²⁰ *The Queen v McRoberts (No 2)* [2018] NTSC 42.

The Queen v McRoberts remarks 260618 .

- The reasons for the ruling made by Southwood ACJ²¹ on the unsuccessful application for bail pending appeal.²²

McRoberts v The Queen 2018 NTCCA11 020718

An appeal against the jury's finding of guilt was instituted on 25 June 2018. The Notice of Appeal claimed that the trial judge made numerous errors of law and that the jury's verdict was unsafe and unsatisfactory. As noted above, an application for bail pending the hearing of the appeal was unsuccessful.

On 3 August 2018, the appellant abandoned the appeal by filing a Notice of Discontinuance.

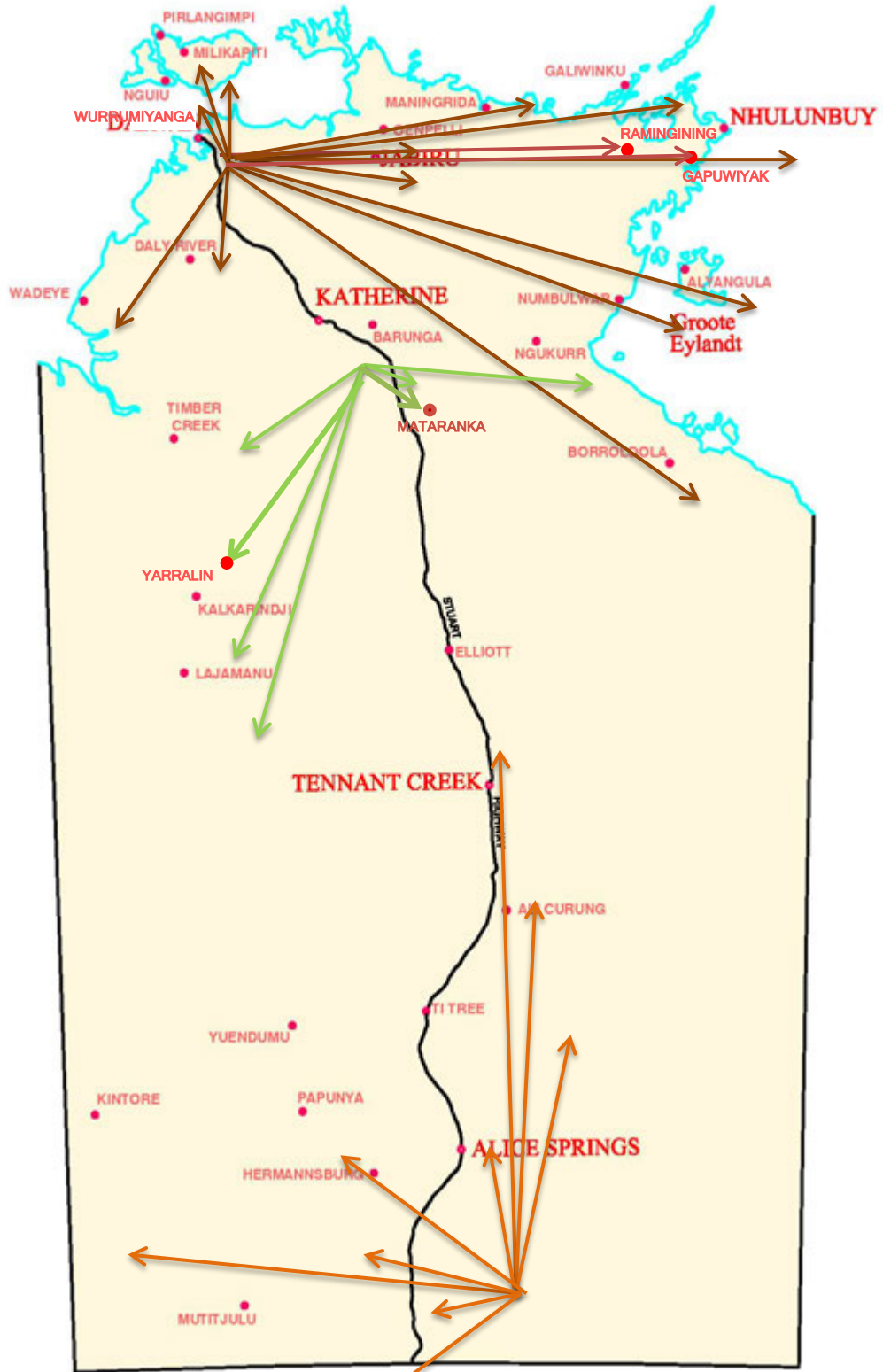
Intra agency co-operation

During the reporting year the Office responded to 22 requests from the Legal Policy Division of the department. Given the independence of the DPP, any advice given or comments provided by the Office is restricted to advice of a technical nature. In the main the advice sought concerned new legislation or amendments to existing legislation.

²¹ Exercising the powers of the Court of Criminal Appeal under s 429(1) of the *Criminal Code*.

²² *McRoberts v The Queen* [2018] NTCCA 11.

NT COURT LOCATIONS



Northern Territory Government
Department of Planning and Infrastructure
15/08/2005

SUMMARY PROSECUTIONS

The Summary Prosecutions Division of the DPP is responsible for the conduct of prosecutions and prosecution-related activities in the Local Court and the Youth Justice Court.

Summary Prosecutions sections exist in three geographical locations:

- Summary Prosecutions Darwin (SPD);
- Summary Prosecutions Katherine (SPK); and
- Summary Prosecutions Alice Springs (SPAS).

Each section is staffed by civilian lawyers employed by the DPP (“summary prosecutors”).

In addition to prosecuting matters referred to them by Police, summary prosecutors also appear on instructions from Northern Territory Correctional Services in relation to various kinds of breach matters (suspended sentences, home detention orders, community work orders and good behaviour orders). Summary prosecutors also have a more limited role to play in relation to Local Court proceedings concerning parole revocations, and also (reflecting the relatively new sentencing arrangements introduced as part of the COMMIT program) COMMIT breaches and COMMIT parole revocations.

For all Darwin matters, summary prosecutors appear at each stage of the criminal proceedings initiated by the laying of charges by Police. This arrangement (referred to at the time of its introduction as “civilianization”) commenced in December 2013, and covers first mentions, bail applications, early guilty pleas, directions hearings mentions, voir dire and hearings, sentencing hearings, and breach matters. SPD prosecutors also appear on the first mention of serious charges which are required to travel through the preliminary examination stream in the Local Court before being committed to the Supreme Court. They will often be required to appear on first instance bail applications for those matters.

In Katherine and Alice Springs, and at the various Northern Territory circuit courts, Police prosecutors appear in relation to the “bail and arrest” and case management stages of criminal matters, with summary prosecutors only becoming involved at the voir dire and/or hearing stage, or when they are requested to take carriage of complicated or sensitive plea hearings.

SPD, SPK and SPAS have responsibility for the circuit courts within their respective geographical regions, namely, the Top End Region, the Katherine Region, and

Central Australia. The communities where circuit courts are held are shown on the map of the Northern Territory at page 30 of this report.

Summary Prosecutions Darwin (SPD)

The workload to be undertaken on any given week by the Darwin-based summary prosecutors is immense, time-consuming and fragmented. To address the difficulties inherent in tasking a mixed (in the sense of having differing levels of experience and expertise) group of prosecutors in relation to a range of sometimes uneasily harmonized court commitments and related follow-ups, a decision was made to divide the Darwin-based prosecutors into four teams. The teams are: (1) Bail & Arrest; (2) Directions Hearings; (3) Hearings (including circuits); (4) Youth.

This arrangement commenced in July 2017, on a trial basis, and it was intended that prosecutors would be able to specialize and develop skills and experience relevant to the work tasks undertaken by their team, especially for those prosecutors allocated to work within the Youth team.

Since October 2017, personnel movements (including transfer of summary prosecutors to positions within the DPP Crown practice) have meant that SPD has for most of the following period not had a full complement of prosecutors. In those circumstances, and also so as to allow flexibility and a focus on ensuring that critical court commitments (in particular as regards circuits) are fulfilled, rotation of staff between teams has been addressed in an incremental and needs-based manner.

Staff from any particular team may from time to time be allocated to a different team to fill a shortfall arising due to staff absence (whether due to illness or leave), or to allow for a more junior team member to take up a development opportunity.²³

During the reporting period the SPD has had up to 17 civilian lawyers. It has been supported by three paralegals (whose role is vital in terms of processing disclosures and requisitions, and in relation to liaison with Police and administration staff in relation to making arrangements for witnesses to attend court).

Local Court matters

In the Director's Overview section of the 2015-2016 Annual Report, the first issue raised was measures that were being taken, and other suggested measures that could be taken, to address the pressure and anxiety experienced by vulnerable witnesses (in particular complainants) in domestic violence-related criminal proceedings ('domestic violence offending'). Domestic violence offending continues to comprise the largest discrete category of cases dealt with by the SPD, SPK and SPAS units. Since late 2017, SPD staff have sought to improve the quality and effectiveness of the job it does in terms of prosecuting domestic violence offending,

²³ There has been a particular emphasis on getting junior Bail & Arrest prosecutors to take on simple hearings with the assistance of a more experienced practitioner, after spending an appropriate period of time learning more basic criminal law tasks.

with a particular emphasis on reducing the pressure and anxiety experienced by complainants and other vulnerable witnesses.

The focus has been on trying to ensure that discretely initiated prosecution files submitted by Police relating to the same defendant and the same victim are, wherever possible, brought together for a joint hearing when dealt with in the directions hearing stream.

The starting point for this initiative, has been achieved through cooperation with Police and has involved the adoption of a different coloured cover sheet for domestic violence offending files submitted by Police to the DPP. This has enabled domestic violence offending matters to be noted and flagged, and when they go into the directions hearing stream, the intention is that they can be married up quickly with any other current files relating to the same defendant and complainant.

Running such matters together enables the prosecution to harness the evidentiary power of tendency and coincidence evidence,²⁴ and also, if a joint hearing is granted, means that the complainant is not forced to give evidence twice about intrinsically related incidents and circumstances.

There are still some outstanding legal and procedural issues to be worked out, but a recent case stated proceeding before the Supreme Court has assisted in clarifying the application of relevant provisions in the *Local Court (Criminal Procedure) Act* relating to joinder.²⁵

In the meantime, summary prosecutors are running contested domestic violence offending hearings on a daily basis where fear and reluctance of witnesses, in particular complainants, is a recurring feature. SPD prosecutors are extremely grateful for the increased and continually increasing support they have received throughout the reporting period from WAS officers in relation to cases in Darwin and at some circuit courts. This assistance is often crucial when dealing with Aboriginal witnesses, in particular where the legal proceedings are taking place in a context of extended family conflict. Such cases often fail due to the non-attendance of witnesses, and the matters raised in the Director's Overview in the 2015-2016 Annual Report are still pertinent.

Matters involving defendants with apparent or confirmed mental health issues continue to be listed in the Mental Health Diversion List each Tuesday and Thursday. As touched on in last year's Annual Report, these matters require attention by a senior prosecutor. They often raise quite complex issues of evidence and legal interpretation.²⁶

²⁴ Available in criminal proceedings in a new and enhanced way since the introduction of the *Evidence (National Uniform Legislation) Act*.

²⁵ *Flynn & Nicholas v Thompson* LCA 42 of 2018 (21801973 & 21804899), reasons for decision pending.

²⁶ In particular in relation to the nature, quality and extent of expert evidence that should be adduced before a Judge takes the step of dismissing a charge pursuant to subs 77(4) of the *Mental Health and Related Services Act*.

Numbers of matters in the Mental Health Diversion List fluctuate, but COMMIT breaches are usually listed in the same court, and on some days the allocated prosecutor can be at Court for a full day.

SPD prosecutors continue to travel long distances by road and air across the Top End of the Northern Territory to service the numerous bush courts that sit in remote locations. The spread and frequency of court dates has been equivalent to last year, but with the occasional addition of sitting days in some locations (in particular Nhulunbuy, Wadeye and Wurrumiyanga):

- Alyangula – three days each month
- Borroloola – three days every two months
- Daly River – one day every two months
- Galiwinku – one day every four months
- Gapuwiyak – one day every three months
- Jabiru – one day every two months
- Maningrida – two to three days each month
- Nhulunbuy – three to four days each month
- Numbulwar – one day every three months
- Oenpelli – one to two days each month
- Pirlangimpi – one day every three months
- Ramingining – one day every two months
- Wadeye (Port Keats) – three days each month.

Youth matters

As has been the case for most of the last decade in the youth jurisdiction, the accumulation of multiple files for particular defendants, and the need for the Court to have regard to the outcome and progress of related co-defendant files, often means that it takes many months for a disposition to be arrived at covering all current (including pending breach) files for a particular youth defendant. Unavoidable delays associated with the need to obtain various kinds of reports relevant to rehabilitation pathways and prospects are also a feature of this jurisdiction.

Youth prosecutors are required to be fair-minded and sensitive to the developmental challenges faced by many of the youths who come before the Court, but to also firmly and effectively represent the community in holding youths to account for their offending.²⁷

SPD youth prosecutors have been alive to these considerations, and to the need to be knowledgeable and up-to-date in relation to relevant programs and processes during the course of the transition of departmental responsibility from Correctional Services to Territory Families.

²⁷ In particular in relation to the many cases of serious offending that were prosecuted during the reporting period.

Much of the offending which gives rise to charges laid in the Youth Justice Court is property offending investigated by members of Strike Force Trident. Youth prosecutors have to liaise closely with Police investigators and draw to their attention the evidentiary material that will be required to prove particular charges to a criminal standard. This is a process that often takes a long time, and is made more difficult by the crime response and investigation workloads of the Police officers concerned, and long delays in obtaining forensic results.

In consultation with Police and victims of offending, youth prosecutors strive to achieve pragmatic and sensible outcomes that appropriately hold youths to account within reasonable time frames, in accordance with the principles set out in section 4 of the *Youth Justice Act*.

Working with Police

Reflecting the seriousness with which both the DPP and Police view the need for close liaison in respect of youth prosecution matters, there has been a regular meeting most Wednesday mornings throughout the reporting period between DPP representatives²⁸ and Police.²⁹ The aim of these meetings continues to be to identify and address significant issues relating to the prosecution of young offenders as they progress through the criminal justice system.

The SPD Managing Prosecutor and the acting OIC of JOS have also been in frequent contact in relation to a range of issues relating to Darwin/Palmerston prosecutions generally, and the cooperation and assistance given by JOS has been greatly appreciated.

Summary Prosecutions Katherine (SPK)

In past years, SPK has been staffed by a civilian summary prosecutor employed on a long term contract who resides in Katherine. This prosecutor is co-located with the Katherine Police Prosecutions Unit. The SPK prosecutor conducts all contested criminal hearings (including contested youth hearings) that come before the resident Local Court Judge. The SPK prosecutor has always worked closely with, and has received significant support from Police prosecutors and administration staff within the Katherine Police Prosecutions Unit. That continues to be the case.

Throughout the reporting period, attempts have been made to recruit an appropriately qualified lawyer to replace the previous position-holder. Those attempts have not been successful. As a consequence, summary prosecutors from Darwin have been sent down to Katherine to fill the position for a period of up to three months.

The lack of success in recruiting an appropriately qualified applicant has been due to:

²⁸ SPD Managing Prosecutor, Youth team leader, and other youth prosecutors if available.

²⁹ OIC Strike Force Trident and acting OIC of the Judicial Operations Section (JOS).

- the heavy workload (when allocated to a single prosecutor)³⁰
- relative geographical isolation
- an associated lack of collegiate and professional support that being in a larger office would offer.

Ways of improving the support provided for the position while prosecutor staffing for SPK remains at its current budgeted level (i.e. one P3 prosecutor) are being continually reviewed.

In the meantime, prosecutors from Darwin will continue to service Katherine and the Katherine region until such time as a replacement ongoing prosecutor can be recruited.

Katherine region circuit courts at which a summary prosecutor continues to appear for the purpose of conducting listed hearings are:

- Barunga – one day every two months
- Kalkaringi – one to two days every two months
- Lajamanu – one to two days every two months
- Ngukurr – one to two days every two months
- Timber Creek – one day every four months
- Yarralin – one day every two months

When sittings at Kalkaringi and Lajamanu finish late in the day, the Katherine-based Judge usually flies back to Katherine in order to sit in the Local Court in Katherine from 10:00 am or earlier the next day. For work health and safety-related reasons, it has been decided that it is not appropriate for the prosecutor who has appeared throughout the day in Kalkaringi or Lajamanu to drive on bush roads in hours of darkness in order to return to Katherine to be available to appear in court again there the next morning.

To address that concern, arrangements are now in place for a second prosecutor to be available in Katherine to appear on any hearing matters listed for the day following court at Kalkaringi or Lajamanu.

Despite the heavy workload and long distances travelled, DPP prosecutors working in Katherine maintained a high professional standard under difficult circumstances throughout the reporting period.

³⁰ The hearing workload undertaken by SPK continues to be a very heavy one – on average the Katherine-based summary prosecutor handles twice as many hearing files as an equivalent summary prosecutor in Darwin. Opposing lawyers from the Katherine offices of NAAJA (7 criminal lawyers) and the Northern Territory Legal Aid Commission (2 criminal lawyers) are well resourced by comparison.

Summary Prosecutions Alice Springs (SPAS)

SPAS is staffed by four civilian prosecutors who in the past have had minimal administrative support. The SPAS prosecutors appear in the Local Court in Alice Springs on a daily basis and the following communities in contested hearing matters:

- * Ali Curung - one day every two months
- * Papunya - one day every two months
- * Tennant Creek - one week twice a month
- * Ti Tree - one to two days every two months
- * Yuendumu - two days every two months
- * Mutitjulu - one day every two months
- * Kintore - one day every two months
- * Elliott - one day every three months
- * Hermannsburg - one day every month

As of 30 June 2018, the SPAS was staffed by four legal practitioners with relatively limited experience in the criminal law. This continues a trend of recent years and is indicative of the difficulties in attracting and retaining experienced staff in the high workload environment of summary prosecutions.

Unlike Darwin, SPAS is not fully “civilianised” due to the ongoing responsibility of the Northern Territory Police, via the Officer in Charge of Police Prosecutions South for the carriage of preliminary and non-hearing matters in the Local and Youth Justice Courts. In the past summary prosecutors have been briefed with hearing files by the Officer in Charge of Police Prosecutions South. However, since 2017 that role has been taken over by the DPP via the Assistant Director South to ensure effective supervision and support of summary prosecutors and promote a “one office” approach whereby Crown and summary prosecutors are considered to be part of the same team. Summary prosecutors continue to have ready access to Crown prosecutors for advice and guidance on a day to day basis and regular workshops are conducted to discuss topical issues in the conduct of criminal prosecutions. Summary prosecutors also continue to receive administrative support, and assistance from WAS when conducting hearings in Alice Springs and on bush circuits.

Individual summary prosecutors rarely have a day out of court and regularly have a full commitment of hearing matters listed months ahead. The demands on summary prosecutors are such that changes in court listing arrangements may have significant resource and logistical implications; one such example being a current proposal for the fast-tracking of the hearing of evidence in domestic violence matters. This office welcomes consultation on such matters.



WITNESS ASSISTANCE SERVICE

The role of Witness Assistance Service (WAS) is to provide support to victims, witnesses and their families throughout the Court process. WAS provides victims and witnesses with:

- Information;
- Support;
- Referrals; and
- Assistance with the preparation of Victims Impact Statements (VIS).

WAS employs 8.5 Witness Assistance Officers and a .5 professional assistant located in:

- Darwin – a manager and 3.5 WAS officers who service the Northern Region and East Arnhem Land;
- Katherine – one WAS officer and a .5 professional assistant administration officer who service the Katherine region; and
- Alice Springs – three WAS officers who service the Alice Springs and Barkley regions.

WAS services each of the court locations shown on the map which appears on page 30 of this report.

During the reporting year, the part time AO5 WAS officer position in Darwin was recruited to permanently. As it continued to be funded at full-time, the provision of support to victims and witnesses in Darwin and the remote courts serviced by the Darwin office was able to be maintained. The part time AO3 Professional Assistant position in Katherine that provides administrative support to the coordinator and visiting prosecutors was also recruited to and filled on a permanent basis. Both of these positions were filled by Aboriginal applicants under the special measures provision.³¹

WAS delivered many informal presentations at Court open days, within court precincts and other locations to individuals and small groups. Six formal presentations were delivered to government and non-government organisations such as NT police, Red Cross and the Katherine women's crisis centre. Additionally, WAS officers focused on providing information and building relationships with health centres in the remote court

³¹ Special measures are a form of affirmative action in favour of persons from Equal Employment Opportunity (EEO) groups which have not yet achieved equality in employment, for example Indigenous Australians or people with a disability.

locations as a way of encouraging more referrals to WAS from Aboriginal victims and witnesses.

Three WAS officers attended the bi-annual National WAS conference in Sydney, New South Wales, on 3 and 4 August 2017. The theme of the conference was Reflections, Challenges and Innovations. Topics included the use of intermediaries to assist young witnesses in giving evidence and trauma informed practice. The NT delivered two presentations; one related to changes since the intervention to support Domestic Violence victims and the other related to Pre-Sentence Conferencing for juvenile offenders.

Separately the WAS Aboriginal support coordinator attended a victims conference in NSW where she co-presented with a senior Crown prosecutor from the Northern Territory on issues associated with working with Aboriginal witnesses.

The annual workshop for NT WAS officers has been deferred to identify potential training opportunities associated with the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse as well as the recommendations of the Royal Commission into the Protection and Detention of Children in the Northern Territory. One of the recommendations consistent across both Royal Commissions was that all prosecution staff should be trained to have a basic understanding of the nature and impact of child sexual abuse, institutional child sexual abuse, child and adolescent development, trauma, mental health, cognitive communications deficits and Aboriginal Cultural competence.

During the reporting year, WAS continued to receive requests for assistance in relation to s 84(1) of the *Youth Justice Act*. That section allows the Court to adjourn proceedings and order the youth to participate in a pre-sentence conference where an offender has been found guilty.

In the previous reporting year WAS received 27 requests to contact victims to ascertain their willingness to participate in pre-sentence conferencing. In the current reporting year up until 30 June 2018, 26 requests had been received. The resources of WAS continued to be strained to meet this demand. As identified in the 2016-2017 Annual Report, the role of victim support and involvement in the pre-sentence conferencing would be better provided by an independent victim support unit.³² In April 2018, Victims of Crime NT created two positions based in Darwin and Alice Springs to take on this role. The positions are funded as part of a pilot program for one year and subject to the evaluation of the program. Ongoing funding for the positions is reliant upon the agreement of Territory Families and the Department of the Attorney-General and Justice.

During the reporting year, 1,955 new clients (victims and witnesses) were referred to WAS and officers assisted in the preparation of 460 VIS across the Territory, an increase of 210 VIS from the previous reporting year.³³ The increase is attributable to an increased presence of WAS in the Local Court in the southern region, increased awareness of WAS

³² At pp 48-49.

³³ In the 2016-2017 reporting year WAS assisted in the preparation of 250 VIS.

by NT police and other referring agencies through our presentations, and an increase in the number of overall clients.



MANAGEMENT AND SUPPORT SERVICES

The DPP is made up of four divisions

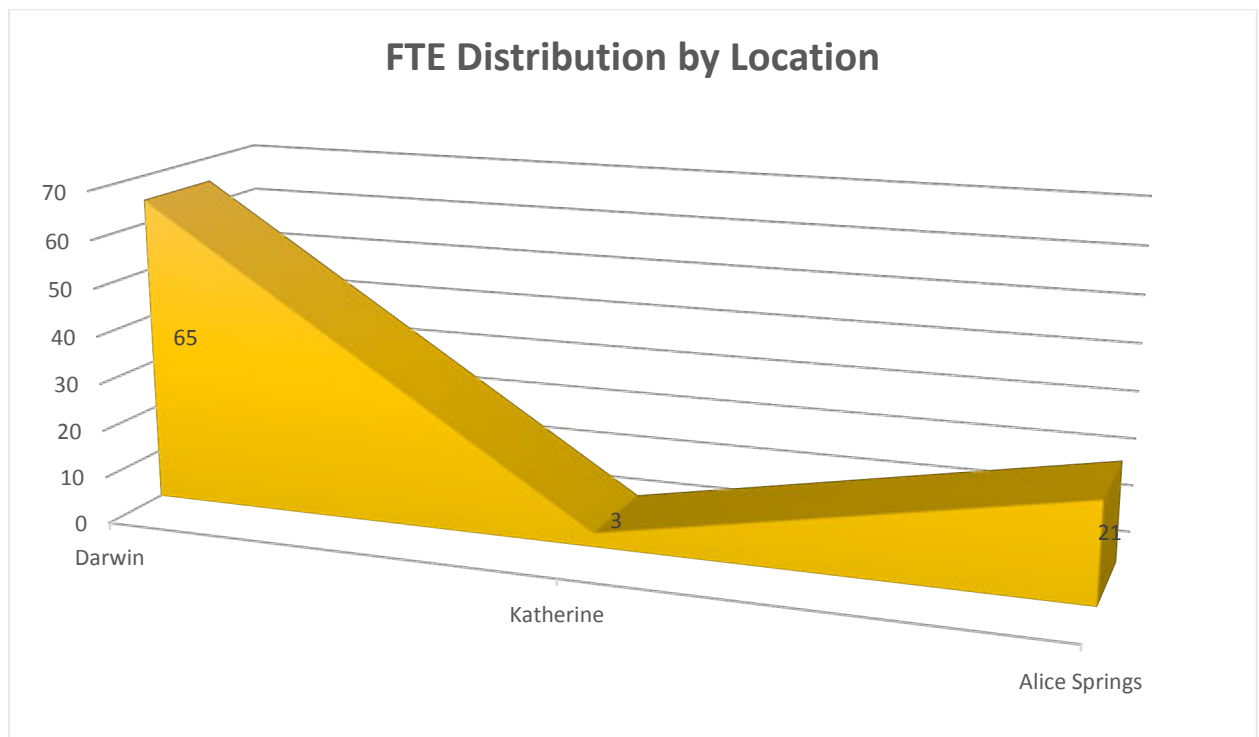
- Crown Prosecutions,
- Summary Prosecutions,
- Witness Assistance Service,
- Management and Support Services.

Management and support services is responsible for the delivery of a range of support services to all staff and for ensuring that the DPP meets its corporate responsibilities. Services include human resources, financial management, information technology, records and information management, business improvement, corporate citizenship and facilities and administration services.

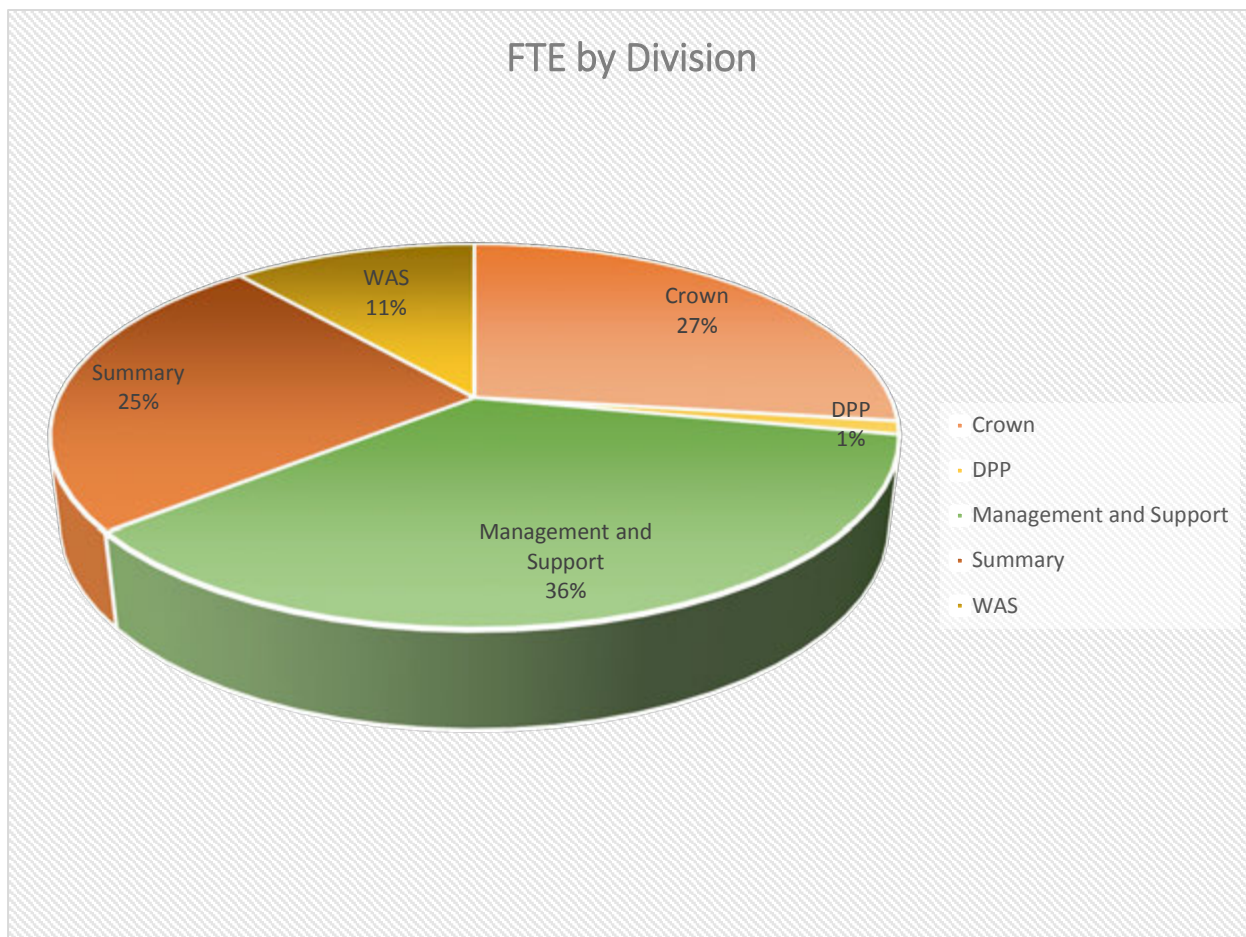
Human Resources

As at 30 June 2018 the total number of Full Time Equivalent (FTE) staff was 89. The following tables and graphs provide a breakdown by demographic, division, employment type and gender comparison and classification level.

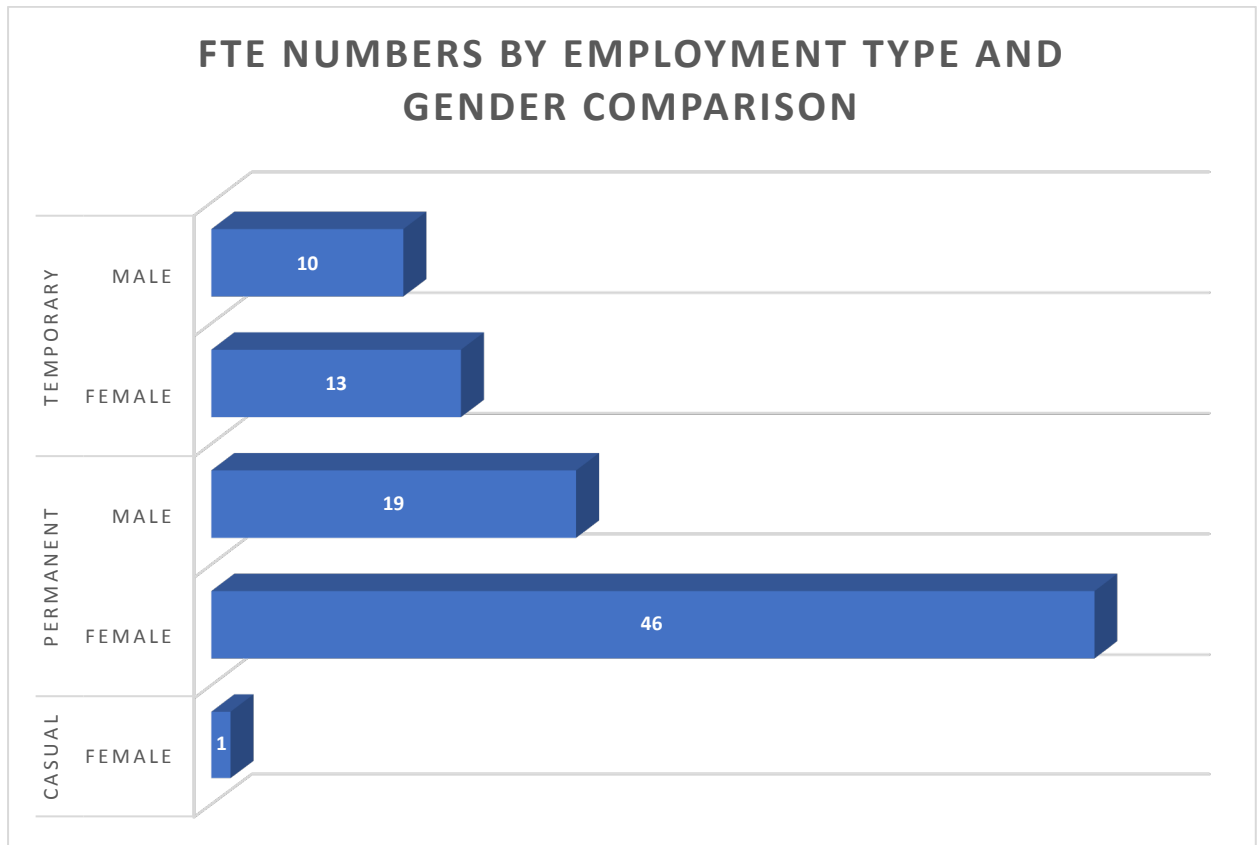
The DPP has employees in three different locations across the NT with 65 employees located in Darwin, three in Katherine and 21 in Alice Springs.

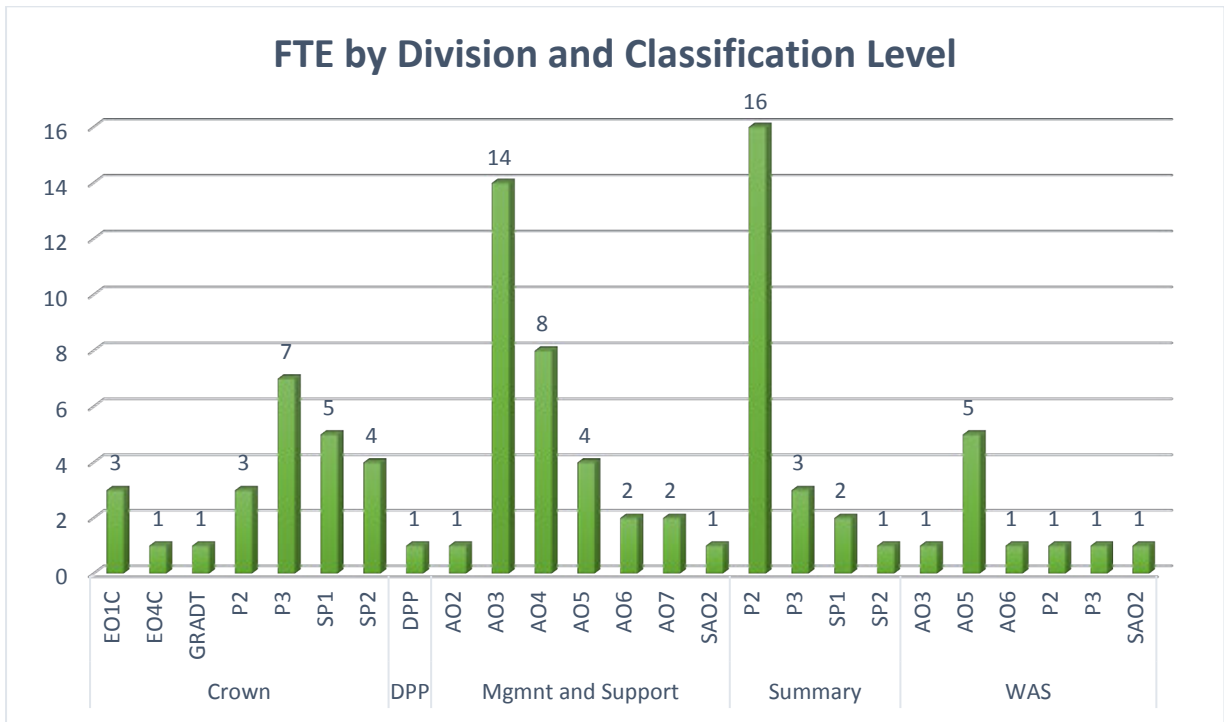


Within the DPP establishment, legal professional staff account for 52 percent of the workforce, management and support staff account for 36 percent of the workforce and the Witness Assistance Service (WAS) accounts for the remaining 11 percent.



The FTE numbers were largely dominated by females comprising of 67 percent of the workforce and the remaining 33 percent were males. Permanent employees accounted for 73 percent, of which 52 percent were female and 21 percent were male. Part time employees comprised 26 percent, of which 15 percent were female and 11 percent were male. The remaining one percent was a female casual employee.





Training

During the reporting year the DPP continued to deliver on its commitment to provide a comprehensive professional development program to all staff. During the year, staff participated and attended a number of training programs and conferences.³⁴

Professional development was delivered through a variety of methods, including employees performing higher duties, on-the-job training, mentoring and presentations delivered by internal experts. All professional development sessions were video linked in real time to the Alice Springs office. Internal legal training sessions are recognised by the Northern Territory Law Society as continuing professional development (CPD) activities for the purposes of the Legal Profession Regulations.³⁵

In addition, the DPP covered costs associated with renewal of practising certificates for all its prosecutors.

³⁴ The Judges of the Local Court hold an annual conference. In 2017-2018, the conference was held on 21-22 August 2017. During this period, the Local Court sat for a limited period each morning. The lower workload allowed for the DPP Summary Prosecutions to facilitate a two-day workshop with presentations delivered by senior Crown prosecutors and Summary Prosecutors. The workshop was held in Darwin. Topics presented included Examination-in-chief, Uniform Evidence Act, Dealing with Psychiatric Evidence in the Local Court, Splitting the Crown Case and Admissibility of Business Records & Documentary evidence.

³⁵ CPD presentations were scheduled to occur every fortnight. The junior lawyers CPD's presentations were facilitated by senior Crown prosecutors and senior staff from the DPP. Topics discussed include discussing Part IIAA Criminal Responsibility, Cross-examination, Local Court Appeals, Prosecutorial Ethics and Practice Management.

Direct expenditure on external training for 2017-18 was \$37,000. This is in addition to in-house and on-the-job training which is not costed and does not include the cost of Practising Certificates.

2017-18 Courses and Training	Staff Attended
2017 Practical Advocacy Workshop	2
2018 Practical Advocacy Workshop	8
AACP Conference HBA	3
Advance Training Lexis Nexis	4
Appellate Advocacy Course	1
Boxi HR	1
CDU Professional skills for EA's	1
CDU Work Priorities	1
CPD - Exclusionary Provisions	12
CPD - Bail Reviews	17
CPD - CPD Common Purpose	21
CPD - CPD EM Police Bail	16
CPD - Cross Examination on documents	18
CPD - Disputed Urinalysis Breaches	19
CPD - Ethical Conundrums for Criminal Lawyers	7
CPD - Local Court Appeals	13
CPD - Lovegrove and after	13
CPD - Mad or just plain bad - Dealing with Psych Evidence in Local Court	13
CPD - Mandatory Sentencing	13
CPD - Offences against Police	6
CPD - Part II, AA Principles of criminal responsibility	12
CPD - Practice Management	22
CPD - Pulling Teeth Examination in Chief	11
CPD - Recent Supreme Court decisions	18
CPD - Round Table of Topical and legal issues in Summary Prosecutions	12
CPD - Sentencing submissions in stealing and fraud related matters	16
CPD - Splitting the Crown Case	14
CPD - Submissions and Sentencing	11
CPD - Supreme Court Practical Advocacy 2017	9
CPD - UEA 538	13
Criminal Court Users Forum	1
Cyber Smart Awareness	8
EIMS Postmaster coder, approver	1

Excel Introduction	2
Fire Warden	1
First Aid	2
First Aid - Provide cardiopulmonary resuscitation cause HLTAID001	1
First line Manager Course	3
Freedom of Information	1
GL Inquiries	1
Introductory JES workshop	1
IPR training	30
Managing Poor Performance	2
Merit Selection	2
Microsoft Visio	1
NTP Aboriginal Employee Forum	1
Preventing discrimination harassment and bullying for Managers and Supervisors	2
Records Management Information	1
TRIM	3
TRIPS	1
Vulnerable Witness Workshop	1

CONFERENCES

Conference of Australian Directors of Public Prosecutions (CADs)

All Australian DPPs meet twice a year to discuss matters of mutual interest. The meetings are normally held over two days. Each jurisdiction takes turns in hosting the conference. In the reporting year, the meetings were held in Darwin on 12 and 13 October 2017 and in Melbourne on 19 and 20 April 2018.

The NT DPP attended both meetings.

ODPP National Executives Meeting

The National Executives Meeting (NEM) was held in Melbourne on 19 and 20 April 2018. This meeting is held annually and is attended by managers from Public Prosecution offices across Australia and New Zealand.

The aim of the meeting is to keep abreast of national issues, initiatives and service trends. It is a forum to discuss models of service delivery, practice expertise and discuss issues of national relevance. Agenda items included;

- technology, including e briefs and electronic jury book;
- training and professional development;
- early appropriate guilty plea reforms;
- staff wellbeing;

- diversity and workloads; and
- streamlining pleas and reducing court delays.

This year for the first time, the NEM was held simultaneously with CADs. The DPPs as well as the Head of New Zealand prosecution service attended afternoon sessions on both days.

Association of Crown Prosecutors (AACP) Conference

In July 2017, three Crown prosecutors from the Darwin and Alice Springs offices attended the annual conference of the AACP, hosted by the Tasmanian DPP. The conference, which is hosted by a different jurisdiction each year, focuses on challenges encountered by Crown prosecutors who regularly appear in jury trials and in appeals from jury trials. Topics included in the conference program included the use of Child Intermediaries in the UK system, prosecuting complex crimes as well as sentencing and jury research and its impact on the trial system.

INFORMATION TECHNOLOGY

Casenet

As reported in previous Annual Reports the Casenet system was integrated with the Integrated Justice Information System (IJIS), which is used by the NT Supreme Court and Local Court. During the 2017-2018 reporting year, further enhancements were undertaken to facilitate a seamless workflow and reporting process.

Enhancement of the Casenet system included:

- Suppression Orders

Data relating to suppression orders entered on IJIS is now automated across to Casenet. Additional fields in summary prosecutions Casenet were created to capture information pertaining to suppression orders. In addition, an alert is generated that a suppression order has been made and sent to a generic DPP e mail address via Outlook.

- Nolle Prosequi

The establishing of additional fields within the Critical dates phase. Fields established were:

Nolle application received date;
 Nolle application actioned date;
 Nolle application accepted / declined dates; and
 Nolle application comments.

Reminders are sent to the allocated officer via Outlook and appear in the prosecutor's outlook calendar. The recipient receives an appointment request. The date of the appointment is the Nolle Prosequi application received date + 14 days.

A new report was introduced for the users to be able to check the number of Nolle Prosequi entered into the system within a given period. In addition, a filter can be used to generate reports for a given period. Critical dates changes are audited and all charges are captured.

- Appeal Module.

The outcome of appeals is not integrated with IJIS and results have to be entered into Casenet manually.

The following phases were added into Casenet.

1. Local Court Appeal – Defence;
2. Local Court Appeal – Prosecution;
3. CCA – Defence;
4. CCA – Prosecution;
5. CoA – Defence;
6. CoA – Prosecution;
7. Full Court;
8. High Court of Australia – Application for Special Leave to Appeal; and
9. High Court Appeal.

When these phase types are added to a matter, an “appeal menu”, is shown. This allows the DPP to capture case related details such as the nature of the matter and its outcome.³⁶

Odyssey Attorney Manager

In December 2016, the Department of the Attorney General and Justice (AGD) awarded the Integrated Case Management System (ICMS) contract to Tyler Technologies Australia Pty Ltd (Tyler) to provide case management capabilities and electronic lodgement capabilities to the Local Court, Supreme Courts and the Northern Territory Civil and Administrative Tribunal (NTCAT). The software, called Odyssey Justice Suite, is a unified suite of products that provides seamless integration from arrest through to disposition. The Odyssey Case Manager module will replace the Court functions currently provided by the Integrated Justice Information System (IJIS). The first roll out of Odyssey Case Manager has been for the NTCAT.

In January 2018, AGD engaged Tyler to provide case management workflow and evidence management capabilities to the DPP. The Odyssey Attorney Manager module is fully integrated with Case Manager for sharing and tracking court case information and documents needed for hearing and trial preparation in real time.

³⁶ It is now possible to record whether the matter is an application for an extension of time, an application for leave to appeal, an application for special leave to appeal or an appeal as of right.

The configuration and implementation of the Odyssey Justice Suite, Case Manager and Attorney Manager modules for the Local Court and Supreme Court and the DPP is part of a multi-unit approach within AGD.

Work has commenced with the business process review and the expected go live date for the new system is 30 June 2020.

OFFICE ACCOMMODATION

Alice Springs

The Alice Springs office which is shared with NT Police prosecutors received a much needed refurbishment including relocation of the conference room and video conference facilities, creation of a new registry area and a new more user friendly reception / front counter, installation of fob key security, internal blinds, window frosting and a painting of all internal office partitions.

Katherine

As reported in last year's Annual Report, the DPP's current accommodation is no longer fit for purpose. The office space is too far from the court house and is inadequate to accommodate counsel, witnesses and office staff. It was suggested that the ideal location for the office would be in the Katherine Government Centre (KGC) which is situated next to the court house.

In the reporting year a working group with representatives from NT Property Management, Department of Infrastructure, Planning and Logistics, the Department of the Chief Minister and from current and proposed tenants (including the DPP), was established. The purpose of the working group is to develop a functional design brief for the redevelopment of the KGC. It is pleasing to note that the DPP has been included as a stakeholder in the design project. Representatives from the DPP and NT police attended several meetings. It is anticipated that the DPP's involvement in the project will continue in 2018-2019.

CREATION OF ALICE SPRINGS REGISTRY

In May 2018, a dedicated registry unit was established in the Alice Springs Office.

The creation of the registry unit within the Alice Springs Office provides efficiencies in work processes, effective management of files, provides staff with the opportunity for multi-skilling and aligns work practices between the Darwin and Alice Springs Office. Alice Springs PAs continue to provide administrative support to both the Summary and Crown prosecutors.

CORPORATE CITIZENSHIP

Work Experience

The DPP provides work experience opportunities to both tertiary and secondary students. The placements usually run for one week and are designed so that a student can gain an insight into the operations of the DPP and the working environment of lawyers.

As prosecution work is often of a sensitive and confronting in nature, care is taken in the selection of cases to which the students are exposed. Students are given the opportunity to shadow a prosecutor during the week and attend court with the prosecutor. The student can ask questions about the prosecution process generally and observe basic office and practice skills.

The Darwin office of the DPP provided work experience to three high school students, from Good Shepherd Lutheran College, O'Loughlin Catholic College and a Rotary Youth Exchange student.

Charles Darwin University

The DPP actively supports the Charles Darwin University College of Business and Law by providing an annual prize for outstanding academic achievement. The recipient of the 2017 academic year prize for Outstanding Academic Achievement in Criminology was Ms Kristal Laister-Hartmann. Ms Laister-Hartmann who is from South Australia provided the Office with the following note:

"I am 22 years of age and reside in Port Augusta, South Australia.

I have just completed my Bachelor of Laws degree externally at Charles Darwin University and am now beginning my Graduate Diploma of Legal Practice through the Australian National University.

I graduated from year 12 in 2013 and was voted valedictorian for that year. I was also selected to receive the Member for Stuart Medallion and the Dan Van Holst Pellekaan award for excellence. During years 11 and 12 I was awarded a total of ten certificates for outstanding academic achievement.

Recently, I was the recipient of a College of Business and Law Prize giving award from Charles Darwin University. I was awarded the Director of Public Prosecutions prize for Outstanding Academic Achievement in Criminology."....

I aspire to practise in the areas of criminal law, family law, wills and estates, conveyancing and animal law, thus providing a true service to my local community, upholding the rights and expectations of society"....

"Once again, thank you for providing me with this opportunity."

Membership and working groups

The DPP has representatives on the following intra-agency committees and working groups:

- AGD Executive Leadership Group
- AGD People Matters working Group
- AGD Workplace Gender Equality
- AGD Emergency Management Committee
- AGD IJIS Business Advisory Group
- Program VERITAS
- Criminal Lawyers Association NT
- AGD Domestic Violence Implementation Plan
- Domestic Violence Justice Reform Network
- ODPP National Executives Meeting
- Work, Health Safety Committee
- Youth Advocacy Training Committee.

Presentations and training programs provided by the DPP

During the reporting period the DPP provided a number of presentations and training programs to the following organisations and groups:

- Attorney General and Justice (AGD):
 - Presented to GDLP Law Students
 - Participated at the AGD presentation of the orientation program
- NT Police with presentations and activities focusing on:
 - Moot Court training at the Police College
 - The role of the DPP and criminal justice system to the Police College
 - Child Forensic Interviewing Training
 - Sexual Offence Training
 - Investigative Interviewing, Detective Training Course.
- Charles Darwin University:
 - Delivered a paper on “Legal issues in Social Work”.
- Law Society of the NT
 - Senior Crown prosecutors provided coaching during the Law Society Advocacy intensive course. Whilst this is a course provided by the Law Society, DPP Senior Crowns assisted, facilitated and made a significant voluntary contribution to the running of the course.

- WAS participated in
 - Law Week Activities held at the Katherine Court House
 - Darwin Local Court open day and
 - the Darwin Supreme Court open day

and made presentations to

- the Alice Springs Sexual Assault Referral Centre (SARC) workshop
- NT Police Recruits
- the Jabiru Community workshop on Domestic Violence, and
- the Wurrumiyanga Red Cross.

Solomon Islands – Northern Territory Twinning Program

As reported in the last two Annual Reports³⁷ this Office has, in each of those reporting years, hosted two prosecutors from the Solomon Islands Office of Director of Public Prosecutions as part of a professional skills development program.

The project is part of the Solomon Islands Justice Program (SIJP), a bilateral assistance program of the Australian and Solomon Islands governments. The SIJP is administered by the Department of Foreign Affairs and Trade (DFAT). The purpose, goals and components of the SIJP are discussed in the publication entitled *The SIJP Design Document July 2017 to June 2021* which can be accessed online at <https://dfat.gov.au/about-us/publications/Documents/solomon-islands-justice-program-design-2017-2021.pdf>. Reference to the twinning program can be found at page 24 of the Design Document where it is reported that officers from the Solomon Islands involved in the last two missions in Darwin have benefited greatly from the experience.³⁸

The associated costs for participants in the program are covered by the Australian Government (DFAT) through the SIJP.

In November 2017, a representative from the Australian High Commission in the Solomon Islands³⁹, together with the SIJP Twinning Program Liaison Officer⁴⁰ visited Darwin to meet with the NT DPP to express DFATs' gratitude and satisfaction with the program, to seek approval to attach two Solomon Islands prosecutors to the Office in 2018, and to discuss ways of improving the program. The advice received from this delegation was that the support provided by this Office over the last two years was highly regarded and that the program had great credibility with the Solomon Islands Government and with DFAT. The attachments are encouraged by the Solomon Islands DPP and are much sought after by his prosecutors.

One of the suggestions made by DFAT to improve the program was a visit to the Solomon Islands by a representative from this Office involved in the twinning program for a period

³⁷ 2015-2016 Annual Report at page 24, 2016-2017 Annual Report at page 23.

³⁸ See also the further reference at page 41 of the Design Document.

³⁹ Karyn Murray, Counsellor, Strategy, Governance and Justice.

⁴⁰ Kevin Raue.

of one week prior to the attachment of the Solomon Islands prosecutors. The expenses for this “reverse twinning” exercise would be borne by DFAT. The details of this arrangement have not been finalised.

The 2018 attachment sought by DFAT was agreed to by the NT DPP. The two Solomon Island prosecutors who attended Darwin for a six week period from 30 April 2018 to 8 June 2018 were Bradley Dalipanda and Olivia Ratu. During their attachment they were exposed to all aspects of the operations of the DPP (NT)



From L to R Jack Karczewski QC, DPP, Olivia Ratu, Bradley Likaveke Dalipanda and Chief Justice, Michael Grant at the Supreme Court on Friday 4 May 2018 following the ceremonial sittings of the Supreme Court to mark the 50th Anniversary of the establishment of the Law Society of the Northern Territory.

At a function hosted by the Director of DFAT, Northern Territory Office⁴¹ on 5 June 2018 in honour of the Solomon Islands Legal Delegations’ visit to Darwin,⁴² the value and success of the twinning program was reaffirmed by DFAT and it was announced that DFAT would continue to fund the program into the future.

At the end of their attachment, Bradley and Olivia sent the following expression of gratitude.

Dear All,

We would like to thank you for the morning tea.

⁴¹ Cecilia Brennan.

⁴² The delegation consisted of five Solomon Island personnel; two prosecutors, two legal aid lawyers and one administrative officer. One legal aid lawyer was attached to the Northern Territory Legal Aid Commission and the other legal aid lawyer and the administrative officer were attached to the North Australian Aboriginal Justice Agency.

We would also like to thank the NT DPP to facilitate the 2018 Darwin Twinning Program, by accepting us to come and be part of the NT DPP for the last six weeks.

Also we thank those of you who took your time to talk to us, do presentations and taking us around, inside and outside of the office.

It was an opportunity for us to observe the NT prosecution process from the very start to the courts.

We have learnt a lot from our observations and will take it back with us to the Solomon Islands ODPP.

We have enjoyed our time with the NT DPP. Hope that when you come to the Solomons we would share the same sentiments.

Bigfala thank u lo ufala evriwan.

Cheers

Bradley and Olivia

