



**DIRECTOR OF PUBLIC
PROSECUTIONS**

**NORTHERN TERRITORY
OF
AUSTRALIA**

A N N U A L

R E P O R T

2007-2008



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

EIGHTEENTH ANNUAL REPORT

FOR YEAR ENDED 30 JUNE 2008



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**Director of Public Prosecutions
Northern Territory**

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Australia

30 September 2008

The Hon Chris Burns MLA
Attorney-General
Parliament House
State Square
DARWIN NT 0800

Dear Attorney-General

ANNUAL REPORT 2007-2008

In accordance with the requirements of section 33 of the *Director of Public Prosecutions Act*, I submit to you the Annual Report on the performance of the Office of the Director of Public Prosecutions for the period 1 July 2007 to 30 June 2008.

The Guidelines issued and published pursuant to Section 25 of the *Director of Public Prosecutions Act* can be viewed on the ODPP website at www.nt.gov.au/justice/dpp, or a hard copy can be provided on request.

The guidelines provide prosecutors with guidance on the factors to be taken into account in making the various decisions which arise in respect of prosecutions. They are intended to also inform the public generally of the considerations upon which those decisions are made.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Richard Coates', with a long horizontal flourish extending to the right.

RICHARD COATES





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OFFICE LOCATIONS

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

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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 St & Gregory Tce
ALICE SPRINGS NT 0870
PO Box 2185
ALICE SPRINGS NT 0871

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

3. **KATHERINE OFFICE**

Level 1
Saddlery Building
38 Katherine Tce
KATHERINE NT 0850
PO Box 1295
KATHERINE NT 0851

Telephone: (08) 8972 8900
Fax: (08) 8972 8908



MISSION STATEMENT

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

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



MISSION STATEMENT (IN KRIOL)

Wed bla DPP-mob

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

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

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

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

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

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

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

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





DIRECTOR'S OVERVIEW

Since commencing as Director I have been working with Police to implement the Rolfe Review recommendations on the restructure of the Summary Prosecutions Unit in Darwin and to develop a new Memorandum of Understanding (MOU) to replace the 1998 version which was clearly out of date.

That process has gone on now for more than two years and whilst we have resolved a number of resourcing issues with Police, the structural issues are still outstanding.

The original MOU was designed to accommodate the employment of three civilian lawyers within Summary Prosecutions whereas there are now ten. Although those ten lawyers are employed by my Office, for budget reporting purposes their workload is not included as an output within the ODPD section of the Department of Justice performance reports.

That anomalous situation will need to be addressed as will my need for more comprehensive management information in relation to the performance of my summary prosecutors. This may involve consideration being given to recording the casework of my summary prosecutors on our CaseNet data base rather than the Police system which is currently the case.

Other issues have also emerged within Summary Prosecutions particularly in relation to those summary prosecutions conducted outside Darwin and Alice Springs which are not adequately covered in the draft MOU and now need to be addressed.

Since the establishment of the Youth Justice Court all matters which carry a maximum sentence less than life imprisonment are now likely to be determined summarily. This has meant that more serious offending is dealt with in the Youth Justice Court rather than the Supreme Court. Whilst contested matters are usually undertaken by legally qualified prosecutors it may also be appropriate to put in place arrangements whereby a lawyer also conducts more complex guilty pleas in the Youth Justice Court.

I will be discussing these and other issues with the Commissioner of Police with a view to better supporting the important work of Summary Prosecutions.

In last year's Report I noted the difficulties we were experiencing in retaining and recruiting senior prosecutors. Unfortunately that situation has not changed despite a national recruiting campaign. The unfortunate reality is that our current remuneration scales are not sufficiently attractive to compete with what is on offer to senior prosecutors elsewhere within Australia. This has resulted in a greater reliance on external counsel including the briefing of interstate barristers particularly with regard to the Alice Springs circuit.

A promising trend however has been the preparedness of our *home grown* prosecutors to take on more responsibility. In particular I wish to record my appreciation for the dedicated efforts of both Tiarni McNamee and Jo Down in the new Practice Manager's position and Amanda Nobbs-Carcuro as the Co-ordinating Prosecutor in Summary Prosecutions.

During the year there was continued media interest in the disturbing level of violence within our indigenous communities. The jury is still out as to whether the Commonwealth's Intervention measures have had any impact for better or worse on the problem. It will be up to the social scientists to determine whether there is any reliable data which establishes a trend one way or the other.

However my prosecutors and Witness Assistance Service (WAS) staff continue to deal on a daily basis with the distressing circumstances associated with the prosecution of these violent offences which too often occur within a domestic setting. Their task is not made any easier by ill-informed suggestions from some commentators that sympathy for the indigenous perpetrator is a relevant consideration in any decision to accept a plea to a lesser charge.

The decision to prosecute is of course not influenced by such irrelevant considerations. The decision is based on a dispassionate assessment of whether there is sufficient evidence which can be placed before a jury such that there is a reasonable prospect of a conviction being obtained.

This Office has extensive experience in the prosecution of Aboriginal men for violent offending against Aboriginal women. The offending all too often occurs in circumstances where the offender, victim and witnesses are all significantly intoxicated.

These cases can be extremely difficult to prosecute as apart from considerations concerning the reliability of their recollection of events, witnesses may be reluctant to testify because of family or other allegiances and extraordinary efforts are often required by prosecutors, WAS officers and Police just to get the witnesses to Court.

In homicide cases the decision whether to prosecute for murder or manslaughter is ultimately made by me after considering submissions by the relevant prosecutor on the strengths and weaknesses of the prosecution case.

The result is never assured in litigation and decisions have been made by this Office in the past to reject a defence offer to plead guilty to manslaughter and proceed to trial on murder where the jury returned a verdict of guilty to the (now repealed) lesser offence of dangerous act or acquitted the accused person altogether.

I do not know whether the Territory's mandatory minimum term of 20 years imprisonment for persons convicted of murder is a factor taken into account by juries in determining whether to convict an accused of murder. I can say however that it is not a factor which has any relevance to the decision to prosecute.

I am pleased to report that the Northern Territory Government provided additional funding to this Office through the budget process for two important new initiatives. We now have a permanent presence in Katherine with office space and ongoing funding for a WAS officer and part-time personal assistant.

Government also approved our request for additional resources to recruit a senior prosecutor with expertise and experience in child sex abuse prosecutions. It is envisaged that this specialist prosecutor will mentor and train more junior staff members and also work with Police investigators to improve the child forensic interview process.

Directions

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

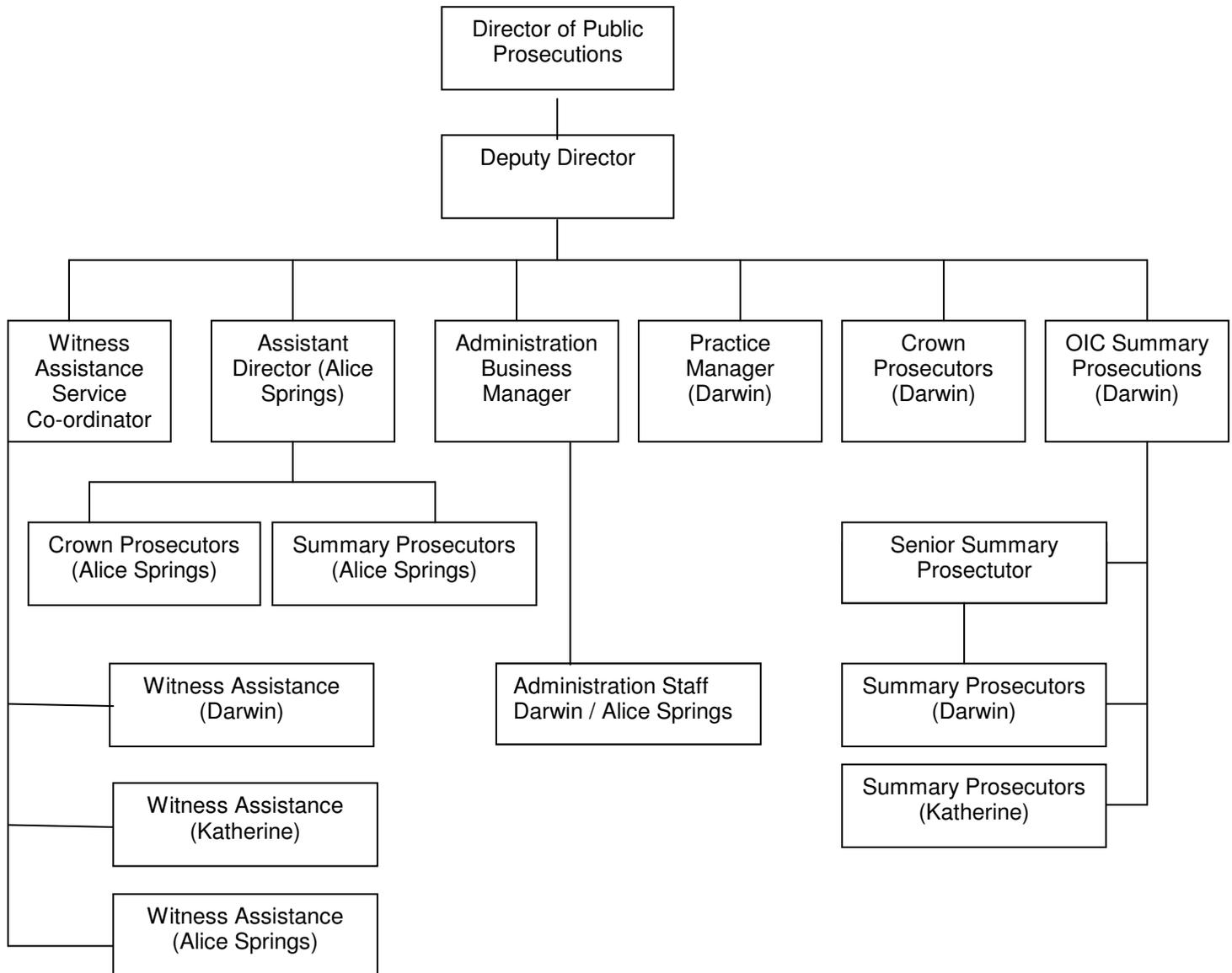
RICHARD COATES
Director of Public Prosecutions

22 September 2008





ODPP ORGANISATION CHART 2008







FUNCTIONS OF THE DIRECTOR OF PUBLIC PROSECUTIONS

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

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

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

General powers

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



HUMAN RESOURCE MANAGEMENT AND DEVELOPMENT

CORPORATE SERVICES

As at 30 June 2008 the total number of staff was 58.6

Level	Number	Female	Male
Director	1		1
ECO3	1		1
ECO2	3	2	1
ECO1	1		1
EO3	1		1
P4	4	3	1
P3	2.6	2	0.6
P2	11	4	7
P1	9	4	5
GRADT	1	1	
Indigenous Law Cadet			
EO1	1		1
AO6	1	1	
AO5	4	3	1
AO4	5	4	1
AO3	12.5	11.5	1
AO2	1		1
TOTAL	59.1	35.5	23.6

Note: figures do not include staff on extended leave; including long service leave, leave without pay and temporary transfers outside the Office.

Reporting Against Performance Measures

Performance Measures		2007-08 Estimate	2007-08 Actual	2008-09 Estimate
<i>Quantity</i>	New matters ¹	1,300	1,377	1,300
	Number of Supreme Court criminal sitting days	720	715	685
	WAS clients	1,100	964	1,100
	Actioning matters under crimes forfeiture legislation	\$0.5M	\$0.761M	\$0.5M
<i>Quality</i>	Establish 'sufficient evidence' before Court of Summary Jurisdiction	90%	97%	95%
	Findings of guilt in Supreme Court	90%	87%	90%
	Convictions after trial or hearing	80%	84%	80%
	WAS client satisfaction			
	Matters without complaints received from clients	85%	96%	95%
	Percentage of audited files deemed by the DPP to meet satisfactory quality standards	95%	90%	95%
<i>Timelines</i>	Filing of indictments within 28 days of committal ²	80%	60%	65%
	Meeting client timeframes			
	Number of matters that are listed for trial but do not proceed as a trial	30	19	30
	Random file audit to assess timeliness of work	95%	100%	95%

¹ The 2006/07 estimate was incorrectly calculated due to a system error.

² This estimate was not achieved partly because of delays in the receipt of committal transcript.



PROFESSIONAL STAFF

The following professional staff commenced with the ODPP during the last year.

PAUL USHER

General Counsel

Paul received his Bachelor of Laws from Murdoch University, Western Australia, after having graduated with a Bachelor of Arts in 1986 and Post Graduate Diploma in Education in 1988 from the University of Western Australia. Paul commenced his legal career as a solicitor with a mid level Perth law firm before moving to Minter Ellison where he was employed in the commercial/insurance litigation division and conducted prosecutions on behalf of local government shires. Paul commenced with the Perth Office of the Commonwealth Director of Public Prosecutions (CDPP) in 1998 and moved to the CDPP Cairns Office in 2001. In 2003 Paul was appointed the Assistant Director of the CDPP Darwin Office. Paul commenced as General Counsel with the Northern Territory Office of the Director of Public Prosecutions (NT ODPP) in March 2008.

ROMAN MICAIRAN

Summary Prosecutor

During his university studies Roman worked as a legal research clerk for the Northern Territory Attorney-General's Office. He received a Bachelor of Arts (Major in Psychology) and a Bachelor of Laws (Honours) after graduating from the Northern Territory University in 2001. He later worked as the Judge's Associate for Justice Riley of the NT Supreme Court. Roman was admitted as a legal practitioner in October 2002 and commenced practice with Clayton Utz Lawyers in commercial law and commercial litigation. In January 2007 he took up a legal policy officer position with the Legal Policy Division of the Northern Territory Department of Justice focusing on areas such as the national classification scheme, consumer issues and corporations law. Roman commenced as a prosecutor with the Alice Springs Summary Prosecutions in October 2007.

PATRICIA HORVAT**Prosecutor**

Patricia graduated from the University of New South Wales (UNSW) in 2000 with a Bachelor of Social Science (Asian Studies) majoring in Japanese. After working as an Office Manager in Sydney for three years, she relocated to Darwin to study Law at Charles Darwin University (CDU). In 2007 she completed her Graduate Diploma in Legal Practice (GDLP) as a Graduate Clerk with the Department of Justice. Patricia commenced as a Prosecutor with the NT ODPP in February 2008.

ANN HOLLAND**Prosecutor**

Ann completed her legal studies while working for the Northern Territory Government with the Department of Health and Community Services and also the Department of Employment, Education and Training. She graduated from Charles Darwin University (CDU) in 2007 with a Bachelor of Laws. Ann first came to the NT ODPP as a graduate clerk and received a Graduate Diploma in Legal Studies from the Australian National University in 2007. She commenced practice as a law officer with Solicitor for the Northern Territory in late 2007 before commencing as a Prosecutor in February 2008.

BETH WILD**Prosecutor**

Beth completed her tertiary studies at the Northern Territory University, graduating from a Bachelor of Arts/Law in 1999. She was an Associate to Justice Steven Bailey in the Northern Territory Supreme Court from 2000-2001 and in 2001 she obtained her Articles at the Northern Territory Legal Aid Commission.

She has previously worked as a duty lawyer for Victoria Legal Aid (2002-2005). In 2005 Beth went into private practice in Victoria where she practised as a solicitor advocate. She appeared on behalf of defendants charged with summary offences to serious indictable offences appearing in hearings, pleas, appeals, bail applications, committals and procedural appearances in the Children's, Magistrates', County and the Supreme Courts of Victoria. She instructed in County and Supreme Court trials.

She is currently undertaking her Masters of Law at the University of Melbourne. In May 2008, Beth returned to the Northern Territory and commenced employment as a prosecutor with the ODPP.

LISA BROWN**Summary Prosecutor**

Graduated with Bachelor of Social Science and Bachelor of Laws in 2000 from University of Western Sydney. Worked for NSW Ombudsman and Energy and Water Ombudsman NSW (EWON) as an Investigations Officer. Completed Graduate

Diploma in Legal Practice and admitted as a Legal Practitioner in 2004. Commenced practice as a solicitor with Legal Aid NSW in 2005, working as a criminal defence lawyer. Commenced work with Summary Prosecutions in November 2007, spending one month in Darwin and then being based in Katherine.

CHARLOTTE MARTIN

Prosecutor

Charlotte graduated from Macquarie University in 2006 with a Bachelor of Science and a Bachelor of Laws (Honours). She worked as a clerk before commencing as a solicitor for the NSW ODPP in 2007. Charlotte commenced practice as a prosecutor for the NT ODPP in October 2007.

STEVE LEDEK

Summary Prosecutor

Steve completed a Bachelor of Arts/Law, majoring in Economics at the University of Tasmania in 1999 before going on to study International Law at City University in London 2002, while travelling abroad between 2000 and 2004. He was a Deputy Registrar and Bench clerk with the Darwin Court of Summary Jurisdiction after he moved to the Territory in 2005 and 2006 before becoming the Associate to Justice Riley in the NT Supreme Court in 2007. Steve commenced with Summary Prosecutions in January 2008.





PROFESSIONAL ACTIVITIES

General Workload

BREAKDOWN OF PROSECUTION CASES						
<i>for the period 1 July 2007 to 30 June 2008</i>						
				<u>2005/06</u>	<u>2006/07</u>	<u>2007/08</u>
New Matters				962	820	780
New Phases				1521	1426	1377
Court Appearances				7244	6710	6895
Matters Completed in CSJ & S/C - Criminal						
	CSJ Guilty (incl pleas)			189	210	192
	CSJ Committed			226	222	266
	CSJ Not Guilty/ Cmtd			22	12	14
	Withdrawn			77	63	88
	Total CSJ (incl juv)			514	507	560
	S/C Pleas			252	255	214
	S/C Trial guilty			20	25	19
	S/C Trial not guilty			16	15	26
	S/C Trial Mistrial			5	1	7
	Nolle Prosequi			30	22	39(19)
	S.297a (no true bill)			5	4	9
	Total S/C (not incl 297a)			323	318	314
ExOfficio						
	Commenced			69	100	65
	Completed			58	81	62

	Justice Appeals					
	Commenced			97	50	58
	Completed			81	60	46
	Commenced			35	28	17
	Completed			35	29	16
	Completed			2	5	0

Appeals

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

- (i) institute and conduct, or to conduct as respondent, any appeal or further appeal relating to prosecutions upon indictment in the Supreme Court;
- (ii) request and conduct a reference to the Court of Criminal Appeal under 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 together with a summary of decisions of the Court of Criminal Appeal, Court of Appeal and Full Court for the reporting year can be found on the ODPP website.

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

NB: The figures in brackets in each of the tables below are for the period 1 July 2007 to 30 June 2008

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 upon the papers

2007/2008

	Sentence	Conviction
Allowed	6 (9)	0 (4)
Dismissed	2 (9)	1 (2)
Total	8 (18)	1 (6)

* One applicant applied to have his application re-heard and determined by the Court of Criminal Appeal constituted by three judges. That application was subsequently discontinued in the 2008 – 2009 reporting year.

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

TABLE B

Outcome of defence appeals from the Supreme Court to the Court of Criminal Appeal/ Court of Appeal/Full Court

2007/2008

	Conviction	Sentence	Other
Allowed	1 (3)	6 (4)	0 (1)
Dismissed	1 (5)	2 (3)	0 (1)
Total	2 (8)	8 (7)	0 (2)

Outcome of prosecution appeals and references from the Supreme Court to the Court of Criminal Appeal/Court of Appeal/Full Court

2007/2008

	Sentence	Other
Allowed	0 (3)	1 (0)
Dismissed	0 (2)	0 (0)
Total	0 (5)	1 (0)

**Outcome of points of law reserved for the
consideration of the Court of Criminal Appeal
by a trial judge pursuant to s.408 of the
Criminal Code**

2007/2008

Decided in favour of prosecution	Nil Instituted
Decided in favour of defence	Nil Instituted

TABLE C

**Outcome of defence appeals from the Court of Summary Jurisdiction to
the Supreme Court
2007/2008**

	Conviction		Sentence		Other	
Allowed	3	(8)	10	(13)	1	(1)
Dismissed	6	(6)	7	(18)	0	(0)
Discontinued	7	(11)	5	(8)	0	(0)
Total	16	(25)	22	(39)	1	(1)

**Outcome of prosecution appeals from the Court of Summary Jurisdiction
to the Supreme Court
2007/2008**

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

The Office was not involved in any appeals or applications for special leave to appeal to the High Court during the reporting period.



SUMMARY PROSECUTIONS

DARWIN

Background

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

Functions

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

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

*are of a serious or complex nature
involving difficult or complex points of law*

serious indecency offences

Other matters considered appropriate to be handled by a Crown Prosecutor

- conducting contested hearings in the Darwin Youth Justice and Summary jurisdiction
- summoning witnesses for hearings & committals
- after a *finding of guilt*, making applications to breach sentencing orders or good behaviour bonds as appropriate
- receiving all prosecutions from Department of Correctional Services, for
 - breach of home detention
 - breach of community work orders
 - breach of sentencing orders
- prosecuting applications for extradition to places outside the Northern Territory under the Commonwealth *Service and Execution of Process Act*.

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

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

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

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

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

Since the commencement of June 2006 SPD have allocated a Summary Prosecutor to Katherine to conduct all hearing matters. This allocation of resource arose due to workload and lack of experience and knowledge of Police Prosecutors in Katherine. The situation was rectified by the employment of an additional Summary Prosecutor for Katherine in the 2007/08 financial year.

Location

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

Staffing (as at 30 June 2008)

	Establishment	Actual
Senior Sergeant	1	1
Sergeant ^	7	6
Constable & Senior Constable	3	3
Legal Practitioners #	8	7
AO3 *	7	6
AO2	1	1
Total	27	24

^ An additional two new positions were created during the 2007/08 period due to a Police restructure

An additional three new positions were created during the 2007/08 period due to a Police restructure

* AO3 – Two Police Auxiliaries were deleted from establishment and AO3 establishment was increased by two during the 2007/08 period due to a Police restructure. The figure includes ODPP PA for Summary Prosecutors

Officer-in-Charge

The Officer-in-Charge is responsible for managing the section, answering correspondence, providing guidance to Police Prosecutors and where required assisting in court matters in Darwin and on circuit. Senior Sergeant Jamie O’Brien has occupied the position since 1 March 2008, after the position was filled for a number of years on a temporary basis.

Police staff

The police members are employed under the *Police Administration Act*. They are entitled to appear in court, on the Director’s behalf, pursuant to the *Director of Public Prosecutions Act*, s.22(b). Other aspects of the role of police members attached to the ODPP are governed by the *Memorandum of Understanding* between the Director and the Commissioner of Police. There are various sub-specialties within the Office. Police

members are rotated through each sub-specialty with the object of producing well-rounded Summary Prosecutors. Their duties include file checking and charge selection, presenting pleas in the Courts of Summary Jurisdiction and Youth Justice Courts and presenting evidence in contested hearings in those courts.

As at 30 June 2008 the Police Prosecutors were:

Sergeants

Lynette Balchin (2008)
Leigh Cahill (2008)
Stuart Davies (2006)
Melinda Edwards (2008)
Dave Moore (2000)
Erica Sims (2005)

Acting Sergeants

Andrew Littman (2004)
Brett Verity (2008)

Senior Constables First Class

Kerry Rigby (2007)

Senior Constables

Ivan Marinov (2008)

Senior Legal Practitioner in Charge

The Senior Legal Practitioner in Charge is responsible for the provision of leadership, professional advice and support to the Summary Prosecutors. In addition to their own prosecutorial duties, the senior legal practitioner is responsible for the allocation of hearing files and the professional development of the unit's legal practitioners within the section.

Amanda Nobbs-Carcuro commenced in the role during the 2007/08 period.

Legal Practitioners

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

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

There is currently a pool of seven legal practitioners attached to SPD. Two new positions were created during the period due to a police restructure, adding additional qualified legal practitioners into the section.

As at 30 June 2008 the legal practitioners were as follows (with dates of commencement);

John Duguid (2001)
Timothy Smith (2002)
Martin Fisher (2003)
Michelle Ganzer (2007)
Matthew Walsh (2007)
Steve Ledeck (2008)
Damian Jones (2008)

Public Sector employees

Three AO3 positions are employed by Police as Prosecution Support Officers to attend to word processing, file tracking, archiving and support to Police Prosecutors.

Two AO3 positions are employed by Police to fill the roles of Summons Liaison Officer and Travel Liaison Officer.

Two AO3 positions, one funded by police and one funded by ODPP, provide administrative support to the legal practitioners.

Summons Liaison Officer:

This position was previously filled by a Police Auxiliary. A police restructure during the 2007/08 period resulted in the position being reclassified to an Administrative Officer 3 level. The position was still to be permanently filled as of June 2008 and was filled on a temporary basis.

The Summons Liaison Officer is responsible for the following;

- issue, arrange service and tracking of summonses for all witnesses in both summary and committal proceedings in Darwin
- issue, arrange service and tracking of witness summonses for all committal proceedings in Daly River, Maningrida, Nguiu, Wadeye, Jabiru, Nhulunbuy, Oenpelli and Alyangula
- advise appropriate personnel of any witnesses requiring travel & accommodation arrangements
- advise and provide training to police members at bush stations in the use of IJIS applications, particularly the Witness Menu

Travel Liaison Officer:

This position was previously filled by a Police Auxiliary. A police restructure during the 2007/08 period resulted in the position being reclassified to an Administrative Officer 3 level. The position was still to be permanently filled as of June 2008 and was filled on a temporary basis.

The Travel Liaison Officer is responsible for;

- arrange the service in NT and elsewhere, of all Supreme Court subpoenas for the Darwin sittings
- arrange travel, both domestic and international, for all summary court and Supreme Court witnesses and be available for after-hours call-out for such duties
- arrange appropriate and suitable accommodation for all summary court and Supreme Court witnesses and be available for after-hours call-out for such duties
- collect or arrange for collection of all witnesses from the airport, or point of arrival, to their accommodation and then to the ODPP for interview and/or proofing and be available for after-hours call-out for such duties
- be responsible for all financial and associated accounting aspects of witnesses travel and accommodation including petty cash, sundry travel costs, incidental expenditure, loss of wages and professional services
- assist, where appropriate, WAS with liaison, travel and transport of Aboriginal witnesses.

Receptionist:

An A02 is employed as a receptionist to assist with phones, filing and office administration.

The Public Sector employees (and their respective dates of commencement) are:

Prosecution Support Officers

Tiffany Kilian (2002)

Trudy Pascoe (2006)

Lynette Langley (2006)

Travel Liaison Officer

Amee Brown (2008)

Summons Liaison Officer

Sonia Bursa (2008)

ODPP Professional Assistant to prosecutors:

Maria Pyke (2006)

Vacant

Receptionist

Shirley Gotting (2008)

Liaison with WAS

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

Other Resources

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

Training and advice

SPD also provides advice and training to police recruits. A prosecutor attends the Police Fire and Emergency Services (PF&ES) College and gives lectures as required.

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

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

Caseload

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

Workload	2007	2008	Increase / (Decrease)
New files – Darwin	4,111	5,161	25.5%
Summary file listings – Darwin:	13,242	*NA)
Summary hearings conducted - Darwin	716	*NA)
Bush Court Hearings – Darwin Responsible:	575	*NA)
Matters listed for Contest Mention:	817	*NA)
Matters listed for Alcohol Court:	40	64	60%
Matters listed for Credit Court:	66	107	62%

*Figures not available due to a Summary Prosecutions statistical collection problem.

General Comment – Future Issues

The working relationship between the Summary Prosecutions arm and the Crown side of the ODPP remain strong, however the issue of resources and mix will be of immediate future attention.

There is a clear increase in volume, complexity and seriousness of matters now allocated to the Summary Prosecutions arm of the ODPP. The seriousness and complexity of issues have been brought about partly by the new *Youth Justice Act*, where only offences carrying a life penalty, are required to go before the Supreme Court. The volume and number of multiple offender matters has also meant further drain on the resources allocated to Summary.

The increasing complexities of summary matters, including the serious and complex matters within the Youth Justice Court has identified the requirement for some more experienced practitioners, with greater criminal law experience, to be based in Summary Prosecutions.

The Federal Government Intervention has resulted in a broadening of the Bush Court Circuits and greater strain placed on Summary Prosecutions.

The above impacts and a general increase in the detection of offenders, has resulted in a total of 5161 individual prosecution files being dealt with by Summary Prosecutions over the period. This equates to an increase of 1,050 (25.5%) over the previous corresponding period.

New challenges lie ahead for the current year in maintaining the close working relationship between the NT Police and the ODPP through developing a new MOU covering issues such as Summary Prosecution structure, resources, staffing arrangements and training requirements.

ALICE SPRINGS

Summary Prosecutions Alice Springs (SPAS) is immediately responsible to the Assistant Director, ODPP Alice Springs. Summary Prosecutions carries out the following functions:

- receiving initial files including, arrest, summons and domestic violence order applications
- checking of files and determining appropriate charges
- issuing summonses for service by police

- making applications to breach sentencing orders as appropriate
- all preliminary mentions of files in court
- opposing bail applications in appropriate cases
- prosecuting guilty pleas in the lower courts
- receiving all prosecution briefs from the Department of Correctional Services, for;
 - breach of home detention
 - breach of community work orders
 - conditional breach of sentencing orders
- prosecuting applications for extradition to places outside the Northern Territory under the Commonwealth *Service and Execution of Process Act*
- prosecuting minor breaches of liquor licences before the Licensing Commission Tribunal
- prosecuting all matters in the Youth Justice and Summary Jurisdiction Courts except for:
 - matters which are of a serious or complex nature
 - matters involving difficult or complex points of law
 - matters involving indecency
 - other matters considered more appropriate to be handled by senior counsel

Location

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

Staff

	Establishment	Actual
Senior Sergeant	1	1
Legal Practitioners	3	3
Sergeant	2	3 (1 supernumerary)
Constable	2 (1 unattached)	3 (1 supernumerary)
Auxiliary	1	1
AO3	1	1

OIC	Senior Sergeant Don Eaton
DPVPU Prosecutor	Thomas Svikart
ODPP Summary Prosecutor	Ian McMinn
NTP Summary Prosecutor	Roman Micairan
Police Snr Hearing Prosecutor	Sergeant Jody Nobbs
Police Hearing Prosecutor	Senior Constable Kevin Winzar (supernumerary)
Bush Court Prosecutor	Sergeant Sally Nicholas

Bail & Arrest Prosecutor	Sergeant Michael Cornford (supernumerary)
Bail & Arrest Prosecutor	Senior Const Lindsay Westphal (gazetted unattached)
Prosecutions Constable	Senior Constable Michael Smith
Witness Travel	Senior Auxiliary Patricia Arnell
Reception/Admin AO3	Jessica Rose

During the year the Unit was fortunate to maintain two additional police officers and recently gained a third with the re-enlistment of Kevin Winzar. A submission last year to validate current staffing and lift the establishment numbers to reflect the two additional police members (based on an independent workload analysis using IJIS), was not approved. The Assistant Commissioner Operations has however promised to take a personal interest in staffing levels at the Alice Springs office. The current situation is that the unit, apart from Admin areas can now in the main be self relieving, however the loss of one of the current members would prevent this from being the case.

The three additional police members have proved invaluable and indicate the Unit should have staffing of this nature at all times to conduct its business in a professional manner. Previously the Magistrates in Alice Springs have requested that the Unit maintain two Hearing Prosecutors and two Bail and Arrest Prosecutors at the Alice Springs Court at all times. However if we were committed to rely on the gazetted staffing establishment this would not be possible. It has also allowed this Unit, as required, to send two prosecutors out to bush courts when large numbers of hearings are listed. This allows better preparation in conduct of hearings and accords with Work, Health & Safety (WH&S) best practice for long distance travel.

Relief arrangements are tenuous as Alice Springs currently gives a Sergeant on permanent relief and any additional relief for his absence would mean they in effect lose two members from uniform duties.

Duties of the Witness Travel (Crown Law Liaison) position include:

- issue summonses as required for witnesses in both summary and committal proceedings in the Alice Springs and Southern Region
- be responsible for the service of all Supreme Court subpoenas both local and interstate
- arrange travel, both domestic and international, for all Summary and Supreme Court witnesses and be available for after-hours call-out for such duties
- arrange suitable accommodation for all Summary and Supreme Court witnesses and be available for after-hours call-out for such duties
- collect or arrange for collection of all witnesses from the airport, or point of arrival, to their accommodation and then to the ODPP for interview and/or proofing and be available for after-hours call-out for such duties

- be responsible for all financial and associated accounting aspects of witness travel and accommodation including petty cash, sundry travel costs, incidental expenditure, loss of wages and professional services
- during sittings of the Supreme Court in Alice Springs, be available to escort and assist all Crown witnesses for the duration of the sittings
- assist, where appropriate and necessary, the Witness Assistance Service with liaison, travel and transport of Aboriginal witnesses
- other police duties including compilation of IJIS documentation and reception duties.

Bush Courts

A prosecutor attends for hearings and assists with bail and arrest as required. Summary Prosecutions conducts a monthly five day court at Tennant Creek and during the period five additional weeks combined with the Elliott Court so that additional courts are reduced. Bush courts are also held at Ali Curung, Hermannsburg, Kintore, Papunya, Yulara, Ti Tree and Yuendumu bi-monthly. Of valued assistance at Yuendumu has been the Officer-in-Charge, Sergeant Mark Malogorski who has assisted with the Court list having previous, albeit limited experience as a prosecutor in Darwin. However as stated earlier with current increases in workload and WH&S issues we will be required to send two prosecutors to most Bush Courts.

Training and Advice

Advice and training in the law and procedures has been given to police at Alice Springs specifically as it relates to evidence, chain of evidence, statement taking and the implementation of procedures relating to hearing files. These lectures being conducted on training days by Senior Sergeant Eaton, ODPP Hearing prosecutor Ian McMinn and DPVPU Prosecutor Thomas Svikart. Education has also been delivered on a one on one basis as and when required.

New Hearing File Procedure

In the past, on a file being set down for hearing, files were returned to the police officer in charge of the matter for completion to hearing standard. This procedure was proving to be inadequate. Files returned to Prosecutions did not on most occasions provide sufficient evidence to assist the prosecutor in having all evidence attainable on file and more often than not were received to close to the hearing date to rectify.

Files are now retained at Prosecutions and allocated to hearing prosecutors. The idea being that the prosecutor now has ownership of the file and advises the police officers involved in what is required to have on the hearing date the best file possible. It is expected that hearing prosecutors will review files allocated to them on a regular basis to prevent them going to Court without all evidence available. It has also assisted in education of members as to what is required to prove a case and why certain evidence is

required. It is early days yet but comment from the police station and individual members suggest a willing acceptance of the new procedure and acknowledgment from them of our professional worth.

Caseload

The caseload for the Unit continues to remain unacceptably high for current staffing, statistics indicate the following:

Alice Springs	2006/07	2007/08	Increase %
Total Summary files listed	10,942	12,610	15%
Files found guilty (% of total)	92%	89%	-3%*
^New files (Arrest/Summons/DVO)	3,111	4,103	27%
#Hearings (Alice Springs)	462	589	27%
Tennant Creek	2006/07	2007/08	Increase %
Total Summary Files listed	2,050	2,796	36%
^New files (Arrest/Summons/DVO)	380	868	228%
#Hearings (Tennant Creek)	135	212	43%
Bush Courts attended incl. Tennant (days)	120	130	8%

*File resolved by guilty plea or finding to any charge on file (Alice Springs only).

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

#Those files proceeding to the actual hearing date.

% Totals for guilty – in first 6 months were averaging 85% - in last 6 months 94% - new systems in place have assisted in this turn around.

These figures show an increasing workload, at both Tennant Creek (substantial) where actual files listed have gone from 2,050 to 2,796 and Alice Springs 10,942 to 12,610. The figures also measure more than favourably with Darwin.

General Comment

As per comments in previous Annual Report, current staffing even with additional police members is barely adequate. Establishment numbers also need to keep pace with the increase in additional police numbers in the Southern Region as this inevitably creates more prosecution work particularly in relation to domestic violence related offences.

The failure to adequately recognise the staffing requirements of the Alice Springs Office ultimately means that short cuts have to be taken, new issues take longer to be recognised, pressures on members in the office increase and as a result more mistakes are likely to be made. It would be irresponsible if any of the supernumerary or unattached staff were removed from this section and if workload increases further we may well have to look at more staffing.

The Alice Springs Crown side of ODPP continues to give significant support to Summary Prosecutions through advice and shared facilities.



WITNESS ASSISTANCE SERVICE

DARWIN

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

The WAS team consists of seven witness assistance officers.

In Darwin: Nannette Hunter, WAS co-ordinator; Colleen Burns, Aboriginal Support co-ordinator; Ken James and Susan Cooper (who returned from maternity leave in January).

In Alice Springs: Carolyn Woodman, WAS co-ordinator (South) who resigned in May 2008 and Ronda Ross.

In Katherine: Michael Devery WAS co-ordinator who opened the new Katherine WAS Office in December 2007.

WAS in Darwin also has some wonderful administrative support from Kerrie Wilson and in Katherine from Raima Baker.

During the year Darwin WAS was greatly assisted by Jenny Davie who joined us for three months to replace Susan while she was on maternity leave, by Kerrie who became a full time WAS officer for three months and then job shared with Susan from January for 6 months and by Georg Schaeffer who was a WAS officer for three months. We thank these three people for their assistance to WAS at a difficult time. It was greatly appreciated.

In May 2008 WAS lost Carolyn Woodman who resigned after over 11 years co-ordinating the Alice Springs WAS Office. Carolyn's contribution since 1997 has been valuable and much appreciated. We wish her well in her future endeavours. Christine Prescott left WAS in July 2007 to join another department and she also goes with good wishes for the future.

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

Support

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

Information

WAS notifies victims of crime about the service and invites them to make contact. Witnesses are provided with several publications at the appropriate time. These include the Northern Territory Charter for Victims of Crime, the WAS pamphlet and the Victim Impact Statement booklet. WAS also gives information about the time, date and place of court appearances, the stage that the matter is up to and whether attendance by the witness is required. In December 2000 we began writing to referred victims whose matters would be dealt with by Summary Prosecutions Darwin. In the past year 552 of these witnesses were contacted.

Referral

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

Explanation

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

Liaison

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

Interpreters

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

Victim impact statements

WAS assists victims of crime to prepare victim impact statements (VIS). Victims of crime have the right to present to the court a statement detailing the effect the crime had on their lives. This can include a comment to the court on the appropriate orders that the court may make. VIS were introduced in the Northern Territory in March 1997. Since then many people have decided to participate in the criminal justice system by exercising their right. Since the beginning of this scheme WAS has assisted over 3000 victims to prepare a VIS.

Executive Committee

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

Professional Staff Meetings

WAS members attend these meetings.

Training and Community Education

Members of WAS regularly give presentations to groups of people who come into contact with witnesses in their workplace. This year this work included presentations to Ruby Gaea, North Australian Aboriginal Family Violence Legal Service, Graduate Diploma Legal Practice students, VOC volunteers and Community Corrections. We regularly use the WAS DVD *Being strong, a court story* in our presentations.

Parole Board

The Parole Board continues to request input from victims into the considerations of the Board. WAS has responded to over 40 requests this year.

Prosecutors

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

Publications

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

Bush Courts

WAS officers have continued to provide services to remote communities. Each member of the WAS team has worked at a number of communities to support witnesses appearing in Bush Courts. This is a demanding and time consuming aspect of our work.

Katherine

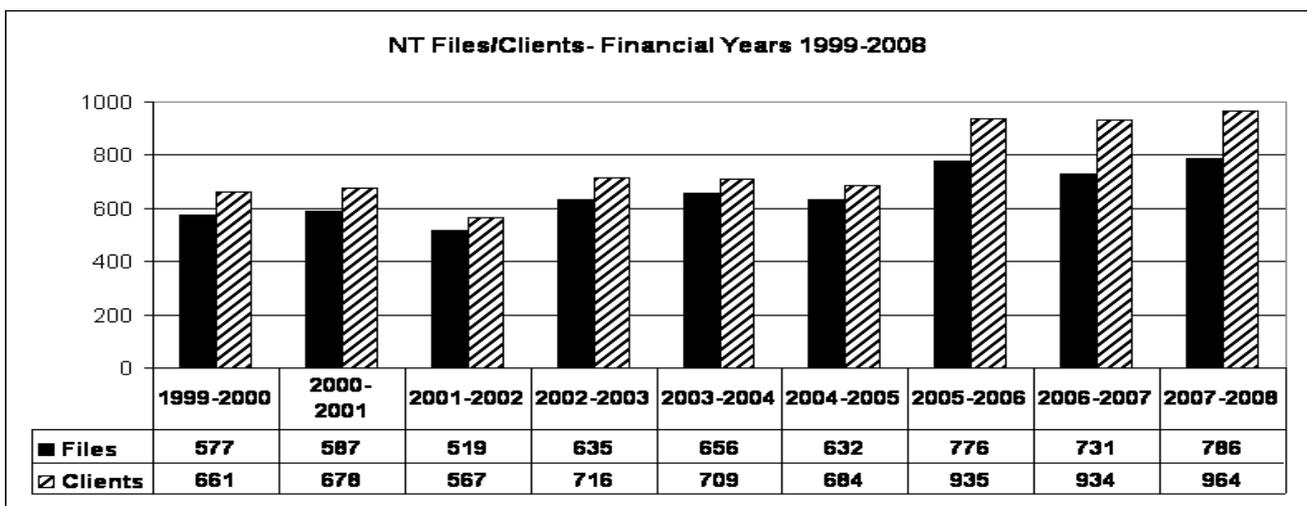
WAS first asked for an office to be set up in Katherine several years ago. This goal was finally achieved in December 2007 with the recruitment of Michael Devery to co-ordinate the Katherine office. Michael is a former WAS officer and we welcome his return. The Katherine office was officially opened in April 2008.

WAS Statistics

The workload of WAS was higher than ever before in 2007-2008 with an increase over last year's numbers as measured by the statistics for files and clients. The growth in Alice Springs was proportionately greater than in Darwin.

As noted last year it continues to be unrealistic to expect any further growth in client numbers or more time spent out bush as all WAS officers are working to capacity or above. Any future expansion of the service will need to be underpinned by an increase in staffing levels or by refocussing the work of WAS to prioritise the bush. Alice Springs has not had an increase in staff since the VSU was set up in 1997 and Darwin has been operating on four officers for some time.

For the first time in over a decade WAS will be forced to prioritise the service in future as further growth can only compromise the quality of the service offered.



ALICE SPRINGS

The number of cases the office has had this year shows that it has been very busy with a significant rise in the number of cases compared with last year. That said, workload measurement is difficult as the requirements for cases vary substantially.

Court work - bush

Ronda Ross has managed to cover most of the Tennant Creek sittings. In addition to the general support offered to witnesses, these trips also provide opportunities to 'chase up' Victim Impact Statements, liaise with local service providers such as police, DV service, SARC and some Aboriginal organisations.

A trip to Yuendumu and Papunya courts with Summary Prosecutions enabled contact with the local community as well as being able to assist several victims of assault whose cases were being heard locally. The trip, while a 'one-off', showed clearly how useful it would be to have the resources to do this regularly. This will not be possible until we have more resources.

Domestic violence referrals

We have had an increase in referrals of these cases from Summary Prosecutions. It is encouraging that Summary Prosecutions uses WAS more than in previous years. Women who have experienced domestic violence seem to welcome the assistance we provide as they go through the court process. On the other hand, it is concerning to see under age victims of domestic violence.

The child protection issues arising have led to WAS developing a protocol for local use by prosecutors dealing with these cases so as to ensure that these issues are at the forefront of the decision making. A number of these cases have involved very young women who are also parents. The protocol also requires that cases be reported to the Child Protection authorities.

Liaison

Increased opportunities to work closely with staff from other agencies, such as the Women's Shelter, SARC, Police and NPY Women's Council have improved overall service to shared clients. The clients thereby have access to more knowledge and skills, and WAS in particular has gained better 'intelligence' on the whereabouts of some clients and some assistance in arranging meeting with them. There have been occasions as well, when there is a relationship with another professional, court support has been offered by that person. Participation at that level also provides these individuals with experience in how the courts work.

Community involvement

The co-ordinator accepted an invitation to speak with the Year 11 Legal Studies class at St Philip's College. The session was well received and written feedback generally positive. Less formal sessions have been provided, on an individual basis, with staff members from the Women's Shelter and SARC.

Parole Board

We have had some recent requests that have taken up substantial time. One case involved clear child protections issues and took the better part of a working day, and involved contacting officials in both the NT and WA.

KATHERINE

A Witness Assistance Service (WAS) office in Katherine has been advocated since 2002, after the Bush Promotion report. The WAS office in Katherine became a reality after the NT Government's response to the Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse 2007.

On 21 April 2008 the Katherine Witness Assistance Service (KWAS) was officially opened with two staff, a co-ordinator and part-time administrative support. A 12 month plan was developed.

The establishment and promotion of KWAS is important because an increased level of service in the Katherine region will give victims, witnesses and their families many of whom are Aboriginal the necessary support. This will also raise the number of VIS received from the Katherine region.

KWAS has distributed 82 summary letters, approximately 300 information packages and has made 7 presentations.

The KWAS co-ordinator has assisted with 28 VIS.

Conclusion

KWAS are providing core services to victims, witnesses and their families within the Katherine region. KWAS has achieved a lot. The most significant being that we are established and fully operational.



ABORIGINAL SUPPORT

The Aboriginal Support Co-ordinator's position is within the WAS team, where the Co-ordinator continues to give presentations to various organisations and has been involved on various Indigenous committees both government and non government. The workload includes co-ordinating Darwin Bush Courts and occasional work in Alice Springs. The Katherine WAS office will enhance the overall service we provide to that region, especially to Indigenous clients.

Since the commencement of the Commonwealth Government's Intervention into abuse in the NT, there have been mixed reactions from various communities, Government and non government agencies. The interesting outcome is that there is support for the Intervention and some States wanting to replicate it in their Indigenous communities.

The Aboriginal Support Co-ordinator and a Crown Prosecutor have been involved in the Preamble Working Group which was set up to look at updating and revamping the Police Caution. This project also involves the NT Police, Northern Territory Legal Aid Commission, North Australian Aboriginal Justice Agency, Department of Justice Policy and Aboriginal Interpreter Service. This project was born out of the problems that Indigenous suspects have had with the original outdated Police Caution, which at times had caused delays to court proceedings.

The Aboriginal Support Co-ordinator continues to be involved with the Indigenous Reference Group which looks at Indigenous employment within the Justice Department.

Bush Court Circuit

Co-ordination of WAS staff attendance at Darwin and Katherine Bush Courts remained a major task. WAS staff have always maintained a strong commitment to Indigenous clients in various communities.

Indigenous Staff

At present we have seven Indigenous staff employed within our Office.

Nigel Browne	Crown/Summary Prosecutor
Colleen Burns	Aboriginal Support Co-ordinator
Michael Devery	WAS Co-ordinator, Katherine
Ronda Ross	WAS Officer, Alice Springs
Jack A' Hang	Indigenous Liaison Officer, Alice Springs
Michelle Little	Professional Assistant, Alice Springs
Joh-Ann Coates	Indigenous Law Cadet

Networking

The Aboriginal Support Co-ordinator continues to network with various Government and non government agencies.

WAS staff continued to support Aboriginal Interpreter Service who provide the much needed assistance for our Indigenous clients in court. One issue that has arisen in the past is that it has always been a hard task to get an accredited Interpreter to assist, let alone one that is not related to anyone in the community. The reality is - you are rarely going to find an Interpreter who is not related to the defendant, victims or witnesses.

Community Courts

The past twelve months saw the decrease in Community Courts in Darwin and an increase in the Bush Courts. WAS staff continue to support Community Courts as it has seen the positive side for victims, offenders and communities as a whole. In those communities where Community Courts are successful there is a strong commitment at resolving community issues.

Conclusion

The WAS team have worked tirelessly in covering Darwin, Katherine and Alice Springs in the past year when there has been a shortage of staff for various reasons.