



**DIRECTOR OF PUBLIC  
PROSECUTIONS**

**NORTHERN TERRITORY  
OF  
AUSTRALIA**

**A N N U A L**

**R E P O R T**

**2001-2002**

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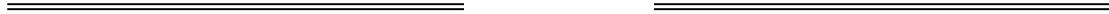
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**OFFICE OF THE  
DIRECTOR OF PUBLIC PROSECUTIONS  
NORTHERN TERRITORY**

**TWELFTH ANNUAL REPORT**

**FOR YEAR ENDED 30 JUNE 2002**

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Printed by the Government Printer of the Northern Territory





**Director of Public Prosecutions  
Northern Territory**

Rex Wild QC

30 September 2002

43 Mitchell St  
Darwin NT 0800  
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GPO Box 3321  
Darwin NT 0801  
Australia

The Hon Peter Toyne MLA  
Attorney-General  
Parliament House  
State Square  
DARWIN NT 0800

Dear Attorney-General

**ANNUAL REPORT 2001-2002**

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 2001 to 30 June 2002.

In all previous years I have provided a Report in accordance with section 28 of the *Public Sector Employment and Management Act*. I have been advised that none is required of me this year.

This is the twelfth Annual Report of the Office since its establishment in January 1991 and the seventh since my appointment in February 1996. It is hoped that the information contained within the Report in respect of the Office will advance public knowledge of its operations and its role in the criminal justice system.

This year's Report does not include the various statements of guidelines issued and published pursuant to section 25 of the *Director of Public Prosecutions Act*. They have been published in each previous Annual Report following the date of their respective issue and implementation. New or amended guidelines will continue to be published in the Annual Report, but existing guidelines will be available on the ODPP website ([www.nt.gov.au/justice/dpp](http://www.nt.gov.au/justice/dpp)) or on request.

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

Yours sincerely

REX WILD



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## OFFICE LOCATIONS

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

Level 2

Tourism House

43 Mitchell Street

DARWIN NT 0800

GPO Box 3321

DARWIN NT 0801

Telephone: (08) 8999 7315

Fax: (08) 8999 7544

### 2. **NORTHERN REGIONAL OFFICE DARWIN**

Level 1

Tourism House

43 Mitchell Street

DARWIN NT 0800

GPO Box 3321

DARWIN NT 0801

Telephone: (08) 8999 7533

Fax: (08) 8999 7821

Free Call: 1800 659 449

### 3. **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



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## 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.*



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## 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.





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## DIRECTOR'S OVERVIEW

### Introduction

In last year's Annual Report I spoke of the need to rationalise the resources of the Office of the Director of Public Prosecutions (ODPP). This was to enable it to carry out its functions and duties without the financial pressures which had attended them for most of its previous years of operation. A review was conducted by the Strategic Audit Services (SAS) of the Chief Minister's Department. It strongly supported the representations and submissions made to it on behalf of the ODPP. Its recommendations were finalised in October 2001. The nub of them was that the ODPP had been under-resourced in recent years and, on a *catch-up* basis, something in excess of \$1,000,000 in additional funding was required to provide for further personnel (and recognise that additional staff had been temporarily employed to cover urgent day-to-day requirements) and to maintain essential technology. The recommendations were introduced in these terms:

*The overall finding of the review is that allocation of human and financial resources to the ODPP has not kept pace with additional responsibilities assigned to the Office, the heavily increasing workloads, and the increasing complexity of the legal landscape in the NT.*

In setting out *the challenges for the future* in last year's report, I therefore emphasised the need to rationalise the budgetary and resource provisions. I said:

*It is hoped thereby that the professional leadership of the Office will be able to concentrate on issues more directly relevant to the prosecutorial function and that the administrative functions can be delegated, within the Office, to a senior professional officer. During recent years, the time of the Director and Deputy Director has been very much involved in these matters to the detriment of their involvement in matters of legal professional practice.*

*The Business Manager has performed valiantly in the face of increasing administrative demands and changes to the accounting system and general administration of the public service in the Northern Territory.*

One of the specific SAS recommendations was for the employment of such a senior administrative officer at an appropriate level.

### **New departmental arrangements**

An event of some significance in Territory terms occurred in August 2001 with a change of Government. I am pleased to say that Cabinet adopted and approved, at a meeting in November 2001, the SAS budget recommendations. This included provision of funds for the senior administrative officer.

Within a week, unfortunately, we lost the benefit of that allocation with the announcement of the Government's policy of integration of various agencies into larger departments. I argued for a maintenance of the complete independence of the ODPP which seemed to me, and to those advising me, to be the intention of the *Director of Public Prosecutions Act* and other legislation. This battle was soon lost. The ODPP has lost its status as a separate agency. It was subsumed as a division within the Department of Justice.

A major and continuing disappointment was the transfer of the funds to be allocated to the ODPP for the administrative officer to the new Department of Justice for the funding of a very similar appointment within that department. With the Department of Justice it has been necessary to develop different practices. The demands on the Business Manager have increased dramatically despite having received additional funds aimed partially, at least, to reducing that workload.

Hopefully the contribution required, which of course has needed the Director's supervision, will decrease once the Department of Justice has satisfactorily implemented all its strategies and other new processes demanded by the change to accrual accounting and the absorption into it of other agencies.

Last year we put an enormous effort into such matters as strategic planning and performance management. Much of that effort has been rendered nugatory by the necessity to incorporate part of our being into the new department. Thus far, at least, the overall administrative burden has increased.

### **Accommodation**

One of the by-products of the position in which the ODPP has found itself has been the tendency to disregard its unique requirements in respect of various

issues. That involving accommodation, in particular, highlights this. The lease for the ODPP's present accommodation will terminate towards the end of 2003. Without any reference to the specific needs of the ODPP, arrangements were made for the Department of Justice, as a total entity, to move elsewhere. (The SAS review recommended that *Property Management* of OCPE assess the office accommodation requirements of the Office, with a view to clearly ascertaining current and future requirements). The Chief Executive Officer of the Department of Justice immediately acknowledged the special and particular needs of the ODPP. The very nature of its work requires it to be in close proximity to the courts. The professional staff of the ODPP and Summary Prosecutions, who share accommodation, spend a great deal of their daily lives in court but plainly need the availability of an office space within sensible reach. The very special needs of such an agency tend to be ignored when the *big picture* is being considered. Hopefully good sense will prevail in respect of this issue.

### **Staffing**

On the credit side, the additional funds has enabled the ODPP to recruit (or, at least, pay for) some staff additional to the basic complement.

Extra administrative assistance to the prosecutors, by way of appointment of two professional assistants, two additional summary prosecutors and funds for an additional articulated clerk have been provided. We struggled on, in a professional sense, to the end of June 2002 under continuing heavy workloads but it is hoped that in the coming year our resources will better match the needs.

The Victim Support Unit (VSU) has fought to maintain its contribution to the criminal justice system with a very determined and committed performance by all its members. During the year a *bush promotion* was undertaken with a view to enlarging the presence of victim support in the bush courts and generally throughout the Territory. This has received support from the magistrates, in particular in the Katherine region. Unfortunately, the funding necessary to enable the prosecutors, with the assistance of the VSU, to comply with the provisions of s.106A of the *Sentencing Act* which makes it obligatory on prosecutors to provide victim impact statements to the court has not been forthcoming. Without resources this is a very difficult task.

### **Mandatory sentencing**

Again on the positive side, mandatory sentencing in respect of property offences disappeared following the August elections. It may be reasonably expected that over a period of time this will reduce some of the pressures (detailed in previous Reports) which bore in upon the prosecutorial exercise of discretion. There remains, for some time at least, the need to address and

implement new legislation. This seems to very quickly overtake any transitory gain in reduction of workload. Announcements of new Government, policies from time to time aimed at increasing detection of offenders and bringing them to justice, inevitably mean that any gains in this area are illusory.

### **Form of the Report**

The Annual Report this year is taking a more truncated form. The sections dealing with corporate services, strategic planning and performance and financial administration have been included in the Department of Justice Report. It is not intended to repeat all those matters here. However, for completeness of this document, strategic planning and performance will be included. Otherwise, this Report only contains those matters which are mandatory, or reasonably ancillary to those required pursuant to the *Director of Public Prosecutions Act*. Pursuant to s.25 of the Act, it is necessary to publish guidelines. No new guidelines have been published this year. I have therefore chosen to incorporate the existing guidelines on the ODPP's website ([www.nt.gov.au/justice/dpp](http://www.nt.gov.au/justice/dpp)). This also applies to policies and procedures in respect of witnesses, interpreters, Aboriginal employment and career development strategies and the like.

### **Professional arrangements**

There has been a change in the way in which we *manage the business* in the Darwin Office (effectively mirroring the system in place in Alice Springs for some time). The professional staff, and associated professional assistants, has been allocated to three teams. Team A is led by John Adams, Team B by Ron Noble and Team F by Alexis Fraser. The hope is to improve methods of allocations and sharing of responsibility for trial preparation amongst each group, with perhaps a better *ownership* of the various cases. The system commenced from February 2002 but it is too early yet to say whether it will be effective and a more useful report on its implementation might be provided next year.

### **Challenges for the future**

The biggest single challenge is to maintain the independence of the ODPP. In stating this proposition, it should not be thought that the prosecutorial integrity of the Office has been diminished one iota by the administrative changes introduced by Government. Such would not have been acceptable. In no instance has any improper pressure been brought to bear. On the contrary, the Chief Minister and Attorney-General have both assured me personally of their support for the Office and its independence.

Nevertheless, the administrative changes have provided strong public and community perception of a loss of independence, which perhaps remains. Vigilance is required to ensure that the *thin edge* does not create a *large wedge*.

I have said in previous years that *the success of the Office is something that can only really be judged by others*. That remains true in reference both to the objectives which had previously been set in the *Corporate Plan* (but are now in the *Strategic Plan*) and to the extent to which it adheres to and meets its own *Mission Statement*. Consistent with the *Mission Statement*, the essential outcomes are:

- an effective criminal prosecution service
- victims and witnesses are satisfied with the support provided.

I believe that the Office has achieved those outcomes.

### **Acknowledgements**

I have re-read what I said last year in this connection and find myself repeating much of it. It follows naturally from what I have said already that the support provided by my professional and administrative staff this year has been enormous. Pressure of work for all members has been extreme but invariably they have accepted the additional responsibilities and duties and got on with the job. Deputy Director Jack Karczewski has demonstrated this at all times. His own professional excellence was recognised in December by his appointment as Queen's Counsel. It reflects well on the Office which shares his justifiable pride on appointment. Dr Nanette Rogers continues to grow in the job in Alice Springs, as has Michael Carey as General Counsel. I remain very proud of the work of the VSU which, under co-ordinator Nannette Hunter, continues to provide effective and sensitive services to victims and witnesses. Nannette also provides invaluable additional assistance in the preparation of this Report each year. Lilia Garard, the Business Manager, continues to carry out a very difficult job, and one which seems to be ever-expanding, with extraordinary loyalty and dedication. I again recognise the efforts of Senior Sergeants Peter Thomas, Richard Bryson and Lorraine Carlon (Darwin) and Rob Burgoyne (Alice Springs) who have provided excellent support to the ODPP during the year. Last year, in thanking Joan Macpherson, my Executive Assistant, for her wonderful contribution I said: *Quite frankly, she would be impossible to replace*. Sad to say, that time is fast approaching and this will be the last Annual Report in which I have been provided with her assistance. Joan retires at the end of October 2002, having provided eight first-class years of service to the ODPP and to me in particular. She will be sorely missed. I take this early opportunity of wishing her and her husband, Superintendent Martin (Jock) Macpherson, a long and successful retirement.

I should also acknowledge the earnest support to this Office and its independence provided by the Chief Executive Officer of the Department of Justice, Richard Coates, since his appointment at the end of last year. I am conscious of the fact that it has been a difficult period for him, requiring a great deal of tact and sensitivity in dealing with thorny issues of independence and the like.

### **Directions**

Pursuant to the *Director of Public Prosecutions Act*, there is provision for the Attorney-General to provide directions to the Director of Public Prosecutions as to the general policy to be followed in the performance of a function of the Director. Any such direction shall be in writing and shall be included in the Annual Report. I formally note that no direction has been issued by either Attorney-General (bearing in mind the change of Government) during the year under review (and, in fact, in any previous year to my knowledge). I formally also note that neither Attorney-General has sought to interfere in the carriage of the Director's functions. As a result, I have been able to enjoy appropriate independence in exercising the powers conferred by the *Director of Public Prosecutions Act*.

REX WILD QC  
Director of Public Prosecutions

30 September 2002



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## 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 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 *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) to secure recovery of penalties or to enforce forfeiture

- (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.*



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## STRATEGIC PLAN AND PERFORMANCE

### STRATEGIC DIRECTIONS

Planned outcomes 2001-2002

- an effective criminal prosecution service
- victims and witnesses are satisfied with the criminal justice system.

### OUTPUTS

#### Criminal Prosecution Service

Provides an independent criminal prosecution service, on behalf of the Crown, which operates independently, without fear or favour and in a manner which is both fair to the parties and sensitive to public interest.

		<b>Target</b>	<b>Actual</b>
Quantity	Number of new prosecution files	590	429
Quality	Establish a case to answer before the court	95%	90%
	Convictions after committal	75%	84%
	Convictions after trial or hearing	50%	69%
Timeliness	Disclosure not later than 14 days before committal	80%	69%
Cost	Average cost per matter	\$10,000	\$8,880

#### Victim and Witness Support Service

The Victim Support Unit (VSU) provides support, information, referral and assistance to victims of crime, witnesses and their families.

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 VSU was formally established in 1997. It presently consists of six staff including the VSU Co-ordinator and Aboriginal Co-ordinator among four staff in Darwin and two in Alice Springs.

In 2001 the VSU undertook the *Bush Promotion*. The aims of the Bush Promotion were:

- increase the knowledge of functions and services provided by the VSU to victims, witnesses and their families in remote communities.
- increase the number of Victim Impact Statements (VIS) presented to bush courts by increasing the provision of assistance; and
- ensure the appropriateness of service provision to victims of crime in remote areas.

The aims of this initiative were successfully achieved and subsequently additional funding has been sought to continue to provide this service.

		<b>Target</b>	<b>Actual</b>
Quantity	Number of: <ul style="list-style-type: none"> <li>• Clients</li> <li>• VIS to court</li> </ul>	600 80%	567 55%
Quality	Client: <ul style="list-style-type: none"> <li>• Awareness of the VSU</li> <li>• Satisfaction with the service</li> </ul>	85% 85%	94% 100%
Timeliness	Meeting client timeframes	80%	79%
Cost	Average cost per client	\$1,000	\$970

## **PERFORMANCE MEASURES**

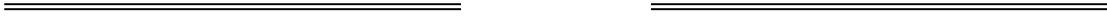
**Description:** The Office of the Director of Public Prosecutions

- Institutes, prepares and conducts criminal cases on behalf of the Crown before the Courts of Summary Jurisdiction and the Supreme Courts of the Northern Territory and the High Court of Australia; and
- Provides support to victims, witnesses and their families.

		<b>Target</b>	<b>Actual</b>
Quantity	<ul style="list-style-type: none"> <li>• Number of completed matters</li> <li>• Number of clients</li> </ul>	590 600	483 567
Quality	Time standards achieved	78%	87%
Timeliness	Ability to meet legal deadlines	69%	80%
Cost	<ul style="list-style-type: none"> <li>• Average cost per matter</li> <li>• Average cost per client</li> </ul>	\$10,000 \$1,000	\$8,880 \$970

## **STRATEGIC DIRECTIONS 2002–2003**

- Maintain efficient and independent prosecutorial services to the Crown
- provide support to victims, witnesses and their families
- provide systems and processes that facilitate the delivery of core business
- professionally competent and motivated staff.





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## ORGANISATION CHART AS AT 30 JUNE 2002

**DIRECTOR**  
Rex Wild QC

**CROWN PROSECUTOR  
IN CHARGE (SOUTH)**  
Nanette Rogers

**DEPUTY DIRECTOR**  
Jack Karczewski QC

**EXECUTIVE ASSISTANT TO THE DIRECTOR**  
Joan Macpherson

**GENERAL COUNSEL**  
Michael Carey

**SENIOR RESEARCH SOLICITOR**  
Shane McGrath

**BUSINESS MANAGER**  
Lilia Garard

**CROWN PROSECUTORS**

**Northern Office**

John Adams (Senior Crown Prosecutor)  
Alexis Fraser (Senior Crown Prosecutor)  
Ron Noble (Senior Crown Prosecutor)  
Peter Tiffin (Senior Crown Prosecutor)  
Therese Austin (on extended leave)  
Glen Dooley  
Anthony Elliott  
Grant Hayward  
Janelle Martin  
Jan Whitbread

**Southern Office**

Stephen Geary  
Georgia McMaster  
Chris Roberts

**LEGAL OFFICERS**

Nigel Browne  
Amanda Nobbs-Carcuro  
Sally Ozolins

**SUMMARY PROSECUTORS**

John Duguid  
Tiarni McNamee  
Amanda Story  
Lorne Walker-Nolan

**ARTICLED CLERKS**

Martin Fisher (Darwin)  
Nick Espie (Alice Springs)

**ABORIGINAL LAW STUDENT**

Annette Wilson

**VICTIM SUPPORT UNIT**

Nannette Hunter (VSU Co-ordinator)  
Colleen Burns (Aboriginal Support Co-ordinator)  
Carolyn Woodman (VSU Co-ordinator – South)  
Michael Devery (VSU Assistant – Darwin)  
Christine Garland (VSU Assistant - Darwin)  
Merle Thomas (VSU Assistant – Alice Springs)

**LEGAL ASSISTANT**  
(Vacant)

**PROFESSIONAL ASSISTANTS**

**Northern Office**

Leanne Bosman (on extended leave)  
Diane Bower (acting)  
Sue Golik  
Catherine Howie (acting)  
Sharon Krause (acting)  
Karen Le Bretton  
Kelly Petersen  
Kerrie Wilson

**Southern Region**

Fern Davenport (part-time)  
Suzanne Hamilton (part-time)  
Natalie Jordaan  
Donna Russell (on temporary transfer)  
Gail Scobie  
Tracey Wise (on extended leave)

**ABORIGINAL LIAISON OFFICER**

Jack A'Hang

**ADMINISTRATION OFFICERS**

Jacqui Fisher  
Allan Page (South)  
Heather Parker

**LIBRARY TECHNICIAN**

Coleen Harris

**REGISTRY CLERK**

Coralie Crookes

**ASSISTANT REGISTRY  
CLERK/ROUNDS CLERK**

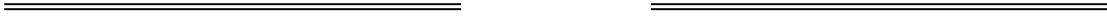
Philip Lo Castro (acting)

**RECEPTIONIST**

Margaret Ray

**OIC SUMMARY PROSECUTIONS DARWIN**  
Senior Sergeant Lorraine Carlon

**OIC SUMMARY PROSECUTIONS ALICE SPRINGS**  
Senior Sergeant Rob Burgoyne





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## PROFESSIONAL STAFF

The membership of the staff has remained relatively stable during the year. Articled clerks Nigel Browne (Darwin) and Melvin Loh (Alice Springs) duly completed their articles and were admitted to practise. Nigel has since been appointed as a legal officer and continues with the ODPP in that capacity. New articled clerks for 2002 are Martin Fisher (Darwin) and Nick Espie (Alice Springs).

The professional staff was again to some extent depleted during the year. Jan Whitbread was on maternity leave until December 2001 and Therese Austin from January 2002 and continuing. Sickness and long service leave also accounted for absence of staff from time to time. This obviously has an effect on workloads within the ODPP. The effect of staff leave on a smallish office is particularly significant. As I noted last year, it will continue to have an impact in coming years. Accumulated long service leave owed to staff members amounts to nearly five years, with normal recreation leave somewhat similar.

Thanks are again extended to all former staff members who have left during the year for their contribution to the ODPP throughout their employment. In this category I particularly note Peter Tiffin who left the ODPP on 30 June 2002 following many years of dedicated public service both as a prosecutor and in the Department of Law. Ian Rowbottam, who completed his articles with the ODPP and then served as a Crown prosecutor from February 1996, also left during the year. Both Peter and Ian are in private practice.

Profiles of the new professional staff appear below.

### **Stephen Geary**

Crown Prosecutor

Stephen Geary is a graduate of the University of Tasmania where he completed degrees in Arts and Law. Stephen worked for several years as an Industrial Officer for the Tasmanian Health Department and then did his articles at the Tasmanian Legal Aid Commission, completing them in 1997. Stephen again worked for the Health Department as a workplace consultant before accepting a position to return to the Legal Aid Commission for over two years. From 2000,

Stephen was with Katherine Aboriginal Legal Aid where he worked until October 2001 and then became a Crown prosecutor first in Darwin and then in Alice Springs from January 2002.

**John Duguid**

Summary Prosecutor

John came to Darwin in 1984 and worked as a secondary teacher for just over 3 years. He was Associate to Justices Muirhead and Kearney. Meanwhile, he studied law by correspondence through the University of Queensland and did articles with the Department of Law (NT). He was admitted in the NT in 1989. He practised law in non-criminal litigation (civil and family) for nearly 12 years with Waters James McCormack, NAALAS and Cridlands before joining the ODPP as a summary prosecutor in August 2001.

**Lorne Walker-Nolan**

Summary Prosecutor

Lorne Walker-Nolan graduated from Monash University in Melbourne with a Bachelor of Arts degree in 1994. He taught English in Tokyo, Japan for three years before returning to Monash where he graduated with a Bachelor of Laws degree in 2000. He began articles with Bowden Collier & Deane in their Darwin and Alice Springs offices before being assigned to the ODPP, via the Commonwealth DPP, in March 2001. He was admitted in May 2001 and began employment as a legal officer at the Commonwealth DPP in Darwin. He commenced work as a summary prosecutor with ODPP in November 2001.

**Sally Ozolins**

Legal Officer

Sally completed all her schooling in Darwin, attending primary and secondary schools in the local rural area and continuing her studies at the Northern Territory University. She graduated with a Bachelor of Arts in 1997 and a Bachelor of Laws in 2001. Sally entered into Articles of Clerkship at the Northern Territory Attorney-General's Department (now the Department of Justice) in 2001 and commenced work with the ODPP as a legal officer soon after her admission in February 2002.

**Nick Espie**

Articled Clerk (Alice Springs)

Nick's family is originally from Alice Springs. On his father's side he is an Aranda person. After finishing secondary school in Adelaide, he went to work on a drilling rig for a borehole construction business based in Katherine and worked on cattle stations and Aboriginal outstations all over the Territory. He lived on Groote Eylandt before attending the Indigenous Pre-Law Program at Northern Territory University at the beginning of 1998. He commenced his law

degree that year. In 1999 he received a cadetship with the Department of Transport and Works. During one of his work placements in December 2000 he worked for the ODPP in Alice Springs and last year applied for articles. In January 2002 he commenced his articles with the ODPP in Alice Springs.

**Martin Fisher**

Articled Clerk (Darwin)

Martin Fisher arrived in Australia via the UK and NZ with a distinguished musical career (which he continues). He undertook a BA at Wellington University in the seventies and a Bachelor of Laws (Hons) from Northern Territory University in 2001 before commencing articles in January 2002. He has been a mature student and brings an interesting experience of life to the ODPP and a somewhat idiosyncratic style.





## PROFESSIONAL ACTIVITIES

There were a number of important events, conferences and activities during the year which are dealt with separately below. Naturally enough, the most important professional activity is the fulfilment of the prosecutorial function. That will be dealt with first.

### Workload

This is best demonstrated in the following chart:

<b>BREAKDOWN OF PROSECUTION CASES</b>				
For the period 1 July 2001 to 30 June 2002				
Number of Matters dealt with by:	<b>DARWIN</b>		<b>ALICE SPRINGS</b>	
Trial	18	(16)	9	(7)
Re-trial	-	(3)	-	(-)
Plea	146	(90)	12	(25)
Justice Appeal	45	(52)	21	(37)
Case Stated	-	(-)	-	(-)
Voir Dire	8	(3)	1	(4)
297A	3	(5)	-	(-)
Nolle Prosequi	12	(7)	3	(3)
Committal	100	(146)	47	(30)
Court of Criminal Appeal	10	(8)	-	(-)
Court of Criminal Appeal (Mentions)	6	(24)	2	(2)
Court of Appeal	2	(6)	-	(-)
Court of Appeal (Mentions)	-	(9)	-	(-)
High Court	1	(1)	-	(-)
Summary Court Mentions*	545	(753)	1024	(969)
Supreme Court Mentions**	668	(713)	93	(67)
Summary Prosecutions	150	(208)	146	(153)
Breach Supreme Court Bond	20	(11)	3	(7)
Supreme Court Warrants	37	(21)	5	(5)
Summary Court Warrants	41	(51)	58	(77)
<b>Totals</b>	<b>1812</b>	<b>(2127)</b>	<b>1424</b>	<b>(1386)</b>

**NB:** The figures in brackets are for the period 1 July 2000 to 30 June 2001

\* Crown prosecutors in the Alice Springs Office appear at all preliminary mentions of hearings at committals. In the Darwin Office these mentions are primarily dealt with by the bail and arrest sergeant and are not included here.

\*\* Figures do not include arraignments.

The workload has remained constant on all staff. Given that professional, and other staff, resources have not kept pace with increased business over recent years this is not surprising. Statistically, the breakdown does not adequately reflect the nature of the cases either in a quantitative way or sense of gravity. There is actually a decrease in the total figure in the Darwin Office. This reflects, of course, the lesser number of *mentions*. They are, of course, generally the least significant of appearances.

One interesting development during the year was the increased use of ex officio indictments (37 in 2001-2002, compared to 24 in the previous year). This indicates a resort to *best practice* by both prosecution and defence representatives. This has reduced the number of committals and has the long term tendency to release some of the pressures on the courts and practitioners.

## **Results**

Of those tried by jury in the Supreme Court last year 48% (compared with 30% in the previous year) were convicted and 37% (48%) acquitted. The other 15% (22%) was represented by cases in which the jury was unable to agree or the trial otherwise miscarried. Overall, when pleas of guilty and nolle prosequis are included, the conviction rate was 84% (80%) of all matters disposed of in the Supreme Court. This is an acceptable outcome, consistent with previous years and slightly better than last year.

## **Management**

The management of the ODPP, both in a professional and administrative sense, is of course crucial. It has been discussed in resource terms elsewhere in this report. Reference has also been made to the new *team* structure for allocation of the work.

Each week, the Executive Committee of the ODPP meets to discuss crucial professional (and, from time to time, administrative) issues which arise. It provides an opportunity for the professional leaders to discuss legal and office policy issues which arise, with the facility to deal with them urgently. The committee comprises the Director, Deputy Director, General Counsel and Solicitor to the DPP, together with representatives from each of the legal teams, the Crown prosecutor in charge of the Alice Springs Office, representatives of each of the summary prosecutions offices and the VSU.

There are also regular monthly meetings of all professional staff to discuss issues at which presentations are sometimes made on current topics. This is mirrored, in fact, by monthly meetings of the administrative staff to discuss matters relevant to their activities.

In addition to these methods of communication as between management and staff, there is also a weekly bulletin prepared by the Director which is distributed to all professional and administrative staff on both the Crown and the summary side. By this means all personnel are kept advised of current legal, staffing, personnel and personal issues.

### **Case summaries**

In previous Annual Reports I have provided a summary of decisions and outstanding appeals in the Court of Criminal Appeal and Court of Appeal as well as matters in the High Court. This has been removed from the Report this year but will be published, instead, on the ODPP website.

### **ODPP website**

Previous reference has been made to the ODPP website ([www.nt.gov.au/justice/dpp](http://www.nt.gov.au/justice/dpp)). This Annual Report and case summaries may be found on it together with the following separate items:

- DPP Home Page
- Office Locations
- Role of the DPP
- Guidelines
  - The criteria governing the decision to prosecute
  - Domestic violence cases
  - Prosecution of juveniles
  - Exercise of general prosecutorial discretion
  - Guidelines for appeals against inadequacy of sentence
  - Guidelines for prosecution disclosure
  - Extradition
  - Plea negotiations
  - Indemnity from prosecution
  - Informers
  - Media guidelines
  - CVA guidelines
- Policy and procedures for witnesses, interpreters and translators
- Provision of interpreters
- Victim support
- Aboriginal support
- Aboriginal Employment & Career Development Strategy 2000-2003
- Equal Employment Opportunity Management Plan
- Progress of a typical matter from charge to trial
- Memorandum of Understanding in respect of Summary Prosecutions

## **Legislative review**

During the year, the ODPP was asked to comment on a number of papers, commentaries, drafts and the like on various proposed legislation. In some cases that legislation was Commonwealth in origin. The Senior Research Solicitor, Shane McGrath, has in most cases provided draft comments for the Director. In other cases, prosecutors with some intimate knowledge of the particular legislative needs, perhaps arising from problems experienced during court proceedings or pointed out from the bench, provide the necessary submissions. In areas where victims or witnesses or indigenous interests are involved, submissions are provided by the professional members of the VSU.

Submissions were sought on a large variety of matters which, although not strictly speaking necessarily involving legislation, excited parliamentary interest. The contribution made by the ODPP in respect of legislative reviews generally, led by Jack Karczewski (Deputy Director), Michael Carey (General Counsel) and Shane McGrath (Senior Research Solicitor) is very significant. It is time-consuming but, nevertheless, important work.

In a number of cases the Attorney-General has been advised of difficulties involved in the application and interpretation of various legislation. Some of them have been brought to notice by judges or magistrates dealing with cases. Others have been the result of prosecutors' own research. Members of the ODPP have been involved in a number of ad hoc and formal committees dealing with proposed amendments to relevant legislation.

To assist the Department of Justice cope with the burst of legislative activity which followed the election, Jan Whitbread, an ODPP Crown prosecutor, was *lent* for some months to this department in the first half of 2002.

## **Continuing legal education**

This has been a significant year for continuing legal education. In addition to a number of seminars held in-house, the fourth biennial conference was held at Kakadu, the third time at this location. In 2000 it was held in Darwin.

Fourteen separate papers were presented during the 48 hours of the Kakadu Conference using almost entirely our own resources. Dr Peter Thatcher of Forensic Services attended as our guest and presented a paper on *The Development of Scientific Standards for Forensic Purposes*. The conference was generously opened by the Attorney-General, Dr Peter Toyne, and our guest speaker at the conference dinner was His Honour, Chief Justice Martin. It was an excellent conference and I thank the organising committee comprising Michael Carey (Chairman), Nanette Rogers, Shane McGrath and Lilia Garard. I also thank members of the professional team, including VSU personnel, for their presentations made to the conference.

A number of prosecutors attended conferences interstate during the year. They subsequently shared the knowledge and experience thereby acquired.

### **Conference of Australian Directors**

For a number of years, Australian heads of prosecuting agencies have met informally to discuss matters of mutual interest. Due to the increase of crime which traverses State and Territory borders and the increased introduction of uniform legislation among the States and Territories of the Commonwealth, the various Directors in Australia have formed an association which meets regularly to discuss matters of mutual concern. This association meets on a more formal basis than in the past and is known as the Conference of Australian Directors. By this means the Directors are forcefully promoting consistency of the administration of criminal law in the several jurisdictions and, additionally, exchanging very useful information.

The pressure of business on all Directors meant that there was only one meeting in 2001-2002. The Directors have all maintained contact by mail and telephone on issues of common interest. The contacts and the information exchanged between Directors has proved to be invaluable and continues to assist us greatly in carrying out our respective functions and ensuring valuable and essential co-operation.

### **Heads of Prosecuting Agencies Conference (Commonwealth)**

The first meeting of this group (HOPAC) took place in Sydney in 1991. Attendance at this original conference was by invitation which stated:

*The aim of the conference is to give heads of prosecution agencies an opportunity to meet and to discuss matters of contemporary significance, general principle and issues of practical importance.*

The conference was therefore designed to bring together heads of prosecuting agencies of Commonwealth jurisdictions for the purpose of meeting and exchanging different points of view. It was the answer to specific operational needs.

Subsequently meetings have taken place in Ottawa (1993), London (1995), Wellington (1997), Sigatoka (1999) and Edinburgh (2001). The Office was represented by the previous Director at the first three such conferences. Most other Australian jurisdictions are represented at these meetings. The current Director attended the conferences in NZ, Fiji and Scotland.

These conferences have proved invaluable in providing a forum for:

- sharing knowledge and networking

- international co-operation
- an aid in movements towards consistency in legislation.

There was no meeting in the year 2001-2002, the next meeting is anticipated to be in April/May 2003 and it is expected that the Director will attend. It is expected that this will be held in Australia and, possibly, in the Northern Territory.

### **International Association of Prosecutors**

The International Association of Prosecutors (IAP) was created in June 1995 in the offices of the United Nations in Vienna and was formally inaugurated in September 1996 in Budapest.

The IAP is the only world association of prosecutors and its membership includes individuals, prosecution services and associations of prosecuting counsel.

As a world organisation, the IAP membership is not confined to one legal system. It encompasses as many legal systems as are represented by its members. It is an alliance of both individual and corporate members who already have standing and credibility in their respective jurisdictions. It is the coming together of reputable persons to learn from and to share with one another in all areas concerned with the business of prosecution.

The role of the IAP on the international scene is an extremely broad one.

All Offices of Directors of Public Prosecutions in Australia have joined as corporate members of the organisation.

The location of the conference for the year 2001 was Sydney. The major theme was ***Human Rights***. The Director chaired, by invitation, a plenary session at the conference dealing with the feedback from workshops on *Disclosure, Diversion and Restorative Justice, Death Penalty* and *DNA*. There were over 350 delegates from member organisations from all around the world.

The former president of the IAP, the Director of Public Prosecutions of Ireland, Eamonn Barnes, in May 2000 articulated his view of the role of the prosecutor as an upholder and defender of human rights and said:

*It is a function which often appears to be the monopoly of defence counsel or of the many excellent organisations formed for the promotion of human rights or civil liberties. The reality is that prosecutors, by their dedication in daily practice to individual rights,*

*whether they relate to the victims of crime, to persons suspected or accused of crime or to the community generally, are in many jurisdictions the principal defenders of those rights.*

*If there were to be a single hope and ideal on which I could choose to vacate my high office as your President, it would be the aspiration that at our conferences and meetings our role as defenders of human rights and civil liberties everywhere would be a theme which would underlie and inform all our deliberations and decisions. Unless we constantly rededicate ourselves to that role, our daily work and functions will become hollow in relation to our constitutional objectives and in particular in relation to the establishment and promotion everywhere of the highest standards of criminal justice. Very few jurisdictions, if any, can afford to feel complacent or superior regarding the full achievement within their own criminal justice systems of a sufficient commitment to human rights. Our solemn duty as members of the Association is to seek always to enhance those rights around the world.*

Eamonn was succeeded as president, by Nicholas Cowdrey QC, the NSW Director of Public Prosecutions. This ensures and maintains a strong recognition of Australia, its States and Territories, within the organisation. The next conference, to be held in September 2002, will be in London. Unfortunately, the Northern Territory will not be represented. The expense of attending international conferences, however compelling and relevant the subject matter, is prohibitive and selectivity needs to be exercised.

### **Criminal Lawyers Association of the Northern Territory (CLANT)**

A report was given last year in respect of the Eighth Biennial Conference of the Association which was held in Bali in the last week of June 2001. It was a great success. Obviously enough, no conference was held in the year under report, the next conference being due in June 2003.

The ODPP continues to be well represented in the membership of CLANT and its committees.





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## SUMMARY PROSECUTIONS

### Background

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

### DARWIN

#### Functions

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

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

- other matters considered appropriate to be handled by a Crown prosecutor
- after a *finding of guilt*, making applications to breach sentencing orders or good behaviour bonds as appropriate
- receiving all prosecutions from 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 days per month, with a visit to Daly River one day each second month
- Maningrida – one day per month
- Nhulunbuy – three days per month, with a visit to Galiwin’ku one day each third month
- Alyangula – three days per month
- Nguui – one day per month.

At least one prosecutor is sent to each circuit. Prosecutors travel the day prior to court (rather than with the court party on the day as previously) to allow for more 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 Nguui.

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.

### **Location**

SPD is co-located with the Director’s Chambers on the second floor of Tourism House, 43 Mitchell Street, Darwin.

## Staffing

	Establishment	Actual
Senior Sergeant	1	1
Sergeant	4	3
Senior Constable	2	5
Auxiliary	2	2
Legal Practitioner	5	4
AO3	1	1
AO2	3	3

## Officer-in-Charge

The officer-in-charge is responsible for managing the section, answering correspondence, conducting mention and hearing matters, in Darwin and on circuit, as required. Senior Sergeants Richard Bryson (July to October) and Lorraine Carlon (November to June) were the officers-in-charge during the year under report. Senior Sergeant Peter Thomas, formerly officer-in-charge from May 1997 to April 2001, was a consultant in the office from October to June. Senior Sergeant Thomas resumed as officer-in-charge on 1 July 2002.

## Police staff

The police members are employed under the *Police Administration Act*. They are entitled to appear in court, on the Director's behalf, by 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 dated 16 February 1998 (reproduced elsewhere in the Annual Report). 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:

- file checking and charge selection
- presenting pleas in the CSJ and JC
- presenting evidence in contested hearings in the CSJ and JC.

The police prosecutors are:

- Sergeants Peter Hales, Paul Tudor-Stack, Helen Rowbottam and Sue Kendrick (maternity leave)
- Senior Constables Mark Lyons (pre-retirement leave), David Peach and Paul Quin
- Constables David Moore, Anita Newman and Karen Sanderson.

The police auxiliaries' roles are to:

- issue summonses for all witnesses in both summary and committal proceedings in Darwin
- 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, the Victim Support Unit (VSU) with liaison, travel and transport of Aboriginal witnesses.

The police auxiliaries are Senior Auxiliaries Karren Brown and Helen Smith.

### **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.

The legal practitioners were three in number at 1 July 2001. A fourth position was approved in October 2001 and filled soon after. Funding for a fifth position became available late during the year. Recruitment commenced but the successful applicant will not be available until September 2002.

In October, one of the summary prosecutors advanced to the *Crown side* of the office and was promptly replaced. This is the fourth instance of a summary prosecutor moving to the *Crown side* since 1997. It is now recognised that a position in SPD can be the first rung on the ladder for junior legal practitioners who desire to explore the possibility of a career as a prosecutor or in advocacy generally.

At the end of the year, the Director announced that some restructuring would take place in 2003. The intention is to further enhance the role of the summary prosecutors. A pool of six will be created: five will be allocated to SPD, while

the sixth rotates through the *Crown side* of the office. Over an extended period each of the summary prosecutors will have this opportunity.

As at 30 June 2002, the summary prosecutors had an average service with the office of two years. They are:

- Amanda Story (commenced March 1997)
- Grant Hayward (commenced March 2000; *advanced* October 2001)
- Tiarni McNamee (commenced June 2000)
- John Duguid (commenced Sept 2001); and
- Lorne Walker-Nolan (commenced November 2001).

### **Public sector employees**

The public sector employees attend to word processing, file tracking and archiving. They are:

- AO3 Kelly Petersen
- AO2 Ellie Leitens, Bonita Fong and Hayley Barber.

### **Liaison with VSU**

SPD continues to have close liaison with the ODPP VSU. The Unit assists with requests for crimes compensation information and compilation of victim impact statements for the Court of Summary Jurisdiction.

### **Other resources**

SPD benefits significantly from access to the Chambers' Prosecutor and the Senior Research Solicitor. The summary prosecutors all attended the ODPP conference at Jabiru in April. The topics discussed were relevant to prosecutions at all levels. If resources are available, it would be a worthwhile exercise to make this conference an annual event rather than biennial.

### **Training and advice**

Formal and informal in-service training was given during the year to police officers regarding preparation of files for court.

SPD also provides advice and training to police recruits. A prosecutor attends the Police, Fire & Emergency Services College and gives lectures as required. Also, the moot court facility at NTU was utilised.

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

The ODPP articulated clerk and some articulated clerks from the Department of Justice have spent time with SPD, familiarising themselves with our role and with the practicalities of the CSJ.

Planning is already well underway for a Police Prosecutors' Course in 2003.

### **Caseload**

The caseload for the section remains high, statistics indicate the following:

	<b>2001-2002</b>
Fresh files (Arrest/Summons)	9292
Hearings set (Darwin)	1164
Hearings conducted (Darwin)	862
Bush Court	not available

### **General comment**

The ODPP gives significant support to SPD through advice and shared facilities. This is underlined by the addition of an ODPP sponsored prosecutor for the section to assist with the large increase in contested hearings.

SPD continues to strive to maintain a close working relationship with all other elements of ODPP and police.

### **ALICE SPRINGS**

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

- receiving initial files including arrest, summons and domestic violence order applications
- checking files and determining appropriate charges
- issuing summonses for service by police
- making applications to breach sentencing orders or good behaviour bonds as appropriate
- all preliminary mentions of files in court
- opposing bail applications in appropriate cases
- prosecuting guilty pleas
- receiving all prosecutions from 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*
- prosecuting minor breaches of liquor licences before the Licensing Commission Tribunal
- prosecuting all matters in the CSJ and JC courts 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 senior counsel.

In addition to the above the section also assisted the Motor Vehicle Registry with their prosecutions during the year due to staff shortages.

Courts are held at Hermannsburg, Mutitjulu (Yulara), Papunya and Yuendumu bi-monthly. A prosecutor attends as required. A monthly court of one week's duration is held in the Tennant Creek area which has its own prosecutor.

### **Location**

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

### **Staffing**

	<b>Establishment</b>	<b>Actual</b>
Senior Sergeant	1	1
Sergeant	2	2
Senior Constable	1	1
Auxiliary	1	1
AO2	1	1

- Senior Sergeant Rob Burgoyne is the current officer-in-charge. He is responsible for managing the section, answering correspondence, conducting hearing matters as required at bush courts and both bail and arrest and hearing matters in Alice Springs as required.
- Sergeant Don Eaton is the bail and arrest prosecutor.
- Sergeant Kevin Winzar is the police hearing prosecutor.

- Josephine (Josie) Burness will commence with SPAS on 1 July 2002 as a second and much needed hearing prosecutor. She was a serving police officer and is a qualified solicitor who has now been employed by the ODPP for this purpose.
- Senior Constable Robert (Bruce) Hosking is the prosecutions constable and is responsible for the initial preparation of files including computer entry as required, swearing warrants on oath, filing adjourned matters and general liaison with the police station and court regarding files. During staff shortages he can take up the position of bail and arrest prosecutor.
- Senior Constable Allan Duncan, the Southern Region coroner's constable, has his office in the SPAS area. The coroner's constable provides administrative assistance to SPAS during staff shortages. The prosecutions constable and coroner's constable are cross-trained and each is able to undertake the duties of the other (minus prosecution duties for the coroner's constable). This expands the flexibility of both positions. The coroner's constable's vehicle is the only vehicle available for the day to day running of SPAS.
- Senior police auxiliary Pat Arnell performs the duties of liaison between police and prosecutors, both SPAS and ODPP. The duties of the liaison officer include:
  - issue summonses for all witnesses in both summary and committal proceedings in Alice Springs and Tennant Creek
  - be responsible for the service of all Supreme Court subpoenas for the Alice Springs district
  - 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
  - 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 VSU with liaison, travel and transport of Aboriginal witnesses

- be responsible for the travel and accommodation arrangements of the Northern Territory Forensic Pathologist
- other police duties as required.
- Caroline Pidgeon gives valuable administrative assistance and types complaints, informations, summonses, deals with correspondence and locates, maintains and tracks files as required.

The ODPP VSU continues to assist with an increased number of requests for crimes compensation information and compilation of victim impact statements for the CSJ.

### **Training and advice**

Training during the year was given to Southern Command Aboriginal Community Police Officers regarding preparation of files for court.

SPAS also provides advice and training to members at Alice Springs station. A prosecutor attends and gives lectures as required.

Advice is given to police members carrying out prosecution duties at Hermannsburg, Mutitjulu (Yulara), Papunya, Tennant Creek and Yuendumu.

Advice is also given to members at non-court stations at Harts Range, Kulgera and Ti Tree on all aspects of law, evidence and procedure.

### **Caseload**

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

	<b>2001-2002</b>	<b>2000-2001</b>
Fresh files (Arrest/Summons/DVO)	2724	2160
Hearings set (Alice Springs)	469	380
*Hearings conducted (Alice Springs)	102	63
^Bush hearing files	36	33
*Liquor Commission hearings	4	0

\*Those files proceeding to the actual hearing date

^This figure is expected to rise in 2002-2003 due to the loss of Sergeant Dixon, a trained hearing prosecutor, from the Papunya/Yuendumu circuit.

### **General comment**

The Alice Springs ODPP gives significant support to SPAS through advice and shared facilities. This is underlined by the addition of an ODPP sponsored prosecutor for the section to assist with the large increase in contested hearings.

SPAS continues to strive to maintain a close working relationship with both the ODPP and police.



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## VICTIM SUPPORT

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 (VSU) was established in April 1997. For several years the VSU consisted of five staff. In Darwin: Nannette Hunter, VSU Co-ordinator, Colleen Burns, Aboriginal Support Co-ordinator and Christine Garland. In Alice Springs: Carolyn Woodman, Co-ordinator (South) and Merle Thomas.

In August 2001 the staff was augmented by the addition of Michael Devery. The VSU welcomes Michael's participation in the work of the Unit and looks forward to his assistance in the future. The VSU role has been detailed in previous reports. It is repeated here to illustrate the range of services offered to victims of crime, witnesses and their families.

### **Support**

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

### **Information**

The VSU notifies victims of crime about the service and invites them to make contact. Victims are provided with several publications at the appropriate times. These include the Northern Territory Charter for Victims of Crime which was reprinted in 2002, the VSU pamphlet and the Victim Impact Statement booklet which includes an updated pro-forma for victims who choose to prepare a victim impact statement independently. The victim impact statement legislation has recently been amended to allow victims to comment to the court on the appropriate orders that the court may make and the form has been adapted to reflect that amendment.

The VSU 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 of crime whose matters would be dealt with by Summary Prosecutions Darwin. In the past year 710 victims were contacted.

### **Referral**

Victims, witnesses and their families can be referred to appropriate agencies for counselling including specialist sexual assault and domestic violence counselling, psychologists, psychiatrists or solicitors for financial assistance claims. The VSU 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**

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

### **Victim impact statements**

The VSU assists victims of crime to prepare victim impact statements. Victims of crime have the right to present to the court a statement detailing the effect the crime had on their lives. Victim impact statements were introduced in the Northern Territory in March 1997. Since then many people have decided to participate in the criminal justice system by exercising that right. The VSU assisted 264 people with victim impact statements this year. Since the beginning of the scheme the VSU has assisted more than 1200 people to prepare a victim impact statement.

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

### **Crime Victims Advisory Committee**

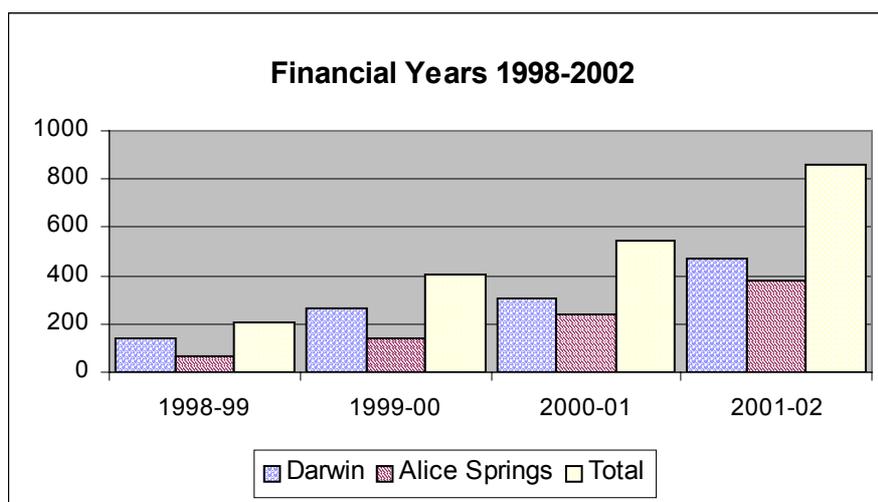
The VSU Co-ordinator and Aboriginal Support Co-ordinator attend the Crime Victims Advisory Committee (CVAC) meetings. This year CVAC presented to the Attorney-General a report on the operation of the victim impact statement

scheme. Some of the recommendations of the report have been implemented. This issue is further addressed in the Aboriginal Support section of this Report.

### **Crimes (Victims Assistance)**

The VSU Co-ordinator and Co-ordinator (South) also supervise the provision of documents to victims who wish to make claims pursuant to the *Crimes (Victims Assistance) Act*. This work takes the form of providing access to ODPP files so that victims are able to provide information and evidence of their experience in the criminal justice system. Those representing the respondents to such applications, be it the Territory or the original defendant in any criminal proceedings, also seek access to the ODPP files. The net result is a vast amount of work required to locate and produce old files (in some cases from archival sources) with the necessity, from time to time, to respond to subpoenas to produce relevant material to the court.

There has been a considerable increase in the workload involved in this area in recent years and the demand on the resources of the relevant staff in the Office. This can be shown from the following chart which tabulates requests received from CVA litigants since 1998. Almost certainly, we will need some additional resourcing to cope with these demands.



The increase over that period, and in particular during the last 12 months, has been very significant.

### **Training**

Members of the VSU regularly participate in training groups of people who come into contact with victims of crime in their workplace. This year these included squads of police recruits and Victims of Crime (NT) volunteers. The VSU attended the conference held at Kakadu. Members of the VSU presented

two papers to the conference. The papers presented by Colleen Burns and Carolyn Woodman were well received.

### **Publications**

The VSU is responsible for two publications, a booklet, *Victim Impact Statements* and a pamphlet, *Support for Victims of Crime*. Both of these publications were revised and reprinted this year.

### **Interpreters**

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

### **Bush Promotion**

A major activity undertaken by the VSU from October to December 2001 was a program of visits to communities where bush courts sit. Colleen Burns and Michael Devery were fully engaged in this project for a period of three months.

The Bush Promotion is fully reported in the Aboriginal Support section of this Report.

### **Client satisfaction survey**

In July 2001 the VSU began to survey clients for feedback on the quality of the service provided. There was a 24% response rate. The satisfaction with all aspects of the support given was overwhelmingly positive. The range of positive responses (good or very good service) was from 85% to 100%. The majority of positive responses was over 90%. The VSU is proud of this achievement.

### **ALICE SPRINGS**

Another busy year. With the exception of the biennial conference this year has been absorbed largely with routine tasks. We have been able to evaluate VSU services from our clients' perspective for the first full year. An initial by-product has been to discover how few cases resolve within a given calendar or financial year. Despite this, feedback from clients is generally positive with particular appreciation of the opportunity to speak about their experiences as victims of crime.

In opposition to crime statistics which show men as more frequent victims of crime than women - the VSU continues to see more women than men. This may reflect a general unwillingness of men to be seen by themselves and others as victims.

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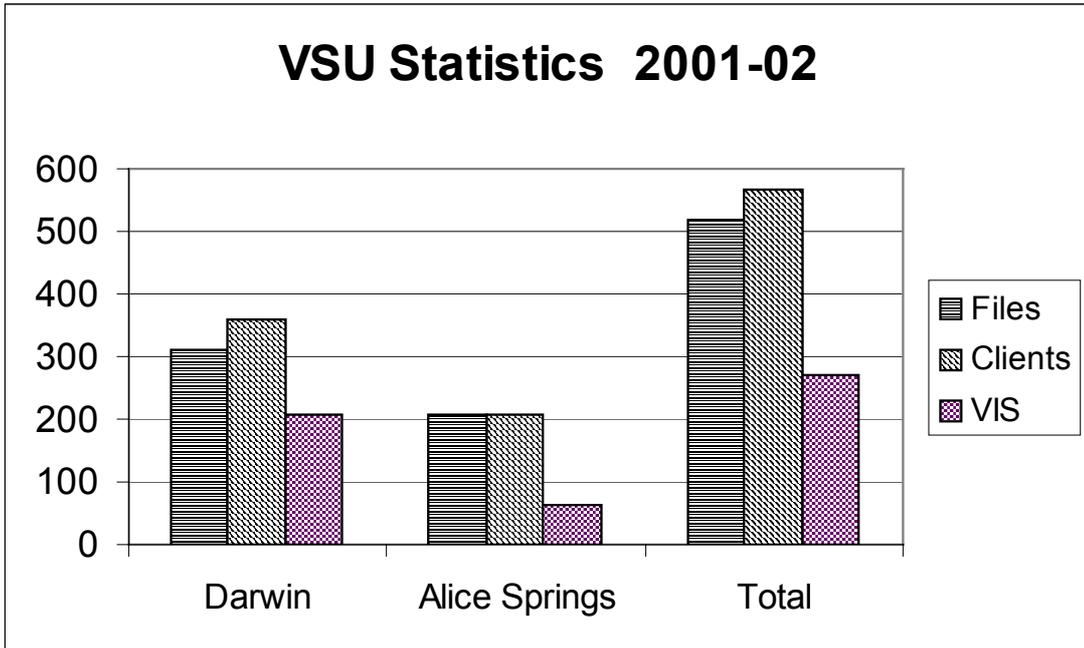
The VSU continues to provide services mostly to victims of crime. Support provided for other witnesses and family members nevertheless forms an important part of our direct work with clients.

Enquiries for Crimes Victims Assistance cases have increased in the last year, to the extent of being a significant part of the Co-ordinator's workload.

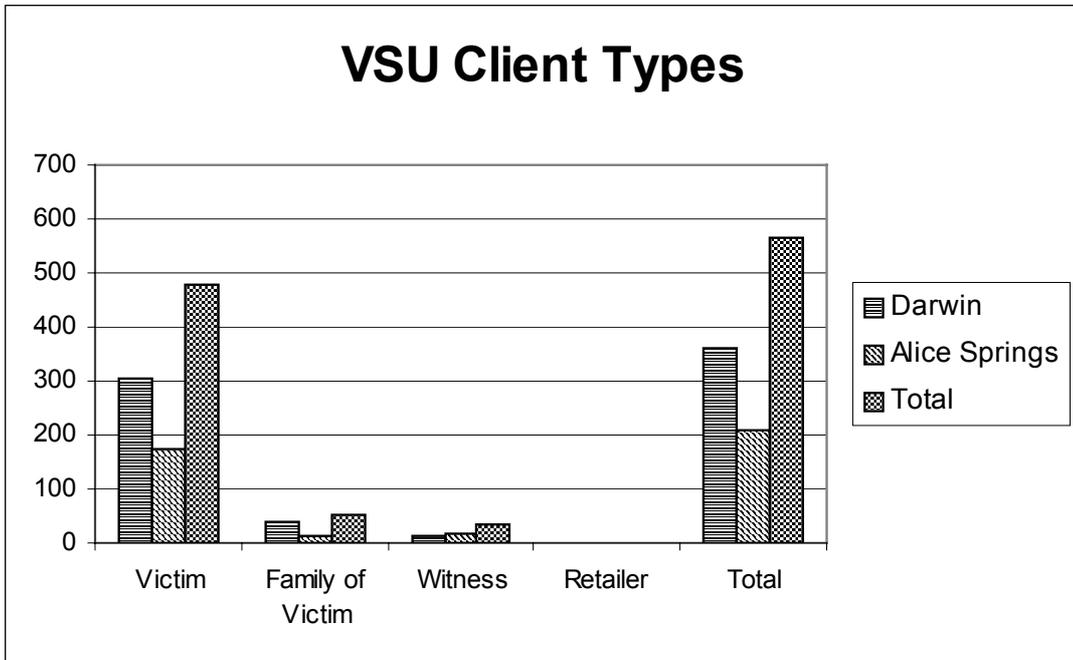
This year the VSU has visited victims and witnesses in bush communities more often. This makes preparation for upcoming court cases much less disruptive for them, as well as providing an early opportunity for learning what will happen when the case is heard.

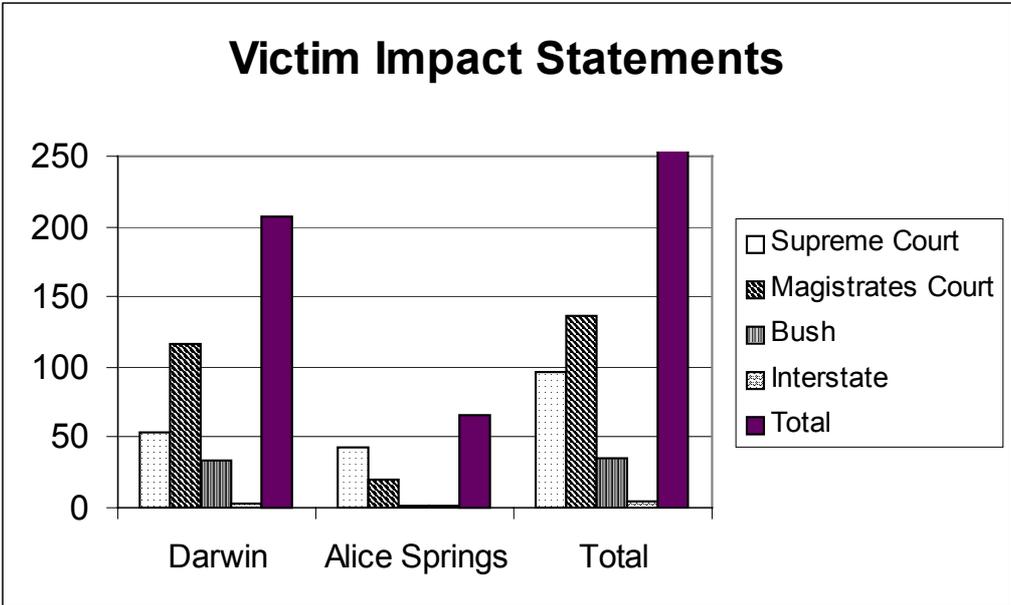
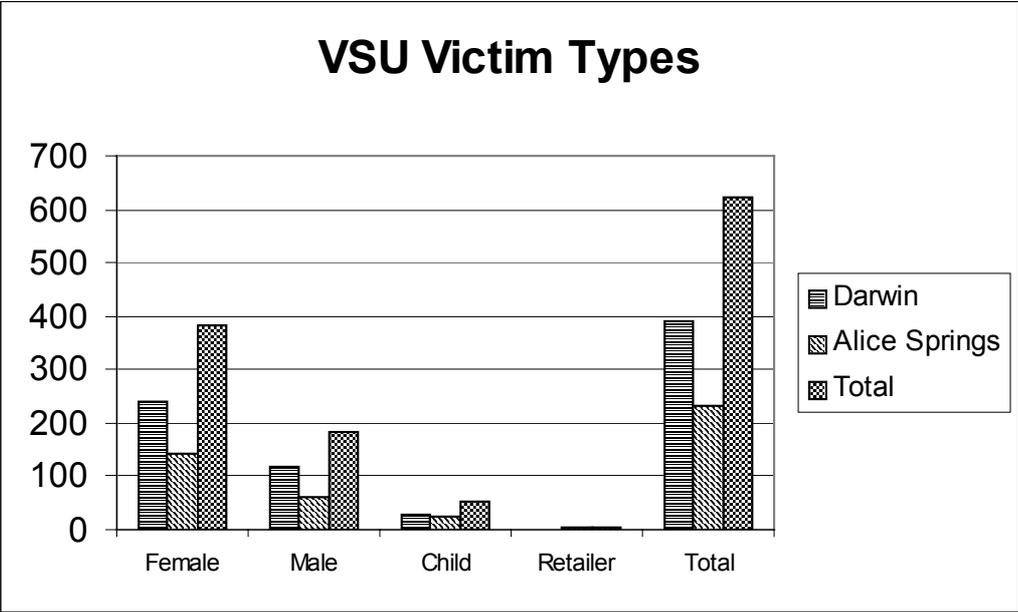
We hope to extend court support and information giving, by attending some of the more easily accessible bush courts during the next year.

## VSU Statistics 2001-02



## VSU Client Types









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## **ABORIGINAL SUPPORT**

The ODPP works with a large number of Aboriginal victims and witnesses. Often those victims/witnesses are Aboriginal women and children. Indigenous family violence is a major concern in our communities. There is a large number of Aboriginal men incarcerated in our prisons.

### **Crime Victims Advisory Committee**

In the past twelve months the Victim Support Unit (VSU) was involved in two significant projects. These were the Crime Victims Advisory Committee (CVAC) Report on Victim Impact Statements and the Bush Promotion Project. A result of the CVAC Report was the appointment of Michael Devery.

Michael's employment was the result of the Aboriginal Support Co-ordinator's input into the CVAC Report on additional barriers for Aboriginal people including gender problems experienced whilst visiting communities.

The recommendation was that the VSU provide a male **and** a female Aboriginal support officer when visiting communities.

The Aboriginal Support Co-ordinator took on tasks such as the collection of statistics and distribution and collection of questionnaires about Victim Impact Statements (VIS). This highlighted the need for better data collection of VIS in the Supreme, Magistrates and Bush Courts.

### **Bush promotion project**

The CVAC Report and support from the Director led to the bush promotion project.

Colleen Burns and Michael Devery wrote the Bush Promotion Report. The ODPP, through the VSU, developed and implemented a plan to promote a service to people in remote communities. The main aims were:

- increase the level of support to victims, witnesses and their families
- increase the number of VIS presented at bush courts

- increase the level of access to the VSU; and
- ensure the appropriateness of service provision to victims of crime in remote areas.

Eighteen communities were visited as part of the bush court circuits in the Darwin and Katherine areas. We wanted to create a community presence, establish community networks and uplift the VSU profile in remote communities.

There were nine recommendations:

1. VSU members regularly attend bush courts in the four major centres/communities of Nhulunbuy, Oenpelli/Jabiru, Alyangula and Wadeye/Daly River.
2. The VSU assess and attend other bush courts as required.
3. A permanent full-time VSU officer in Katherine.
4. The necessary resources be provided to the Katherine VSU officer to effectively offer support in that region.
5. The location of the Katherine VSU officer be easily accessible and appropriate for people from remote areas.
6. Local language speaking VSU officers that are community based be provided in major community centres where bush court circuits sit as a pilot project.
7. The community-based workers be given all necessary training. Development and implementation of that training be conducted in full consultation with the respective community elders.
8. The VSU monitor court facilities on a regular basis to ensure that victims' rights are maintained.
9. The VSU make regular visits to both Katherine and Darwin bush court circuits to monitor services for victims and witnesses.

All members of the Darwin VSU team assisted in the preparation of the Bush Promotion Report.

At the ODPP fourth biennial conference in Kakadu on 19-21 April 2002, the Aboriginal Support Co-ordinator gave a presentation about the bush promotion project.

## **Top End Women's Legal Service**

The Aboriginal Support Co-ordinator is a member of the Top End Women's Legal Service (TEWLS) Aboriginal and Torres Strait Islander Sub-committee. The work carried out with community legal workers in communities such as Port Keats, Oenpelli/Jabiru and Alyangula has strengthened and complemented the working network between the VSU/ODPP and TEWLS. This project uses Aboriginal women in the community to assist with domestic violence orders issues and assist with restraining orders and provide court support.

In the 2001 Australian Violence Prevention Awards TEWLS received an award for their outreach project.

Another award was given to the NT Prison Referred and Community Based Indigenous Family Violence Offender Program of which the Aboriginal Support Co-ordinator is a committee member through the Indigenous Family Violence Reference Group.

### **Aboriginal staff**

There are currently six Aboriginal staff within the Office. They are:

- Colleen Burns, Aboriginal Support Co-ordinator
- Nigel Browne, Legal Officer
- Nick Espie, Articled Clerk Alice Springs
- Merle Thomas, Victim Support Officer Alice Springs
- Michael Devery, Victim Support Officer Darwin; and
- Arthur (Jack) A'Hang, Aboriginal Liaison Officer Alice Springs.

The recipient of the ODPP Aboriginal and Torres Strait Islander Law Student Cadetship is Ms Annette Wilson who is currently studying law at NTU. Annette assists in the ODPP during university breaks.

Nigel Browne, who is currently a legal officer with the ODPP, was the first recipient of the Aboriginal and Torres Strait Islander Law Student Cadetship.

### **Participation in committees, forums, meetings, workshops**

CVAC

Indigenous Family Violence Reference Group

Top End Women's Legal Service – ATSI Subcommittee

Monitoring Committee for Indigenous Family Violence Offender Program

Indigenous Workforce Issues Working Party

## **Presentations**

The Hon Peter Toyne MLA, Attorney-General and staff

Aboriginal Community Police Officers

ODPP Fourth Biennial Conference

Bush Promotion presentations to various government and non-government agencies in each community visited.

Overall the VSU took on many challenges during the last twelve months. The Bush Promotion and CVAC Reports show that the VSU is a well recognised unit which is constantly looking at ways to present itself to different and diverse groups.