

23 January 2017

## Community Sick of Seeing Revolving Door of Jail

**Law Society Northern Territory (“Society”) today expressed support for the statement in relation to youth sentencing that was issued by the Chief Justice on 20 January 2017.**

Society President Mr Tass Liveris said, “As was noted by the Chief Justice, the nature and function of judicial office means there are heavy restrictions on the extent that judges can enter into public debate about their decisions and about issues in the justice system. However, the Australian Institute of Judicial Administration Guide to Judicial Conduct recognises that in some circumstances, carefully measured public comment by courts may be desirable and important to assist the public’s understanding of the administration of justice. Given the prominence that youth sentencing has had in recent public discussion, the statement by the Chief Justice accords with well established principles and may assist to enhance public confidence in the judiciary.”

The Society makes no comments about any public perceptions or whether there has been any change in the behaviour of judicial officers following the announcement of the current Royal Commission into the Protection and Detention of Children in the Northern Territory.

However, Mr Liveris said, “Courts are required to sentence offenders according to law and established sentencing principles. This usually involves a sentencing range, which recognises that the facts and circumstances of every case are different and it is the judge’s job to hear the evidence and make a decision that they think is right for each individual case. This is often not an easy task, but an important part of our criminal justice system is that the court is allowed to impose sentences that fit the circumstances of each case. The framework of what a judge should take into account and what should influence their decisions comes from the legislation. One of the factors a judge must have regard to in sentencing an offender is any harm done to a community as a result of the offence, whether direct or indirect.”

It is important to remember that if we haven’t sat through an entire hearing, we won’t know what matters were weighed up by the judge in arriving at their decision. Mr Liveris said, “It is also very important to remember that if in any case a party thinks that errors may have been made then parties have rights to appeal decisions. In other words, the system does not allow judicial discretion to impose sentences that fall outside the prescribed framework for sentences. If a sentence might be considered far too lenient by the prosecution or far too heavy by the defence and contrary to law, then on an appeal it is the role of a superior court to review the sentence.”

The Society has long advocated against imprisonment as a solution to reduce crime and re-offending in the Northern Territory and has made calls on governments to reduce the alarming and increasing imprisonment levels in the Northern Territory. Mr Liveris said, “Imprisonment is expensive. It costs hundreds of thousands of dollars per year to keep each adult and child in jail and rather than reduce crime, the evidence shows it leads to increased offending. The current community debate about youth sentencing shows that the community is sick of seeing this revolving door of jail. Rather than spending money on putting people in jail, governments need to invest in secure and sustainable strategies to address domestic and family violence, housing, employment, education and alcohol, all of which routinely feature as issues in crimes committed by the prison population. Governments must also invest in secure and sustainable legal services, so that people charged with serious offences don’t go to court under-represented and unrepresented and leading to further costs and less just outcomes.”

### END OF RELEASE

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