

Attorney outlines reform package at Bali meeting

The Northern Territory government is considering a number of law reforms, among them the introduction of a "comprehensive Sentencing Act".

The Attorney-General, Daryl Manzie, made the announcement at the 4th NT/Indonesian Criminal Law conference in Bali last month.

Mr Manzie said offences of a sexual nature are also under review following responses to the Government's sexual assault discussion paper.

He referred to a proposal to change "carnal knowledge" to "sexual assault" and said it "reflects a message from women and women's groups that what is offensive to them is simply that a sexual assault has taken place.

"Law makers must listen to this message," he said.

Mr Manzie said another reform, one of his suggestions taken on board by SCAG, is a national uniform scheme of denial and revocation of passports

where a passport was used in the commission of a drug offence.

He said the Commonwealth has amended the *Crimes Act* and *Passport Act* accordingly and a model act has been drafted for the states and territories.

"I expect to introduce a bill in August to implement this reform," he said.

Mr Manzie said victims of crime were a matter for concern and that there were real community concerns that the criminal justice system adequately addresses the needs of victims.

Speaking about the length of criminal trials and the consequential expense, Mr Manzie said SCAG had resolved to develop legislation to reduce the length of criminal trials and that Victoria had introduced the *Crimes (Criminal Trials) Act*.

Community concern was again cited

in relation to sentencing and Mr Manzie's proposed *Sentencing Act*.

"For many years the community has been concerned by the way in which our sentencing and parole legislation has operated," Mr Manzie said.

"I intend that we should do away with remissions, and in doing so produce a sentencing regime that everyone will be able to understand.

"To date the awarding of remissions has been substantially automatic.

"Despite the fact that the system was set up as one of earned remissions, it has proved difficult, if not impossible, to devise an earned remission system that can be objectively and effectively administered."

Mr Manzie said there are other incentives to encourage good behaviour from prisoners.

He said he is considering a principle of discounts for guilty pleas in the proposed Act.

"A plea of guilty results in significant benefits to people involved in the criminal justice system," he said.

"For example, witnesses avoid the often distressing experience of giving evidence, and police are not tied up in court for as long as they might be during the course of a trial.

"The earlier an offender pleads guilty, the greater the benefits for the courts, victims, witnesses, police and others," he said.

Mr Manzie said one of the most sensitive areas of reform concerns the role of the judiciary.

"It is an area in which the government must tread very carefully to avoid any suggestions of political interference, while at the same time prompting those changes that the public may be demanding," he said.

He added that he had every confidence in judges and magistrates of the Northern Territory to discharge their duties without real or perceived bias.

Acting for both parties Society's policy is *don't*

Council of the Law Society has restated its position in relation to solicitors acting for both parties in conveyancing transactions.

The Society is opposed to solicitors acting for both parties.

However, if there is no conflict and the parties insist upon being represented by the same solicitor, the solicitor is obliged to tell them:

1. it is preferable for the parties to be separately represented;
2. legal costs will not necessarily be less; and
3. if a conflict arises, the solicitor is unable to act for either party.

The notion of a "simple" convey-

ance is omnipresent -- until something happens to change the transaction's status from "simple" to one which is difficult because a conflict arises.

In cases where conflicts do arise, clients go away with a nasty taste in their mouth because what began as a "simple" conveyance for a fixed fee turns out to incur additional costs by the need for a second solicitor.

Notwithstanding that that should have happened in the first place, that situation adds to the negative image of the profession.

The Society is opposed to conveyancing agents acting for both parties for the same reasons.