

## Sentencing Act - a joke?

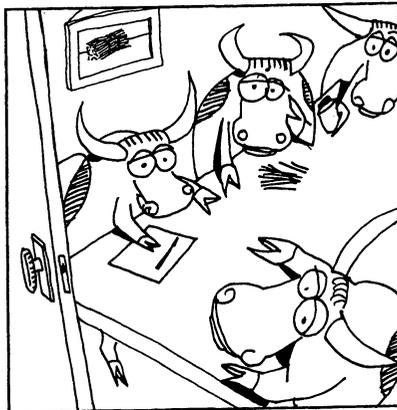
Alasdair McGregor SM provided *Balance* with this humorous note.

The Sentencing Amendment Act (No 2) 1999 restores some sentencing discretion to the courts for property offences and requires imprisonment, however short, for certain violent offenders. Some have called its reforms worthless. It's not for me to say.

I can say I had a good laugh on reading the amendment to s5, the Purposes of Punishment section. Three were 16 placita of things to take into account, being (a) to (q) without (i) or (o), plus "anything else prescribed" (r) and "any other relevant circumstances" (s). There is now a 17th consideration,

"(fa) in the case of an offender being sentenced under section 78A on a particular day - the number of prop-

## The Muster Room



erty offences in respect of which the offender is being sentenced on that day."

The Concise Oxford Dictionary defines "F.A". Surely someone in Parliamentary Drafting had more than Association Football on his mind when he slipped the new placitum into that position. It is the first such humour I have encountered in an Act, and I thank the perpetrator.

## Witnesses needed

Any witnesses who can explain the circumstances surrounding the twisting of the ankle of one Donna Dreier on the night of 30 September 1999 and into the early morning of 1 October 1999 should contact The Law Society.

## The Order of the Coif

Tom Pauling QC raised an interesting point when *Balance* surveyed him on views on the continuance of title of QC post republic.

He refers practitioners to the history of sergeants at law in *The order of the Coif* by Alexander Pulling. "It took an eternity for the last of them to die," he said. "What happens if ERII dies? A new commission to represent Charles Rex? Who would grant it?"

# The Criminal Justice Response to Domestic Violence

The release of a discussion paper, *The criminal justice response to domestic violence: the myth continues*, and the tabling of a Draft Bill in NT Parliament has placed the issue of domestic violence firmly on the political and legal agenda. *Balance* spoke to author of the paper, Julie Franz, of Domestic Violence Legal Help.

"This legislation tabled by Maggie Hickey MLA is nothing new. It is already government policy in the Territory for police to arrest and charge domestic violence offenders. The problem is that police are just not carrying the policy through. The introduction of this legislation will clearly define domestic violence as a criminal matter."

"Our main concerns are threefold. Firstly, the failure of the general duties police to arrest, charge and bail the perpetrator of domestic violence.

Secondly, the problems with police attitudes towards their role as a party in restraining order proceedings. Lastly, the assertion that Summary Prosecutions has no role to play as a party in restraining order proceedings.



Julie Franz, Domestic Violence Legal Help.

"These are fundamental issues, which are crucial to effectively dealing with domestic violence in the Territory. Figures suggest that about 50% of general police work (therefore a core) is spent attending domestic violence incidents. It is a police role to ensure the protection of victims of domestic violence," she said.

"You can only stand seeing victims of domestic violence come in black and blue with bruises, where their basic protection needs haven't been addressed by police, before you feel a need to do something about it," said Ms Franz.

The discussion paper released by Domestic Violence Legal Help is critical of the Police and the Summary Prosecutions position in relation to appearing in restraining order proceedings to date. According to Ms Franz, "the Northern Territory can no longer claim to have the leading Australian example of a Domestic Violence Strategy. In fact in terms of the criminal justice response to domestic violence, the Northern Territory seems to have fallen well behind.

"Our research indicates that the current practice and attitude by police and prosecutions is in direct conflict with the Northern Territory government's laws and policies, is well behind the laws, policies and practice in New South Wales, Victoria, the ACT, South Australia and Western Australia, and is contrary to the policies of the Federal Government," she said.

The draft Bill to amend the Domestic Violence Act was put before parliament on October 13, 1999. It will be debated in Parliament in February 2000.

For more information or a copy of the discussion paper call Julie Franz on 8981 1111.