

Interpreters and the DPP

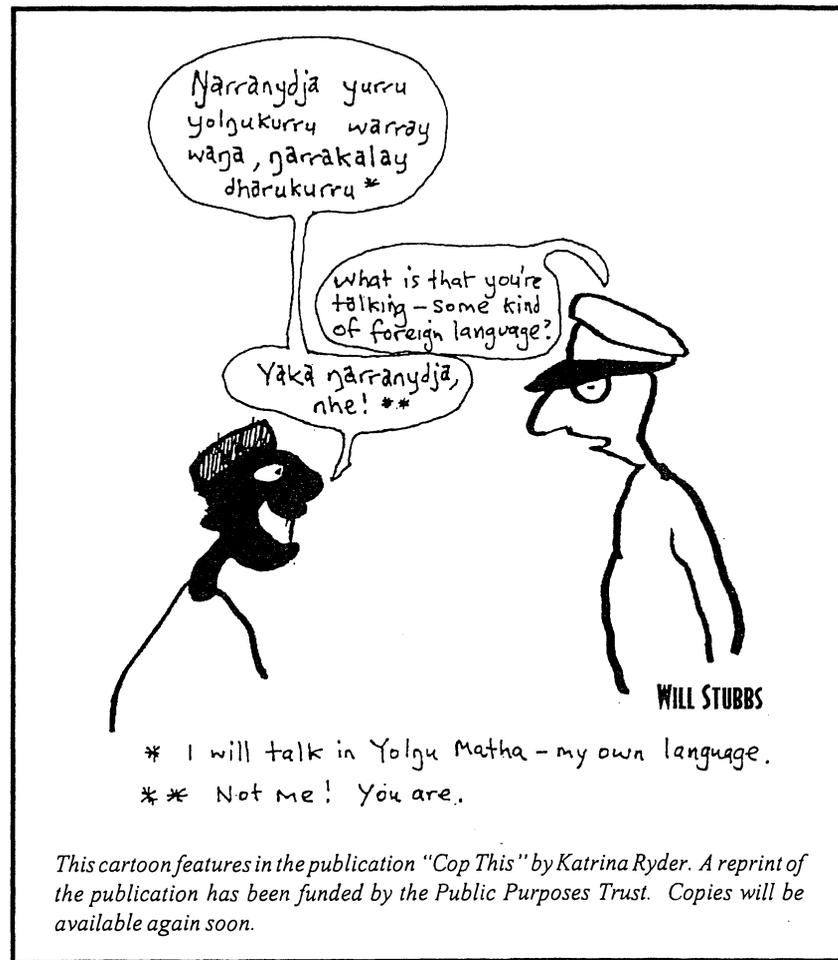
obtaining the service of interpreters (whether for victims, witnesses or the accused). There is no reason why a service could not be at least partially funded by "commissions" earned by it in arranging for the interpreter's attendance and collecting fees, etc. This was the very thing that proved so advantageous to the ODPP during that time of the pilot study in 1997.

The Mission Statement of the Office is in the following terms:

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.

Obviously enough, it is difficult for us to maintain these objectives if some of those involved in the criminal process have no idea what is happening.



Mandatory changes

Attorney General The Hon. Denis Burke has flagged his intention to amend legislation that restores magistrate's discretionary powers when dealing with a first offence.

Mr Burke told ABC Radio 8DDD that judges and magistrates needed the power to consider clearly demonstrated "exceptional circumstances" and to take into account restitution to the victim. "I believe in the first offence situation we should make amendments to accommodate that," he said. "Reality is that mandatory sentencing in terms of lowering break ins is working but in terms of the cost to the system, [it's] an unnecessary cost."

Mr Burke denied he was signalling "a dramatic about face".

"The logic of mandatory sentencing was always sound and pure in my mind," he said. "There have been mechanisms used by

defence lawyers to get around the system," he said. "Also no matter how finely you write legislation there will always be exceptional circumstances and those circumstances need to be attended to," Mr Burke said.

Changes were needed in relation to Aboriginal offenders.

"Mandatory sentencing needs to be changed because the reality is that for justice to work in those circumstances it must be it must be swift and sharp and send the message and the reality is that many of these Aboriginal offenders are into their second and third offence before they are being punished," he said.

The Law Society, the Criminal Lawyers Association and the Bar Association of the Northern Territory have all made recommendations to the Attorney General on changes to the Sentencing Act.

Mr Burke said the parliamentary wing will consider his "common sense" approach regarding ways to amend mandatory sentencing "in a preliminary way" this week. Mr Burke said responses to the submissions from the legal profession will be considered by the Director of Public Prosecutions and the Commissioner of Police before reaching the party room on Monday, April 19.

Mr Burke said mandatory sentencing was never intended to be an ongoing thing.

"It was intended to be a short, sharp kick that sent a very clear message to the offender, that we would not tolerate these sort of offences," he said.

"But when it comes to recurrent and habitual criminals, I believe that mandatory sentencing has sort of run its race and certainly in terms of 'Should it apply to fourth, fifth or sixth offences?' I think it's well passed its used by date and we really need to put a finite time on mandatory sentencing," he said.