

NT Government's plan to strip the presumption of bail will make matters worse

The Law Council of Australia has urged the Northern Territory Government to immediately withdraw its plan to remove the 'presumption in favour of bail' for repeat property offenders.

Law Council President-elect, Fiona McLeod SC, backed the Law Society Northern Territory's position that the laws proposed by the Territory Government would only exacerbate existing problems.

"Locking-up children and adults on remand unnecessarily risks exposing them to the criminal justice system; which in turn generally increases their chances of becoming repeat offenders," Ms McLeod said.

"Instead of actually reducing crime in the long-term, this proposal will only make matters worse.

"Judicial discretion exists for a reason — the courts are best placed to make a determination as to whether bail is appropriate in each case.

"Policy makers should consider alternative, evidence-based justice strategies that are more likely to achieve lower rates of crime and improved community safety."

Ms McLeod said that the proposal not only goes against the rule of law, it also goes against established and authoritative research.

"The Australian Institute of Criminology research that shows young people diverted from the court system are less likely to have further involvement in the criminal justice system," Ms McLeod said.

"Additionally, a 2011 Review of Youth Justice in NT recommended the need for more diversionary programs and increased eligibility for diversion in light of increasing rates of youth crime."

Ms McLeod said the Northern Territory Government, to its great credit, introduced ambitious justice targets this year as part of its Aboriginal Affairs Strategy.

"This strategy recognised that innovative evidence-based strategies were needed to meet the admirable goals of reducing incarceration rates by 50 per cent by 2030," Ms McLeod said.

"That's why it has been particularly disappointing to see marked shifts away from this approach in recent days."

Ms McLeod noted that the Territory's justice review consultation report had not yet been released and that no decision should be taken until publication.

"The Territory Government should not even be considering changes to bail laws until the outcomes of the justice report are published," Ms McLeod said.

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