The Director of Public Prosecutions should have had the power to appeal the decision by the Chief Justice not to impose a custodial sentence on a 23-year-old man who had sexual relations with a 13-year-old girl.

Shadow Attorney General, John Elferink, said the suspended sentence imposed on the man – notwithstanding he was the girl’s “husband” – clearly fell outside community expectations and that a custodial sentence should have been imposed.

“But dithering by Attorney General Delia Lawrie has all but shut out the possibility of an appeal,” Mr Elferink said.

“In March, the Parliament passed the Criminal Law Sentencing Amendment Act which was intended to make it easier for the DPP to appeal inadequate sentences imposed by the courts.

“The amendment was passed with the full support of the Opposition in the hope that when the courts erred in sentencing, the DPP would be more easily able to act.

“At the time the law was passed, Attorney General Delia Lawrie said:

“I thank the opposition for their support for this. I hope it sends a clear message and an ability for our DPP to appeal where there is a significant view that sentencing could be considered on the lenient side.”

“Unfortunately, her rhetoric wasn’t matched by action. Two weeks since the amendment was passed it still hasn’t been Gazetted, meaning it still hasn’t become law.

“Given the community concern about sentencing in the Territory, the Attorney General should have made it her business to tell the Administrator that this was a matter of priority.

“In other words, it should now be law and an appeal on the suspended sentence handed to the man convicted of having sex with a girl under 13 should be possible.

“But that won’t happen because of Delia Lawrie’s failure to make sentencing a priority issue – against the wishes of Territorians.

Further comment: John Elferink 0418 406 400