19 June 2002

Opening speech of the Australasian Law Reform Agencies Conference
Hon Dr Peter Toyne MLA
Minister for Justice and Attorney-General

I would like to begin with an acknowledgement of the Larrakia people, on whose land we stand.

I am especially pleased this morning to have been asked to open the Australasian Law Reform Agencies Conference 2002 that has the theme of ‘expansion or contraction’.

I am also pleased to welcome the Honourable Lord Gill, Lord Justice Clerk of Scotland, Professor David Weisbrot, the current Chairman of the Australian Law Reform Commission and the many members and chairs of the state law reform agencies in Australia.

To our Territory, interstate and international guests welcome.

Before I address some of the issues that will be debated in this conference, I must express the Territory Government’s appreciation to the organising committee for this major event chaired by an eminent Territorian Mr Austin Asche.

However, I very much regret that because of my heavy Parliamentary commitments I will miss some of the papers that will be delivered at this conference and the no doubt stimulating debate that will follow, although I will attend some of the sessions on Friday.

The Indigenous people of the Northern Territory, I am sure, will look upon your discussion with interest especially as they and many other Indigenous peoples recognise the role that law reform agencies have had in promoting acceptance, justice and recognition for their communities.

I would like now to raise some issues from the point of view of our Government’s Law Reform Agenda.

One particular focus will be law and justice issues for Indigenous Territorians. As Attorney General and Minister for Justice with a long history of involvement and a personal concern for Indigenous Australians, I want to see concrete and sustainable improvements for the families, and communities of Aboriginal Australians.

This government is determined to reverse the social issues and dysfunction that is affecting some indigenous communities.

Specifically, we will support law and justice strategies and ensure that every possible support of Government is provided to those communities who are prepared to embrace and take responsibility for strategies that will benefit their communities.

Later this morning you will hear from Richard Coates, CEO of the Department of Justice about how we will challenge the ‘normal’ process, and put in place community justice strategies.

With negotiation and consultation, we will enshrine these strategies in laws that Indigenous Territorians can manage themselves.
From the late 1970’s and early 80s when the Australian Law Reform Commission produced its landmark report about Aboriginal Customary Law, we have wanted to seek ways to implement customary law initiatives here. We are prepared to look at proposals for the acknowledgement of Customary Law as an element of the constitution of our new State once the pursuit of statehood is resumed.

The recognition of customary law, and the empowerment of Aboriginal people is very important.

It is equally important that Indigenous people have a pathway to the court and involvement in the judicial process.

This could include tribal courts, Aboriginal justices or empowering communities to resolve matters themselves of a customary or traditional nature.

We will look at all the options.

Another key area of reform for our government is to address the inequitable impact of our Justice processes on our Indigenous people.

They are grossly over-represented in our Police apprehensions, Court proceedings and our Prison populations.

It is not the intention of our government to reduce the punishments available in response to serious offences within our community. We can however, take two steps to reduce Indigenous representation in crime and punishment.

- We can promote approaches such as the earlier mentioned Law and Justice initiatives to reduce offending
- We can remove inappropriate use of imprisonment as a punishment

Our government’s law reform program has already addressed areas of the latter strategy.

The repeal of mandatory sentencing and the introduction of a case managed fines and penalties recovery process has had an immediate impact on incarceration rates in the Northern Territory.

While serious property crimes will still result in prison terms under our new sentencing arrangements, people who commit relatively trivial property offences will no longer go to gaol. Similarly gaol will not be used as frequently as a punishment for defaulting on the payment of fines and penalties.

Indigenous people are our poorest people and this had led to over representation in this group.

We will continue, through this two-pronged approach to reduce the over representation of indigenous people in our Justice system.

I am particularly pleased to see that the proposed Commonwealth Association of Law Reform Agencies is being discussed here in Darwin and I look forward to seeing if the draft constitution is adopted.

I understand that the steering committee has done a great deal of work to advance its formation.

This new Territory government is willing to listen, learn, and to do things differently.

We want Territorians and all Australians, to benefit from your deliberations.

May I take the opportunity to wish you an enjoyable time in Darwin at this conference,
its social functions and in your interaction with colleagues.

I look forward to seeing real outcomes from this conference that will enhance the role of law reform agencies as a major player in social justice for all people.

I have great pleasure in declaring the conference open.

Thank you