

24 March 2023

The president of the Northern Territory Bar Association (NTBA) Duncan McConnel SC has condemned comments made by Local Court Judge Therese Austin attacking defence lawyers for encouraging criminality by their clients.

Mr McConnel said:

Defence lawyers in the criminal justice system, usually working in house at the legal aid organisations, work in extremely difficult and challenging circumstances. They do their very best to navigate an overloaded criminal justice system on behalf of their clients. They conduct themselves properly, with enormous patience grace and courtesy.

They do not give their clients permission to engage in criminal activity. It is an outrageous slur on the profession to say so.

The Court is well within its rights to condemn the behaviour of the people who appear before it. But it is not right nor fair to suggest that criminal defence lawyers are encouraging, excusing, or giving permission to their clients to continue offending.

It is a lawyer's duty to put to the court those features of a specific offender or offending that are relevant to mitigate penalty. It is the Courts function to accept or reject those submissions and sentence accordingly.

Lawyers should not be attacked for doing their job