

Voice of Shakthi Thursday 30 March 2000

Stop Mandatory sentence

Some significant events in the annals of criminal justice in Australia took place in recent times. One was yet another death in custody of a 15 year old Aboriginal boy in the Northern Territory; the second was the legal battle won against an extended jail term by a man who stole 1.2 Billion dollars from the Australian public, Alan Bond.

The third and perhaps, most significant event was the passing of a Private Member's motion in the Senate against the West Australian and Northern Territory Government's infamous Mandatory Sentencing laws. Whether it will have the same success on the floor of Parliament is doubtful, given the Prime Minister's regrettable decision not to allow a free vote on it.

This is not the first occasion a young Aboriginal man has died in custody in Australia. This country stood condemned by human rights [activists](#), both locally and internationally, after publication of the *Black Deaths in Custody* report in 1991.

The Mandatory Sentencing laws of Western Australia and Northern Territory are yet another example of the continuing violation of human rights of the Aboriginal people. By their actions, both State governments have seized from its judiciary its traditional role of the arbiters of law, its right to sentence and mete out punishment to wrong-doers.

On a more cynical level, one is forced to ask whether this is a message to those members of the judiciary who treat wrong-doers humanely, who emphasise [rehabilitation](#) not renunciation, who call for greater social equality that such attitudes are simply not acceptable to fundamentalist Right-wing governments.

According to Prime Minister John Howard, Western Australian Premier Richard Court and Northern Territory Chief Minister Dennis Bourke, the laws were necessary because the victims of such crimes have had enough. But the question is, has this Draconian law helped to reduce such crimes? Three years after its implementation, except for a sharp increase in jail numbers, there is no evidence to support this.

Another aspect that has to be considered is this. What kind of law exists in this country that would allow a man like Alan Bond, who stole 1.2 Billion dollars from his shareholders, to walk away after four years in custody but would throw into jail a person who steals a handful of Textas or a few items of [clothing](#) from a backyard?

Instead of spending huge sums of money to lock up and police hundreds of people for minor transgressions of the law, surely much more can be

achieved by spending a fraction of this amount in alleviating the social and cultural isolation these Australians feel in their own land?

Sadly enough, one of the first acts of the current Federal Government when it came to power was to reduce the funding of the Aboriginal and Torres Straits Islander Commission. And this from a Prime Minister who constantly talks about reconciliation with the Aboriginal people!

A young person may break into a house not as a hobby, surely? In most cases, extreme poverty, social isolation and unemployment may have driven him to it. To lock such people up and virtually throw away the key is not going to solve the problem. To forget they exist, to let them die in custody is certainly not the kind of attitude one expects from any self-respecting nation boasting a civilised society.

The mandatory sentencing laws and the Federal Government's weak response to them has already drawn sharp criticism from the UN Committee on the Elimination of Racial Discrimination. While we are not especially impressed with the United Nations handling on many matters, their recent condemnation of the violation of the basic human rights of the Australian Aboriginal population should be, we believe, taken very seriously.

To dismiss the report as the Federal Attorney-General has sneeringly done, by stating that some members of the Commission come from countries with worse human rights [records](#), is to perpetuate the current Federal Government's patronising attitude towards its minorities.