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Sent: Monday, July 30, 2001 7:53 PM

To: legcon.sen@aph.gov.au

Subject: Submission to Senate Inquiry into Mandatory Sentencing Bill.

Senate Committee Inquiry into Mandatory Sentencing Bill

I would like to make a submission to the Inquiry. This is how I feel about mandatory sentencing in the NT:

Mandatory sentencing is not an effective way to combat property crime. To my knowledge it has not impacted on the rate of Property crime in the Northern Territory. It can only be applied if an offender is apprehended. This is more likely in a small community of Aboriginal people than in the larger population centers such as Darwin. So by application it discriminates against Aboriginal people in communities. I have a major concern in that, by enacting such legislation, the Government is interfering in the independence of the judiciary. Each case brought before a court should be judged on the circumstance of the crime. Sentencing should be in accord with the information before the court to deter the person found guilty from future offending. Government legislation and action should be directed toward early intervention in the lives of people as risk of offending. Often offenders have been victims. Government can be proactive in providing ways of breaking this cycle. It is the Government's role to make laws and provide resources for the good order and social security of our society and not to dictate to the judiciary how to apply the laws in individual cases.

The resourcing of the Juvenile Diversion Program in the Northern Territory by the Federal Government is a positive initiative. It is unfortunate it has been linked to Mandatory Sentencing which should be abolished. The placing of the Program with the Police needs to be closely monitored as it can easily confuse the functions of policing and social work in our community. I believe it is asking too much of the police to act to divert young people from crime at the same time they are acting to apprehend those who have committed a crime. Although I believe a good police officer should have some social work skills, to confuse the roles will only create difficulties. I cite a case known to me.

A juvenile was riding his bicycle at about 10o'clock at night with other friends over 18 years of age in the car park of a suburban shopping center. Two police cars each with two officers arrived on the scene and spoke to the group, requesting ID. The juvenile was not wearing a helmet. He was handcuffed and placed in the rear of the police van and taken to his home. His bicycle was left for friends to take home for him. The police received a very angry reception from the mother as she maintained that her son was in the company of responsible adults (his friends) enjoying himself in a healthy activity which was not disturbing others. He is an apprentice. His friends work during the day and use the time at night to socialize riding their bicycles. During the day in Darwin it is too hot for such activities anyway. They were not at risk of offending. I wonder what aspects of the current laws of the Northern Territory the officers were acting under. I assume that aspects of the recent Public Order and Anti-Social Conduct Act were at play, together with the Juvenile Diversion Program, even though riding without a helmet is not a property crime (if a crime at all!)

The incident illustrates to me the confusion that exists for police as well as citizens with the Governments attempts to appear hard on crime by enacting inappropriate legislation. It is policy for political purposes and not for the peace and good order of the community. The incident has left the young people involved with a very poor view of the police. It has probably left the police angry and confused. This approach to problems in our community by the Government is already causing more problems and I believe will continue to do so and so should be abandoned. I ask that the Senate do what is in its power to bring the Northern Territory Government to its senses.

I would not like to speak at the public hearing in Darwin on 3rd August.

Yours sincerely

Stephen Orme