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**From:** mick lambe

**Sent:** Tuesday, July 31, 2001 9:34 AM

**To:** mick lambe,; legcon.sen@aph.gov.au

**Subject:** NT Mandatory Sentencing - Submission

# Mandatory Sentencing Senate Inquiry

## **PARIAH - People Against Racist Incarceration And Harassment**

**[www.country-liberal-party.com](http://www.country-liberal-party.com)**

**31 July, 2001**

**"In June this year (2000) the Chief Minister (Denis Burke) said in Parliament and on the ABC radio that the purpose of mandatory sentencing was not the reduction of crime."**

On the ABC he said ***"It's not designed to lower the crime rate."*** On 26 August, 1999, on national television, he said, ***"it is not aimed to reduce crime."*** **Source: Territorians For Effective Sentencing Website <http://ms.dcls.org.au/>**

**NAALAS make the salient points about what mandatory sentencing is *not* doing in the areas of property offences and deterrence, as well as pointing out its prohibitive social and financial expenses.**

### **Mandatory Sentencing - The Facts**

#### **Mandatory Sentencing Does Not Reduce Crime**

- Western Australia and the Northern Territory have the highest rates of home burglary and attempted home burglary in Australia.
- There has been no change in the overall reporting of property crime in the Northern Territory since mandatory sentencing was introduced.
- Reports of home burglaries increased between June 1997 and June 1998.
- There has been no real change in the number of offenders charged with property offences.

## **Mandatory Sentencing Does Not Deter Crime**

- Northern Territory Correctional Services report that the rate of re-offending has not gone down since mandatory sentencing was introduced.
- The majority of offenders who are caught are Aboriginal and committed their offence in a remote Aboriginal community. North Australian Aboriginal Legal Aid Service criminal lawyers report that most had not heard of mandatory sentencing and did not understand it. A person cannot be deterred by something they do not know about.
- The study of North Australian Aboriginal Legal Aid Service (NAALAS) criminal cases found that 63% of offenders were effected by drugs, alcohol or petrol at the time of offending. A person who is not thinking cannot be deterred by the consequences of his actions.

## **Mandatory Sentencing is Expensive**

- It costs \$146.94 a day to imprison an adult.
- Juvenile detention increased by 53% in the 1997/98 financial year. This represents additional spending of nearly \$1 million dollars.
- Since 1996, the Correctional Services budget has increased by almost \$8.5 million dollars. This is an increase of 26%.
- Darwin prison has had to undergo major expansion since the introduction of mandatory sentencing laws. This represents a significant capital cost.

## **Mandatory Sentencing is Harmful to the Community**

- All available evidence clearly shows that imprisoning young people at an early stage in their development is damaging.
- Mandatory sentencing sends young adults to detention for minor offences. It results in increased contact between people who commit minor offences and more serious criminal elements.
- Northern Territory Correctional Services says: 'The evidence is clear that the more access juveniles have to the criminal justice system the more frequently and deeply they will penetrate it ...What happens in many cases is that detainees learn from their fellow inmates how to become more effective in committing crime.'

- Mandatory sentencing could well lead to increased criminal activity among some young people. Mandatory Sentencing is **increasing** the Incarceration of Aboriginal People, Women and Juveniles
- The Territory imprisons almost four times as many of its citizens as any other State or Territory of Australia.
- Aboriginal people make up 73% of the Northern Territory's prison population.
- Between June 1996 and March 1999 adult imprisonment increased by 40%.
- The number of women in prison in the NT has increased by 485%.

The above information comes from 'Dollars Without Sense' - *A Review of the Northern Territory's Mandatory Sentencing Laws*. The report was prepared for the **North Australian Aboriginal Legal Aid Service** by John Sheldon and Kirsty Gowans.

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## **So what is the purpose of mandatory sentencing?**

**PARIAH** explored the historical impact (both alien and inimical to Aboriginal people) of European laws in the Northern Territory in our first submission on Mandatory Sentencing.

*"The NT Judiciary had plenty of say over sentencing - without government cramping their style - in the 1870's, when land theft, abduction, rape, violence and the punitive killings of Aboriginal people, by the **Northern Territory Police**, were out of control."*

*"There may have been some moral justification for mandatory sentencing then, when normal laws were inadequate to protect Aboriginal people, in a climate of conquest and "frontier attitudes". To introduce mandatory sentencing now, over a century later, when the descendants of the original "victims of crime" - the Aboriginal people - comprise 80% of the NT prison population is blatantly racist."*

There is no line between the past and the present - in relation to this racism - which is used to great electoral and political effect, by the ruling **NT Country Liberal Party**. Mandatory sentencing is a cynical political exercise by a racist government.

For the Senate to continue refusing to acknowledge the tradracism of the CLP in regard to mandatory sentencing and its electoral popularity here, is also political cynicism.

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## Extracts

In a stinging letter to the Herald, the former royal commissioner into police corruption, the **NSW Appeal Court judge Justice James Wood**, was joined by three colleagues on the appeal Bench, **Justices Tony Fitzgerald, Margaret Beazley and Paul Stein**, in accusing some politicians of **"exploiting popular prejudice to trample powerless minorities."**

*"Racism and injustice are evil **particularly when they have popular support**. It is **unjust** to imprison offenders without regard to their personal circumstances, life experience, prospects of rehabilitation or other, more suitable, sentences."*

*"It is **racist (and cowardly)** to enact and implement laws **which apply most harshly to a disempowered minority**. It might be thought to be **clever politics** but it is not leadership to **pander to ignorance and prejudice**."*

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The term **"race card"** to describe the predictable pre-election racist beat-ups by the CLP, is one firmly entrenched in the Territory's social, media and political lexicons.

New laws (**NT Public Order and Anti-Social Conduct**) are also aimed at exploiting the historic and continued racism of the aptly named Territorians.

*"A belief that the racist injustice of mandatory sentencing will somehow solve the problems caused by racist injustice cannot be argued seriously. Mandatory sentencing will only benefit a government intent on further controlling Aboriginal people." (from original submission.)*

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Sue Carter (CLP member for Port Darwin) has recently committed the unforgivable political sin of revealing party policy and exposing as liars, her colleagues who claim their laws (in this instance the Anti-Social Conduct Act) are not directed at Aboriginal people.

Ms Carter stated the law was directed towards **"people coming into this area from their communities out bush."** (Hansard)

This was quoted in a letter to the **Editor of the NT News**, 12 July, 2001. The (NT News) title of this letter and also a term used within the letter was **"race card."**

***This is a clear indication of a law being enacted on the basis of race.***

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One point neglected by **NAALAS**, is the extension and political mis-use of Police powers under this bill.

**PARIAH** the only anti-racism group in the Northern Territory have had about **two dozen visits by the NT Police** since our last submission, which stated...

*"...NT Police are empowered to threaten successively heavier mandatory sentences to people (usually Aboriginal) the NT Police believe are causing problems. Mandatory sentencing also enables trivial offences to be used to target people who have political opinions - or who engage in political activities - that a long entrenched tradracist government is unable to counter democratically."*

When two (legal?) attempts to evict us from our home on the Kenbi claim failed, a Respondent in a **PARIAH** political discrimination complaint simply smashed our home apart and stole our water tank. **NT Police** refuse to charge him.

A complaint against the NT Police by PARIAH (**prior to this attack**) has been suggested as a reason for this reluctance.

Not one of the fourteen political discrimination and victimization complaints our anti-racism group have submitted about the blatant political campaign to remove and silence us, has been accepted by the **NT Anti-Discrimination Commission**.

In common with Aboriginal groups who have publicized their concerns, **PARIAH** have little faith in, nor respect, for the **NT Ombudsman's** Dept.

**If the Senate was truly concerned about human rights abuses in the NT** it would be conducting or causing to be instigated, an investigation into the political corruption and racism that epitomizes the uninterrupted rule of the **Northern Territory, Country Liberal Party**.

Mandatory Sentencing is only a symptom, albeit an ugly and embarrassing one for Australia, of this racist and corrupt regime.

**The Senate will be complicit in this racism and political corruption** if it continues to ignore the gross irregularities characterised by the insertion of political puppets into *supposedly* independent bodies, charged with the investigation of complaints against the **NT Country Liberal Party Government** and legislation such as **Mandatory Sentencing**.

The imbalance between Aboriginal and non-Aboriginal people, in respect to wealth, incarceration, health, justice, education and meaningful employment here, is starkly apparent. Most Aboriginal people will not even know if Mandatory Sentencing is repealed. It will mean little to the people it effects the most.

Whereas an investigation into political corruption in the NT and the installation of **truly** independent investigative bodies **would** change much and ensure that the **NT Labor Party** did not simply slip into the CLP's electoral robes.

**We will end this Submission as we ended our first.**

*"Mandatory sentencing is a powerful (if undemocratic) means of control. The effective empowerment of NT Police to imprison people is a mockery of the Constitutional seperation of Police and the Judiciary."*

*"The real crimes of discrimination and abuse of office are not subject to mandatory sentencing."*

**"PARIAH believe the percentage of Aboriginal people in the NT prison system would fall dramatically if they were."**

Mick Lambe: **PARIAH - People Against Racism In Aboriginal Homelands**

Submitted on behalf of our Aboriginal brothers and sisters, fellow "White Trash" and **George Martin** - an invalid pensioner who was brutally murdered after **NT Police** and local bigots forced him out of their community.

<http://www.country-liberal-party.com/pages/GeorgeMartin.htm>

Address:  
Contact:

Mick Lambe  
PARIAH - People Against Racism In Aboriginal Homelands  
<http://www.country-liberal-party.com>  
Northern Territory - Australia