

# DCI Springs into Action on NT Mandatory Sentencing Laws

November 1997 saw DCI join with a range of local, interstate and national bodies in Alice Springs to protest against the mandatory sentencing laws of the Northern Territory. National Committee member Danny Sandor represented DCI at a 3-day action designed to raise awareness of the laws and to lobby for their repeal. The action received scores of letters of support from organisations and individuals around Australia.

Under mandatory sentencing laws, NT courts now have absolutely no option but to lock up children aged 15 or 16 for at least 28 days if they are found to have committed a second specified property offence. Those aged 17 and over must be imprisoned for at least 14 days for a first offence.

The custodial sentence must be opposed even where the offence is as trivial as taking fruit from a tree. In comparison, the law does not automatically require the jailing of a person convicted of assault.

DCI has consistently maintained its opposition to sentencing laws of this type. They fly in the face of commonsense, principles of individual justice, the recommendations of the Royal Commission Into Aboriginal Deaths in Custody, and CROC. Not surprisingly, the laws were singled out for criticism in the recent report by the UN expert committee on Australia's compliance with CROC.

The 3 day action provided many opportunities to talk with the people of Alice Springs about the laws. Often it was a case of correct-

ing wrong impressions. Many thought the laws are directed only towards serious offences or where violence is involved. Their hands usually reached for the pen to sign the petition when the actual effect of the laws was explained.

The campaign attracted significant media interest in the Northern Territory and beyond about the ways in which the human rights of children and adults are directly violated by the laws, and the conditions they must endure when detained in Alice Springs.

The action also emphasised how the spending of many thousands of dollars on detention and imprisonment results in less funds to meet the fundamental needs and rights of Northern Territory citizens, particularly its Indigenous peoples.



In 1995/96 it cost \$12,432 to accommodate each child sentenced to a 28 day period of detention. In addition, an extra \$3 million is being spent to create a further 140 places at Darwin prison. The laws will also have flow

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on cost consequences for police, courts and legal aid services. Imagine what the money could provide instead in the way of necessities such as clean water, adequate shelter, and health and educational services.

While understanding the sensitivities associated with federal intervention in the Northern Territory's affairs, DCI took the position that "There is no constitutional barrier to the Federal Parliament over-riding Territory law. Defence for Children hopes this protest makes it crystal clear. Human rights, especially for

children, must come first ... If the Northern Territory won't fix this legislation, Canberra must." (Media Release, 26 November 1997).

So far, neither government has acted to expunge the mandatory sentencing laws. There is, however, the possibility that the High Court will consider them in a case to be raised before it.

In the meantime, the 3 days of action has left the community better informed about the real consequences of these draconian laws. Importantly too, DCI has been part of a national show of solidarity to the agencies and individuals who are working so hard in the Territory to advance the cause and reality of human rights.

**Danny Sandor**

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One workshop expressed disquiet about the extent of "not listening to children" and the lack of political will towards children. They agreed that advocacy for children requires independence, reporting to Parliament, adequate funding, participation of children, investigation of complaints and child impact statements.

The other workshop agreed that both an independent national commissioner and a national office for children are needed to implement CROC. These offices should be small, accessible and friendly to children. They would make regular reports to Parliament on the status of children and the impact of government policy and social and economic trends.

The 33 Seminar participants included representatives of the National Children's and

Youth Law Centre, Australians Against Child Abuse, the Australian Association of State School Associations, Australian Education Union, Australian Family Association, Australian Red Cross, Burnside, Grandparents Support Groups, Senator Belinda Neal, United Nations Association, World Vision, the Queensland Children's Commissioner, South Australian Children's Interests Bureau, Australian Law Reform Commission, Human Rights and Equal Opportunity Commission, the National Council for the Prevention of Child Abuse and two Commonwealth Departments - Attorney-General's and Health and Family Services.

A fuller report of this Seminar will be available from the DCI National Office shortly.

**Helen Bayes**