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Dumb politics wins the day

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Pauline Hanson and her One Nation Party are partly to blame for the controversial mandatory sentencing laws, writes ***Marcia Langton*** *.*

WE ARE witnessing, in the polarised debate about mandatory sentencing which provides for compulsory sentencing of offenders after three convictions in two jurisdictions, the Northern Territory and Western Australia, a return to the Pauline Hanson One Nation Party dumbing down of Australian politics and policy.

Those who support it have been fed a diet of sensationalist, terrifying, but false statistics about crime, criminals, punishment and imprisonment and the threat to their personal safety, homes and property.

Those who oppose it are aware that the high standards of Australia's judicial system have been brought into disrepute and that it constitutes an extreme breach of accepted standards (both domestic and international) in relation to the discretion of the judiciary, the treatment of minors and children in the justice system, and the application of laws to people of different racial or ethnic backgrounds.

The United Nations' report on Australia's compliance with international conventions in relation to the mandatory sentencing was doctored under pressure from Department of Foreign Affairs and Trade staff at the UN. Australian interests have not been protected by this incompetent diplomatic pressure, however. It is global knowledge that Australia treats its indigenous people barbarously. What is at stake for a wealthy, democratic, underpopulated, relatively crime-free nation like Australia, to flagrantly breach the International Rights of the Child, United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules), and other standards accepted by the civilised world?

The answer lies in Australia's underbelly of racist politics in rural Australia.

The Country Liberal Party, a curious branch of conservative politics with its origins in the northern colonial frontier, has been in power in the NT for 25 years. It has remained there by using race fear slogans and policies to incite recent arrivals from the south to believe the CLP is the only political party capable of protecting them from the menace of the surrounding Aboriginal population. The demographic features of the Territory cast some light on the nature of this problem: just over 180,000 people live in the NT, mainly in towns. The 50,000 Aboriginals live mostly in small, remote communities.

The Aboriginal menace which they postulate as the most severe threat to their lifestyle is entirely a construction of the CLP strategy rooms. The relationship of mandatory

sentencing to the electoral machinations of the CLP is to be found in the timing of its introduction by the former Chief Minister, and now president of the Liberal Party of Australia, Shane Stone, to the Legislative Assembly of the Northern Territory.

Mandatory sentencing was introduced in 1977 and coincides with the surge of popularity of Hanson's appeal to the electorate based on the most primitive right-wing stances in 1997: racism, anti-immigration policies, anti-single parent social support, flat tax rate policies, the death penalty, RSL-style jingoism and the retarded commonsense values of the yobbo. Mandatory sentencing snatched attention from Hanson's campaign to recruit members to new One Nation branches in the CLP heartland, the northern suburbs of Darwin, Humpty Doo, Katherine and elsewhere.

Prior to its introduction, the imprisonment rates for all Territorians were already four times the national rate. But the imprisonment rate for Aboriginals was 13 times the national rate, and more than three times the general rate for Territorians. It should be noted that the imprisonment rate for Aboriginal people from the Groote Eylandt communities (home of the 15-year-old found hanged in his cell in a youth detention centre in Darwin recently) was the highest in Australia.

My own study of these extraordinary features of the NT justice system (as an employee of the Royal Commission into Aboriginal Deaths in Custody from 1989 to 1990) revealed that 70 per cent of the prison population of the Territory was Aboriginal; 95 per cent male; 60 per cent had been previously imprisoned; 74 per cent were unemployed; 60 per cent admitted that their offences were alcohol-related; 54 per cent were single; 45 per cent had a primary or lower education level; the usual offence cate gories were driving or property related; 48 per cent of the prisoners were under the age of 25; 34 per cent were in prison for unpaid fines for an average of seven days. And 64 per cent of convicted prisoners served less than three months. I reported to the commissioner the evident and alarming problem of minors arrested and imprisoned for theft of food and other minor offences, and recommended that the then emerging non-custodial options for sentencing be supported, and, in particular, that jail be a last resort. I also reported that there was an urgent need for residential and counselling facilities for those with alcohol and behavioural problems.

The Aboriginal people who spoke to me during the consultations took the view that young people, especially minors, should not be jailed, that jail converted the young with a propensity for youthful misdemeanours into recidivist criminals. They wanted minor offenders brought to brook under customary law mechanisms, a course of action that had proved far more successful than imprisonment of young males in faraway towns. Their own customary legal system is strict and rigorous, offering a range of punishments, such as confinement of offenders to camps in the bush where they are instructed in the philosophy and values of their society under a harsh ritual discipline. Physical or corporal punishments, such as public spearing, are relatively rare and applied only in the case of major breaches of the accepted standards of behaviour, such as ritual offences and homicide.

The principal and most important of the commission's recommendations was that imprisonment should be a last resort, and not only for Aboriginal people. The patterns of imprisonment show that the lives of thousands of young Australians who had

committed minor offences are being needlessly wasted by the vestigial 19th century attitudes of governments to punishment and imprisonment.

There is no evidence that imprisonment rehabilitates offenders. There is no evidence that imprisonment reduces crime rates.

What remains astonishing, after the Royal Commission, the government reporting process and a decade-long national debate on these issues, is the waste of taxpayers' money involved in imprisoning children, youth and other harmless sections of the population, on the basis of race, poverty and other markers of difference.

It now costs about $50,000 annually to jail someone. This far exceeds the cost of the typical offence to the community, and in no way represents an investment in the future ability of the typical offender to contribute to society.

There are no rational, constructive reasons for mandatory sentencing, other than the electoral welfare of politicians from remote seats where racism plays an inordinate part in public life and keeps in power political parties that can only succeed by outdoing Hanson. In the most dreadful and shameful of ways, the One Nation Party has succeeded. By accepting mandatory sentencing, our judicial system, and civil society, have fallen below the standards of civilised society.