

COMMITTEE REPORT ON THE INQUIRY INTO THE HUMAN RIGHTS (MANDATORY SENTENCING OF JUVENILE OFFENDERS) BILL 1999.

The Australian Democrats endorse and join with the majority findings of the Committee and the Chair's recommendations.

This comprehensive investigation into mandatory sentencing in the Northern Territory and Western Australia was of immense value.

Meeting with the community and legal groups, those 'on the ground' as it were, and forced to deal with the reality and social effects of these laws, was imperative.

During debate on the existence and possible repeal of these laws, the more draconian laws in the Northern Territory sometimes overshadowed the fact that similar, although not as harsh, laws also exist in Western Australia. Indeed, mandatory sentencing legislation first appeared in Western Australia before it evolved in the Northern Territory.

I am very pleased therefore, that the majority report supports and advocates the repeal of these laws in Western Australia as well as the Northern Territory.

It is clear that Commonwealth powers to intervene in the criminal laws of the states do exist, and have been used. (There is no question about this as it relates to the Territories). Most recently this was demonstrated with the Human Rights (Sexual Conduct) Act 1994, that has application to Tasmania and Western Australia, and which was founded on international human rights treaties.

I commend the Senate staff who co-ordinated and worked on this inquiry.

Senator Brian Greig

Australian Democrats spokesperson for Law and Justice.

10 March 2000

