

FURTHER COMMENTS BY SENATOR MARISE PAYNE, DEPUTY CHAIR

I would like to add comments further to those which appear under my name in the previous statement. My additional comments relate to the extent of action that should be taken at this time by the Commonwealth government.

In my view, the most desirable outcome of this Inquiry and the public debate on this issue is the repeal of all mandatory sentencing laws affecting young people that would obviate the need for the *Human Rights (Mandatory Sentencing of Juvenile Offenders) Bill 1999*. In the current circumstances this appears unlikely.

In the alternative, it is still clearly preferable that both the Northern Territory and Western Australian jurisdictions have the opportunity to address directly and independently the undesirable consequences of the mandatory sentencing legislation. To provide an adequate opportunity and time for this process to occur, I do not support the passage of the *Human Rights (Mandatory Sentencing of Juvenile Offenders) Bill 1999* at this stage.

The Government Senators' report has outlined the efforts we believe the Western Australian government has made in this regard. The Western Australia and Northern Territory governments should therefore be encouraged in these approaches to go further, to consider and implement other models of rehabilitative justice for juveniles that will also meet community need and expectations for deterrence.

However, it is appropriate to consider what will happen if none of the recommendations or approaches to juvenile sentencing contained in the Government Senators' report or any other options are implemented in the Northern Territory. It is difficult to predict how effectively and over what period any recommendations may be considered and implemented, if at all.

In light of the weight of evidence and opinion that the laws as they stand do breach the Convention on the Rights of the Child, and arguably the ICCPR, then if the operation of the Northern Territory mandatory sentencing laws remains incompatible with our international obligations, I recommend that the Commonwealth government should intervene.

Marise Payne
Deputy Chair

