

USE EXTERNAL AFFAIRS POWER: FRASER TELLS FEDERAL GOVT

Speaking at the Vincent Lingiari Memorial Lecture in Darwin on 24 August 2000, the Right Honorable Malcolm Fraser called for Federal Government intervention to end mandatory sentencing in statements strongly critical of the current government's stance on indigenous affairs. He also called upon the government to apologise to the stolen generation and introduce a Bill of Rights.

The Federal Government must act on mandatory sentencing as a necessary step for reconciliation according to the Right Honorable Malcolm Fraser.

"Mandatory sentencing is one issue where only the government can act," said Mr Fraser.

"If ever there was a case for the use of our External Affairs Power, it was surely in relation to a matter of "human rights" which affects in particular the condition of the indigenous minority. The [mandatory sentencing] law, we know, was aimed primarily at indigenous Australian. The consequences of the law fall most heavily on indigenous Australians. It is extraordinary to give police a special "discretion" while that discretion is denied to the magistrates.

"In a matter so sensitive, to deny the court the capacity to take into account all the circumstances of a case, is a basic denial of justice and an abrogation of our International Treaty obligations," he said.

"We should recognise and accept the fact that the condition of young Aboriginals and their communities is, in significant measure, the consequence of past government policy. These underlying causes should be attacked and mandatory sentencing abolished."

Malcolm Fraser's speech was met with a standing ovation from the audience which filled Northern Territory University's amphitheatre to overflowing.

YOUNG LAWYER SAILS THE LEEUWIN

Articled clerk James Docherty has sailed to sea on a 3-masted barquentine with over 810 square metres of sail and overall length of 55 metres crew not just once, but four times. He enjoys the experience on board so much, he is planning to go again. James spoke to *Balance* about his involvement with the tall ship STS Leeuwin II.

"I first went on board in 1994 when I was in Year 12 at Darwin High School. I saw a big poster of the Leeuwin on the noticeboard at school. I had no previous sailing experience but thought it looked like a bit of fun. My parents were really receptive to the idea, so my sister and I both went."

James travelled on the ship as a trainee, one of up to 40 young males and females between the ages of 14 - 25 who join a permanent crew on the Leeuwin consisting of the Captain, the Mate, the Bosun, an engineer and the chef. Teams of 10 work under a volunteer watch leader who is responsible for supervising and training their group.

"You come on board absolutely fresh. On my last voyage as watch leader in July this year, out of 40 trainees there were probably only five who had any experience sailing at all. A lot of them were country kids from Katherine, Alice Springs or out on stations.

"It's not a holiday. The best way to think of it is as an experience. The trainees are basically the workers. It's them who sail the ship," said James.

The Leeuwin was the brainchild of Perth doctor Malcolm Hay. He believed that if millions of dollars could be found for the America's Cup, a few hundred thousand dollars could be raised for a sail training ship. The ship cost \$3.5 million to build. The largest operating sailing ship in Australasian waters, she was launched in August 1986 and commissioned on September 12 1986 to provide an adventure training facility for WA young people.

The Leeuwin has an accreditation program for its trainees, and recruits



James Docherty, back left, commenced articles at Clayton Utz in February 2000.

people who have shown potential to return as volunteers on subsequent voyages.

"On my first trip I went from Darwin down the west coast to a place called King George Sound. The voyage went for ten days and was really superb. After that trip I didn't get accredited for anything. I just had a lot of fun," he said.

"I went back again in 1996 when I was at Northern Territory University studying law. I resolved to myself I was going to learn more about the sailing aspects than just mucking around. I'm really glad that I did that because after that voyage I got a letter saying that I had been selected to return as watch leader. Naturally, I was stoked.

"I first took up the opportunity to be a watch leader six months later and have done three trips as watch leader since," said James.

"The ship is a conduit for personal development as much as it is about learning to sail. You are put in a position where you don't know anyone else on the ship and you have to work as a team. On a ship nothing is done if its not done in a team. The Leeuwin equips you with skills to be able to understand and appreciate the differences amongst people. When I first came on board as a trainee I was a typical young kid, pretty closed minded. If someone wasn't in your group you didn't talk to them. You are dead in the water on the Leeuwin with that sort of attitude."

James Docherty is an articled clerk with Clayton Utz in Darwin.