

WOMEN IN CUSTODY

Mandatory sentencing

The death in custody of the young juvenile on 10 February 2000 has rekindled the debate about mandatory sentencing in the NT. The death, coming just one week after the Senate Select Committee was in Darwin and Alice Springs to hear evidence, has confirmed the great fears held by those who work in the field — that sooner or later a person imprisoned on a mandatory sentence, who but for mandatory sentencing would not be in prison, would die in custody.

The lack of diversionary programs for juveniles in remote NT is a matter which needs attention. This, on top of the high clear up rates in Aboriginal communities, belies the argument that the implementation of the law is not discriminatory. Mandatory sentencing has operated in a way which is discriminatory. For that reason alone it should be overturned.

It also negates hundreds of years of case law guiding the sentencing principles which apply in a particular case. These principles are overridden to the extent that mandatory sentencing applies. Thus, courts are placed in the unenviable position of saying, for example, to a 15 year old juvenile defendant, you must be detained for two months, with the first 28 days to be served and after that you are to be released on a supervised bond while

undertaking community service. The principles set out in case law guiding the sentencing of a 15 year old emphasize that rehabilitation is the primary goal of the sentencing process and detention the last resort. The court can not apply detention as a last resort, thereby jeopardising the chances of rehabilitation.

There remains the fundamental issue — why mandatory sentencing at all. We must not let this death pass without engaging the community as a whole in a debate on the issue. Mandatory sentencing affects the whole community.

With the dramatic increase in the numbers of non-Indigenous and Indigenous women sentenced to terms of imprisonment in the past few years, this issue is one which should have immediate concern to NTWLA members.

NTWLA continues to oppose the legislation.

Patron's reception

Our Patron Judge Thomas has kindly agreed to host another reception at the Supreme Court and we are planning the reception in mid April. Keep an eye out for invitations.

Law Society logo

Congratulations to the Law Society on its new image. The logo launched for



Melanie Little, President of the NT Women Lawyers Association.

the opening of the legal year depicts a Law Society ready for the 21st century.

NTWLA logo

We have decided to follow the Law Society into the year 2000 and will be holding a competition for a NTWLA logo (with the winner to be announced at the Patrons Reception).

While everyone is welcome to enter, we are targetting the design, graphic and art students from the NTU. For any of you toying with a career change, let me know if you want to enter and I will forward you the details.

Any suggestions

Ideas for activities and issues for 2000 would be welcomed by the Committee. We are anticipating another active year. So contact us with your ideas.

The Committee for 1999 - 2000 is :

Melanie Little — President

Janelle Martin — Vice President

Britt Lardelli — Secretary

Sharon Burnett — Treasurer

Cassandra Goldie

Jacqueline Presbury

Therese Austin

Kate Halliday

Membership

Please forward your membership renewals to:

GPO Box 3384
Darwin 0801

NTWLA Speakers Lunch

10 March 2000, 1pm

Guisseppes (back room)

Gail Humble will be speaking on
Marketing.

Contact Therese Austin or Janelle Martin
to RSVP on 89 99 7533