

20/08/2005

Public prosecutor to appeal verdict

The Director of Public Prosecutions Rex Wild is to appeal against the one-month jail sentence given to a middle-aged man who had sex with his 14-year-old promised bride and beat her with a boomerang.

The girl and her family were forced to flee Yarralin, a small community 400km west of Katherine, after the man was jailed at an open-air court hearing.

Other members of the community blamed her for the man's imprisonment.

Chief Justice Brian Martin said he had considered jailing the 55-year-old for only the rising of the court — a few hours.

He said the man was caught between traditional Aboriginal law and modern Northern Territory law.

The law is an ass

I WRITE with some outrage concerning the sentencing of a 55-year-old Aboriginal elder who pleaded guilty of aggravated assault and having sex with a 14-year-old "promised bride" (*Northern Territory News*, August 13).

While the judge acknowledged the conflict between Aboriginal customary and Territory laws must ultimately be concluded in favour of NT law the sentence of 24 months, suspended after one month's imprisonment, plus a good behaviour bond and a \$250 fine, beggars belief.

The girl was 14 years old, had clearly stated she wanted no part of the arrangement, was locked in a bedroom for four days, brutally raped and beaten. What part of this episode constitutes customary law I wonder.

The judge accepted the offender was unaware that it was an offence to have sex with a child under the age of 16. Since when was ignorance of the law an excuse, either for conviction or penalty?

What "lesson" does this sen-

NT NEWS
22 Aug 2005

tence pose for anyone? That if you are an Aboriginal man you can sexually assault a child and only get one month's jail? That as a 14-year-old Aboriginal girl you can't rely on NT law to either protect you from these assaults or penalise the offender severely enough to get the message through that such conduct is not acceptable and will be punished severely?

The judiciary are wont to dismiss such criticisms from the public as being "uninformed". What knowledge of the legal process or the circumstances of the offender do you need to have to know that the rape of a 14-year-old child, irrespective of her cultural background, should be punished at a level that befits the abhorrence with which the public, if not the judiciary, view such conduct?

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August 22, 2005 www.ntnews.com

p. 12

www.ntnews.com.au

SATURDAY Extra

break vicious cycle

July 17 2010

Their roles can include presenting information to courts for sentencing and bail purposes about an accused who is a member of their community, being involved in diversionary programs and participating in the supervision of offenders, conducting mediations, and setting community rules and community sanctions (consistent with NT law).

These groups are not expensive to run. But to be effective, they need resources, such as a trained facilitator and training for the elders.

Community Courts are another important initiative.

They allow for the community to have a role in the court process and for victims to have a chance to have more of a say, confronting the offender with the consequences of their actions.

They are not a "slap on the wrist" option — the magistrate still imposes the usual range of sentences, including jail.

But Community Courts are used for only a tiny percentage of cases, mainly because they are not properly resourced. Government needs to fund Community Courts properly if they are to be effective.

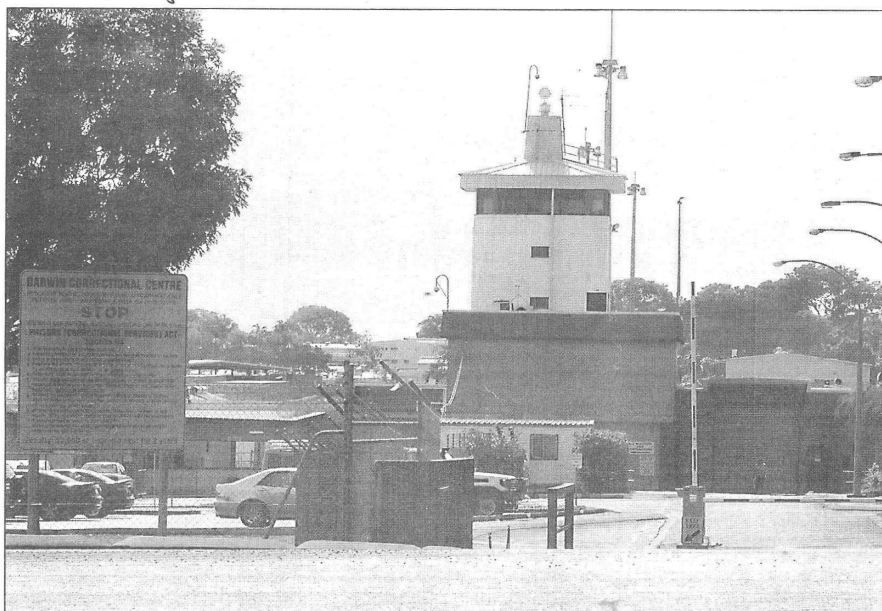
Diversionary options

The research is clear that when people enter the criminal justice system, they tend to stay in it.

A criminal record, even for a minor offence, can prevent people from getting a job.

So we need to do all we can to keep people out of the system, while at the same time dealing with the offending.

Community courts allow the community to have a role in the court process and for



NOT THE ANSWER: The entrance to Berrimah jail. The NT needs to look at alternatives to let the community have a role in the court process, respected indigenous leader Norman George says