

NORTHERN TERRITORY CRIMINAL LAWYERS ASSOCIATION

SECOND BALI CONFERENCE

OPENING ADDRESS BY

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NORTHERN TERRITORY ATTORNEY-GENERAL

EMBARGOED UNTIL 11 AM, MONDAY, MAY 1, 1989

YOUR EXCELLENCY, THE GOVERNOR OF BALI ... MR PRESIDENT ... YOUR HONOURS ... PRACTITIONERS FROM OUTSIDE THE NORTHERN TERRITORY ... PRACTITIONERS AND GUESTS ... I THANK YOU KINDLY FOR ALLOWING ME THIS OPPORTUNITY TO OPEN THE SECOND BALI CONFERENCE OF THE NORTHERN TERRITORY CRIMINAL LAWYERS ASSOCIATION TO SPEAK TO YOU.

MANY OF YOU WILL KNOW ME AS, AMONGST OTHER ROLES, ATTORNEY-GENERAL FOR THE NORTHERN TERRITORY.

YOU WILL ALSO KNOW I AM NOT A LAWYER ... NOR DO I PRETEND TO BE A LAWYER.

IN MY LIFE BEFORE POLITICS I WAS A POLICE OFFICER WITH THE NORTHERN TERRITORY POLICE FOR SOME 15 YEARS.

IN THAT TIME I TRAVELLED AND WORKED THROUGHOUT THE TERRITORY.

I CAME INTO CONTACT WITH ALL SORTS OF TERRITORIANS ... TRIBAL ABORIGINALS ... DESCENDANTS OF AFGHAN ... FOURTH GENERATION CHINESE AUSTRALIANS ... VIETNAMESE BOAT PEOPLE ... TIMORESE REFUGEES ... WHITE ANGLO SAXON PROTESTANTS AND CATHOLICS ... CITY DWELLERS AND FRINGE DWELLERS.

I SAW MY SHARE OF DRUNKS AND DRUG ADDICTS.

I ARRESTED MURDERERS ... I SET FREE INNOCENT PEOPLE ... I TENDED DYING ROAD ACCIDENT VICTIMS ... I TOLD PARENTS OF THE DEATHS OF THEIR CHILDREN.

IN SHORT I GOT AROUND ... AND I THOUGHT I HAD A PRETTY GOOD UNDERSTANDING OF THE NORTHERN TERRITORY AND ITS PEOPLE.

AS A POLITICIAN I HAVE SEEN MORE OF THE SAME PEOPLE, BUT I'VE SEEN LESS OF THE SEEDIER, UGLIER SIDE OF LIFE WHICH, UNFORTUNATELY, IS THE AREA IN WHICH POLICE OFFICERS OFTEN WORK.

BECAUSE POLICE OFFICERS SEE THE UGLIER SIDE OF LIFE, THEY HAVE A TOUGHER, PERHAPS MORE PESSIMISTIC OR REALISTIC OUTLOOK ON LIFE.

BUT IF I HAD THE PESSIMISTIC VIEWS OF A POLICE OFFICER THOSE VIEWS HAVE, I BELIEVE, BECOME MORE BALANCED AS A RESULT BY MY POLITICAL CAREER.

WHILE NO DOUBT SOME OF YOU WILL DISAGREE, POLITICIANS DO SOME GOOD.

IT IS GOOD, FOR EXAMPLE, TO BE A PART OF THE THE DEVELOPMENT OF THE TERRITORY AND IT'S PEOPLE ... IT'S GOOD, FOR EXAMPLE, TO BE PERSONALLY INVOLVED IN THE INTRODUCTION OF LOW INTEREST SUBSIDY SCHEMES DESIGNED TO ASSIST TERRITORIANS TO PURCHASE THEIR HOMES IN THE TIMES OF MASSIVE INTEREST RATE INCREASES.

THROUGH VARIOUS MINISTERIAL PORTFOLIOS, I'VE MET PROMINENT PEOPLE THROUGHOUT AUSTRALIA ... ENTREPRENEURS SUCH AS LORD MCALPINE AND, DARE I SAY IT, I'VE EVEN MET LUKE BUTLER.

I THINK I CAN SAFELY SAY, THEN, THAT MY EDUCATION IN RESPECT OF THE TERRITORY IS NOW MORE ROUNDED.

YOU MAY WELL ASK WHAT ALL THIS HAS GOT TO DO WITH A CONFERENCE OF THE CRIMINAL LAWYERS ASSOCIATION HELD IN BALI.

THE ANSWER IS SIMPLY THIS: I WANT TO TALK TO YOU ABOUT THE FUTURE DIRECTIONS OF CRIMINAL LAW IN THE NORTHERN TERRITORY, AS I SEE THEM.

I WANT MAINLY TO TALK ABOUT DRUGS -- PARTICULARLY ABOUT MARIJUANA AND THE LEGAL PROFESSION'S ROLE IN THE MARIJUANA DEBATE.

I WILL ALSO DISCUSS MARIJUANA IN THE NORTHERN TERRITORY, AND THE PARTICULAR CARE THE NORTHERN TERRITORY MUST TAKE IN FASHIONING ITS DRUG LAWS BECAUSE OF ITS PROXIMITY TO OTHER NATIONS IN SOUTH EAST ASIA.

I WANT TO PREACH TO YOU, NOT AS A LAWYER, BUT SPECIFICALLY AS A NON LAWYER, A POLITICIAN AND AS SOMEONE WHO HAS A FAIRLY GOOD UNDERSTANDING OF THE NORTHERN TERRITORY.

I WOULD LIKE TO BEGIN BY PUTTING THE DEBATE INTO CONTEXT.

QUITE CLEARLY THE GREATEST FEAR PARENTS HAVE FOR THE FUTURE WELFARE OF THEIR CHILDREN IS DRUGS ... TO SAY THAT IS NOT THE CASE IS TO DENY REALITY.

THE DRUG OFFENSIVE WHICH IS BEING SUPPORTED BY ALL AUSTRALIAN GOVERNMENTS IS A DIRECT RESPONSE TO THE GENUINE FEARS OF PARENTS AND TO PUBLIC OPINION.

IT IS NO POLITICAL GIMMICK DESIGNED TO WIN VOTES ... RATHER IT IS A GENUINE ATTEMPT BY GOVERNMENTS TO TURN THE TIDE OF DRUG USE IN OUR COMMUNITY.

LET THERE BE NO DOUBT THERE IS A DRUG WAR.

IN AMERICA THEY SAY THE WAR IS LOST AND THE BEST THAT CAN BE DONE IS TO CONTROL THE SPREAD OF DRUGS.

THE ADVERSE REACTION OF THE VAST MAJORITY OF AMERICAN PEOPLE TO THIS PROPOSITION WAS REFLECTED IN THE RESULTS OF THOSE SOMEWHAT BIZARRE REACTION TESTS TO POLICY PROPOSALS PUT FORWARD BY PRESIDENTIAL CANDIDATES.

SOME OF YOU WILL HAVE NOTICED THAT THE STATEMENT WHICH SENT NEEDLES OFF THE REACTION MONITORS, CONNECTED TO BOTH DEMOCRAT AND REPUBLICAN SUPPORTERS, WAS THE CALL FOR THE DEATH PENALTY FOR DRUG DEALERS.

I BELIEVE THE REACTION OF A MAJORITY OF AUSTRALIANS -- AND CERTAINLY OF TERRITORIANS -- WOULD BE THE SAME.

DESPITE EVIDENCE WHICH MIGHT SUGGEST THE DRUG WAR HAS BEEN LOST IN AMERICA, NO PRESIDENTIAL CANDIDATE, NO PRESIDENT, HAS GIVEN UP HOPE.

THERE IS A DETERMINATION IN THE CONGRESS TO BRING TO AN END THE MASSIVE DRUG PROBLEMS BEING FACED BY AMERICAN PEOPLE.

WHY? SIMPLY BECAUSE THEY KNOW TOO WELL THE COST OF A DRUG EXPLOSION -- THEY ARE PAYING FOR IT NOW.

IT'S NOT JUST A COST IN DOLLAR TERMS, ALTHOUGH THAT IN ITSELF IS HORRENDOUS ... THE CHAIRMAN OF THE U.S. HOUSE OF REPRESENTATIVES SELECT COMMITTEE ON NARCOTICS, ABUSE AND CONTROL ESTIMATES A YEARLY COST OF \$100 BILLION -- I REPEAT 'BILLION'.

BUT EVEN MORE IMPORTANTLY, IT'S THE COST IN HUMAN MISERY, OF DECAY AND THE POTENTIAL DESTRUCTION OF SOCIETY, OF VIOLENT AND INJECTED DEATH.

IN AMERICA IT MUST BE TRULY DEVASTATING TO SEE YOUNG CHILDREN UNDER 14 YEARS OF AGE OPENLY DEALING IN CRACK AND USING VIOLENCE TO ACHIEVE THEIR OBJECTIVES.

BUT EVEN IN AMERICA, FACED WITH THE PROBLEMS THEY HAVE, THEY HAVE NOT GIVEN UP HOPE.

IN AMERICA THEY HAVE SEEN, THEY ARE EXPERIENCING THE COST OF THE LIBERALISATION OF VIEWS REGARDING DRUG USE WHICH SWEEP AMERICA DURING THE SIXTIES AND SEVENTIES.

THE COST IS TOO HIGH AND THEY ARE SAYING NO TO DRUGS.

ON THE 22ND OF OCTOBER, 1988, THE U.S. CONGRESS PASSED THE ANTI-DRUG ABUSE ACT.

IT WAS ONE OF THE MOST PUBLICISED PIECES OF LEGISLATION EVER PASSED BY CONGRESS ... AND IT WAS PASSED WITH THE OVERWHELMING SUPPORT OF BOTH PARTIES IN A DEMOCRATIC-CONTROLLED LEGISLATURE.

THE BILL READS, IN PART: "THE CONGRESS FINDS THAT LEGALISATION OF ILLEGAL DRUGS, ON THE FEDERAL OR STATE LEVEL, IS AN UNCONSCIONABLE SURRENDER IN A WAR IN WHICH, FOR THE FUTURE OF OUR COUNTRY AND THE LIVES OF OUR CHILDREN, THERE CAN BE NO SUBSTITUTE FOR TOTAL VICTORY."

IT GOES WITH OUT SAYING I ENDORSE THAT STATEMENT ... AND I BELIEVE IT IS A STATEMENT WHICH WOULD RECEIVE THE RINGING ENDORSEMENT OF EVERY PARLIAMENT IN AUSTRALIA.

I WOULD HAVE HOPED IT WOULD RECEIVE A SIMILAR ENDORSEMENT FROM THE LEGAL PROFESSION ... BUT IT SEEMS IT DOESN'T, AND I WILL GET BACK TO THAT.

CHARLES RANGEL (DEMOCRAT NEW YORK), WHO CHAIRED THE SELECT COMMITTEE, WHEN INTERVIEWED ON THE BILL SAID: "WE HELD HEARINGS ON THE SUBJECT, WE TALKED TO OUR CONSTITUENCIES, AND IT WAS CLEAR: AMERICA WILL NOT TOLERATE DRUG LEGALISATION. WE HOPE THE DANGEROUS AND IRRESPONSIBLE IDEA OF LEGALISATION -- WHICH SENT A HORRENDOUS SIGNAL TO OUR YOUNG PEOPLE -- WILL BE PUT TO REST SO THAT WE MAY GET ON WITH THE IMPLEMENTATION OF THE LAW."

THE RANKING REPUBLICAN ON RANGEL'S COMMITTEE, BENJAMIN GILMAN, SAID: "THE AMERICAN DREAM IS STILL BASED ON SUCH HOPE, THE HOPE TO DO BETTER, TO FULFILL OUR DREAMS. LEGALISATION OF DRUGS CAPITULATES TO FEAR AND GIVES UP ON HOPE."

DR RICHARD SWARTZ, A MEDICAL EDITOR OF DRUG ABUSE UPDATE, APPLAUDED CONGRESS AND SAID: "CHRONIC DRUG USE, WHICH LEGALISATION ENCOURAGES, SLOWLY AND SUBTLY KILLS THE ABILITY OF THE BRAIN TO DO ITS WORK FOR THE BODY."

ANOTHER MEDICAL PRACTITIONER, JERRY WEINER, THE PRESIDENT OF THE AMERICAN ACADEMY OF CHILD AND ADOLESCENT PSYCHIATRY, SAID HE OPPOSED LEGALISATION "BECAUSE IT DEPENDS ON UNPROVED AND ILLUSORY ASSUMPTIONS, BECAUSE IT CARRIES WITH IT UNCERTAIN AND POTENTIALLY DESTRUCTIVE CONSEQUENCES AND BECAUSE IT COMMUNICATES TO OURSELVES AND TO OUR YOUTH AN UNHEALTHY AND PESSIMISTIC MESSAGE ABOUT OUR SOCIETY".

NO DOUBT SOME OF YOU WILL REJECT THOSE STATEMENTS SIMPLY BECAUSE THEY ARE AMERICAN ... BUT I ASSURE YOU THEY APPLY EQUALLY TO AUSTRALIA, TO THE TERRITORY, AS DO THEY IN AMERICA.

YOU MIGHT SAY 'THAT'S AMERICA' ... BUT IF THAT IS YOUR RESPONSE I SUGGEST YOU GO FOR A WALK THROUGH KINGS CROSS IN THE NEAR FUTURE.

MORE MUST BE DONE ABOUT THE DRUG WAR IN AUSTRALIA ... IF THE COMMUNITY, AND THAT INCLUDES MEMBERS OF YOUR PROFESSION, IS NOT PREPARED TO STAND AGAINST DRUG AND AGAINST THE LEGALISATION OF DRUGS, THEN IN A SHORT SPACE OF TIME WE WILL BE FACING PROBLEMS SIMILAR TO THOSE NOW FACED IN AMERICA.

WE MUST LEARN FROM THE AMERICAN EXPERIENCE AND WE MUST AVOID ANY SUGGESTION THAT LEGALISATION OF DRUGS IS AN APPROPRIATE STEP FOR ANY AUSTRALIAN GOVERNMENT.

WHY HAVE I RAISED THIS ISSUE OF LEGALISATION WITH YOU?

WELL INITIALLY I WANT TO REGISTER WITH YOU MY EXTREME DISAPPOINTMENT WITH THE APPROACH YOUR PROFESSION HAS TAKEN IN THE LEGALISATION DEBATE.

RECENT CALLS FROM NO LESS A BODY THAN THE LAW COUNCIL OF AUSTRALIA FOR THE LEGALISATION OF MARIJUANA REFLECT, I AM AFRAID, A CONTINUING AND INCREASING PERCEPTION IN SOCIETY THAT THE LEGAL PROFESSION HAS LOST TOUCH WITH THE SOCIETY IT SEEKS TO SERVE.

YOU WOULD KNOW THAT THE PUBLIC IMAGE OF THE LEGAL PROFESSION IS NOT THAT GREAT.

INDEED, IN THE POPULARITY STAKES, IT SEEMS LAWYERS RANK BELOW POLITICIANS -- ABOUT ON A PAR WITH USED CAR SALESMAN.

BUT BE THANKFUL FOR SMALL MERCIES ... YOU'RE STILL SLIGHTLY ABOVE JOURNALISTS.

YOU WOULD ALSO KNOW THAT THE PUBLIC IS FED UP WITH THE RESTRICTIVE AND OFTEN ARCHAIC PRACTICES OF YOUR PROFESSION, LITIGATION DELAYS LARGELY GENERATED BY SLACKNESS, CONVEYANCING MONOPOLIES AND THE LIKE.

AND IN MY OPINION THE LEGAL PROFESSION, IN SUPPORTING LEGALISATION OF MARIJUANA, HAS FURTHER ERODED ITS STANDING.

DESPITE WHAT ITS MEMBERS MAY THINK OR SAY, IN MY OPINION THE LAW COUNCIL HAS GIVEN EVERYONE, ESPECIALLY YOUNG PEOPLE, THE IMPRESSION THAT THERE IS NOTHING WRONG WITH MARIJUANA.

IN DOING SO I BELIEVE THAT THE LAW COUNCIL HAS SENT A HORRENDOUS SIGNAL TO OUR YOUNG PEOPLE ... IT HAS "CAPITULATED TO FEAR AND HAS GIVEN UP HOPE".

I ASK YOU WHAT REALISTICALLY CAN BE ACHIEVED BY THE LEGALISATION OF MARIJUANA?

THE LAW COUNCIL SAYS THAT IT WILL KEEP USERS AWAY FROM ILLEGAL TRADERS WHO MIGHT SUPPLY MORE HARMFUL DRUGS.

I WILL EXAMINE THE ARGUMENTS AGAINST THAT PROPOSITION ON TWO BASES.

FIRSTLY, HOW ARE WE GOING TO IMPLEMENT LEGALISATION?

WHO IS GOING TO SELL IT ... THE GOVERNMENT, THE MEDICAL PROFESSION, CIGARETTE COMPANIES, PERHAPS (AND WHAT SORT OF WARNING WOULD YOU PUT ON THE PACKETS)?

HOW MANY JOINTS WILL YOU BE ALLOWED TO SMOKE A DAY ... WHO IS GOING TO CONTROL THE NUMBER OF JOINTS SMOKED EACH DAY ... WHAT LEVEL OF T.H.C. SHOULD BE ALLOWED ... SHOULD IT BE AVAILABLE TO PEOPLE UNDER THE AGE OF 18 ... SHOULD WE ISSUE PERMITS TO SMOKERS?

THE QUESTIONS ARE ENDLESS AND THERE ARE FEW, IF ANY, PRACTICAL ANSWERS.

SECONDLY, WHAT POSSIBLE JUSTIFICATION COULD THERE BE FOR LEGALISING A MORE POTENT DRUG THAN TOBACCO AND WHICH STUDIES SHOW HAS A MORE HARMFUL EFFECT THAN TOBACCO?

SHOULD WE LEGALISE A DRUG WHICH, FROM THE LIMITED RESEARCH THAT HAS BEEN UNDERTAKEN, INCREASES THE RISK OF BRONCHITIS, LUNG CANCER, AND RESPIRATORY DISEASE ... CHANGES MOTIVATION ... DECREASES CONCENTRATION, MEMORY AND LEARNING ABILITIES ... INTERFERES WITH SEXUAL DRIVE AND HORMONE PRODUCTION ... AND CAN CAUSE A BUILD UP OF FATTY TISSUES IN THE BRAIN AND OTHER INTERNAL ORGANS?

AS THIS INFORMATION IS ALREADY AVAILABLE, PERHAPS YOU, AS LAWYERS, MIGHT ADVISE ME OF WHAT, GIVEN THE EXTENSION OF THE LAW AS REGARDS LIABILITY OF GOVERNMENT AND OTHERS, IS THE POTENTIAL LIABILITY OF THE GOVERNMENT WHICH LEGALISES THE USE OF MARIJUANA?

NO ONE SHOULD SUGGEST THE SUPPLY BY LEGAL TRADERS WOULD MEET THE NEEDS AND DESIRES OF ILLICIT SUBSTANCE ABUSERS.

FURTHER, IT IS KNOWN MARIJUANA IS A GATEWAY DRUG TO HEROIN, COCAINE AND OTHER DANGEROUS DRUGS, AND I STRONGLY OPPOSE ANY MOVE WHICH WOULD OPEN THAT GATEWAY ANY WIDER.

TAKING THAT ISSUE A BIT FURTHER, AGAIN I TRUST NO ONE WILL SUGGEST THE LEGALISATION OF MARIJUANA WOULD NOT RESULT IN MORE WIDESPREAD USE OF THE DRUG.

QUITE SIMPLY, IF THE DRUG WAS LEGAL AND EASILY ACCESSIBLE, MORE PEOPLE WOULD USE IT.

I UNDERSTAND THAT IN SWEDEN AT ONE STAGE THEY LEGALISED AMPHETAMINES ... THERE WAS SUCH AN INCREASE IN USE OF AMPHETAMINES THAT LEGISLATION WAS PASSED PROHIBITING THEM.

I HAVE NO DOUBT THE SAME WOULD OCCUR WITH MARIJUANA.

LET ME ALSO PUT THE DEBATE IN A NORTHERN TERRITORY CONTEXT.

MORE THAN 25 PER CENT OF OUR COMMUNITY IS ABORIGINAL ... WE WERE, AND ARE STILL, A VIBRANT AND MULTI-CULTURAL SOCIETY 30 YEARS BEFORE THE TERM WAS INVENTED ... THE PERCENTAGE OF YOUNG PEOPLE IN THE TERRITORY REFLECTS MORE CLOSELY THE PERCENTAGES THROUGHOUT ASIA RATHER THAN THE REST OF AUSTRALIA.

PARTLY BECAUSE OF THESE FACTORS, AND ALSO BECAUSE OF OUR CLOSE PROXIMITY TO INDONESIA, THE NORTHERN TERRITORY GOVERNMENT HAS SINCE 1978 FOSTERED AND MAINTAINED CLOSE LINKS WITH INDONESIA ... AGAIN I'LL COME BACK TO THAT ISSUE.

THERE IS A PERCEPTION IN THE SOUTHERN PARTS OF AUSTRALIA THAT TERRITORIANS ARE DIFFERENT ... WELL WE ARE.

BUT THERE IS NOTHING WRONG WITH BEING DIFFERENT -- INDEED I THOUGHT THAT WAS WHAT MULTI-CULTURALISM WAS ALL ABOUT.

WE SHOULD NOT HIDE OUR DIFFERENCES, WE SHOULD RECOGNISE THEM AND TAKE ACCOUNT OF THEM -- AS WE MUST ACCEPT THE DIFFERENCES OF PEOPLE IN OTHER PARTS OF AUSTRALIA, ASIA AND WITHIN OUR OWN TERRITORY.

IN THIS CONTEXT, I STRONGLY BELIEVE THAT IN THE TERRITORY WE MUST NOT FASHION OUR LAWS ON WHAT SOME FLASH Q.C. FROM MELBOURNE OR SYDNEY DEMANDS SIMPLY BECAUSE THAT'S WHAT THE LAW SAYS IN MELBOURNE AND SYDNEY.

NOR SHOULD OUR LAWS BE BASED ON WHAT SOME BUREAUCRAT BORN, BRED, RAISED AND LIKELY BURIED IN CANBERRA ORDERS ... NOR ON WHAT SOME TELEVISION JOURNALISTS MIGHT SAY.

WE MUST BASE OUR LAW ON WHAT TERRITORIANS SAY.

IT SEEMS SOMETIMES THAT THOSE HERE THE SHORTEST TIME OFTEN BLEAT LOUDEST AND LOOK FOR THEIR SUPPORT FROM DOWN SOUTH.

THE SIMPLE MESSAGE I GIVE TO YOU IS THIS ... IF YOU WANT TO BITCH ABOUT A LAW THE TERRITORY GOVERNMENT MIGHT INTRODUCE, THEN YOU DO THE BITCHING AT A LOCAL LEVEL.

AS SOON AS YOU BRING IN YOUR SOUTHERN SHOCK TROOPS YOU LOSE THE DEBATE BECAUSE, INVARIABLY, THEY WILL WANT TO IMPOSE SYDNEY, MELBOURNE OR CANBERRA SOLUTIONS ON TERRITORY PROBLEMS ... AND MORE THAN LIKELY YOU'LL LOSE THE BATTLE FOR THAT SIMPLE REASON.

I SUGGEST TO YOU THAT BEST AUTHORITIES ON THE TERRITORY ARE TERRITORIANS ... THERE IS OBVIOUS SENSE IN THE ARGUMENT.

I NOTE A FEW ASPIRANTS TO MY POSITION IN THE AUDIENCE.

GOOD LUCK ... BUT IF THE UNLIKELY HAPPENED AND YOU ACHIEVED APPOINTMENT TO THIS ELEVATED OFFICE, I CAN ASSURE YOU THE LAST THING YOU ARE GOING TO WANT IS THE VIEWS OF TERRITORIANS BEING PUT BY SO-CALLED SOUTHERN 'EXPERTS'.

THAT IS NOT TO SAY WE SHOULD NOT LISTEN TO THE VIEWS AND CRITICISMS OF OTHERS ... OR COURSE WE SHOULD, BUT WE MUST NOT MAKE THE MISTAKE OF PUTTING THEM FORWARD AS TERRITORY VIEWS.

A CLASSIC EXAMPLE OF THIS PHENOMENON IS WHAT HAS HAPPENED WITH THE RELATIONSHIP BETWEEN THE AUSTRALIA MEDIA AND INDONESIA.

THE AUSTRALIAN MEDIA CONTINUES TO SUPPLY AUSTRALIAN SOLUTIONS TO INDONESIAN PROBLEMS.

THEY SHOULD FORGET IT ... SURE, IF THEY WISH THEY CAN CRITICISE INDONESIA -- I AM SURE OUR HOSTS DON'T MIND CRITICISM.

HOPEFULLY, HOWEVER, THAT CRITICISM SHOULD BE CONSTRUCTIVE AND, PREFERABLY, SHOULD BE FROM JOURNALISTS WITH SOME APPRECIATION OF INDONESIA ... AND WE MUST NOT EXPECT THE INDONESIANS TO DO ANYTHING OTHER THAN RESOLVE THEIR OWN PROBLEMS IN THE MANNER THEY DEEM APPROPRIATE.

I HAVE NOT NOTICED ANY WISH OF INDONESIA TO SOLVE OUR PROBLEMS.

INDEED, IT IS REPORTED THAT A FAMOUS INDONESIAN ARMY OFFICER WHO, HAVING TRAINED AT DUNTROON, HAS A GOOD APPRECIATION OF AUSTRALIA, ONCE SUGGESTED TO AN EQUALLY FAMOUS CHIEF MINISTER OF THE NORTHERN TERRITORY THAT THE INDONESIAN GOVERNMENT WOULD NOT OBJECT IF WE RELEASED THE ROPE TYING TASMANIA TO THE REST OF AUSTRALIA ... IN FACT, INDONESIA WOULD NOT EVEN COMMENT.

THE MESSAGE WAS CLEAR AND MY MESSAGE TO YOU IS SIMILAR.

BUT BACK TO FUTURE DIRECTIONS ... WELL WITHOUT GIVING TOO MUCH AWAY THE TERRITORY GOVERNMENT IS NOT GOING SOFT ON DRUGS.

WITH THE AGE OF THE TERRITORY'S POPULATION, AND THE OBVIOUS VULNERABILITY OF MANY OF OUR ABORIGINAL PEOPLE TO DRUGS SUCH AS ALCOHOL, IT WOULD CLEARLY BE A BACKWARD STEP TO TREAD DOWN THE LEGALISATION ROAD.

IN ADDITION, FROM THE POINT OF VIEW OF THE TERRITORY'S RELATIONS WITH COUNTRIES SUCH AS INDONESIA IT WOULD BE THE WRONG WAY TO GO.

IT IS NOT DIFFICULT TO SEE -- AS I AM SURE YOU WILL SEE IN THE NEXT FEW DAYS -- THAT SOME AUSTRALIANS MUST PROJECT AN APPALLING IMAGE TO MANY OF OUR ASIAN NEIGHBOURS.

I AM SURE THAT BOOZING, SMOKING AND PARADING NAKED ON THEIR BEACHES ARE CHARACTERISTICS NOT PARTICULARLY WELCOMED BY OUR BALINESE HOSTS.

OUR IMAGE ALREADY HAS ENOUGH PROBLEMS IN ASIA AND I WOULD SUGGEST THAT ANY AUSTRALIAN GOVERNMENT SEEN TO BE SOFT ON DRUGS WOULD LOWER THAT IMAGE EVEN FURTHER -- SO YOU CAN BE SURE THAT WE IN THE TERRITORY WILL CONTINUE TO SAY NO TO DRUGS.

TO TAKE UP THE ISSUE OF LEGISLATIVE INITIATIVES, I RECENTLY MADE A STATEMENT IN OUR PARLIAMENT OUTLINING THE GOVERNMENT'S ANTI-LEGALISATION STANCE.

THAT STANCE WILL BE CONFIRMED DURING THE MAY SITTINGS OF THE ASSEMBLY.

I HAVE ALREADY PUT TO FEDERAL ATTORNEY-GENERAL, AND HAVE RAISED AT THE STANDING COMMITTEE OF ATTORNEYS GENERAL, THAT THE PASSPORTS OF DRUG TRAFFICKERS SHOULD BE REVOKED SO THEY CANNOT EXPORT THEIR NOXIOUS HABITS OVERSEAS.

GIVEN THE SUPPORT THIS PROPOSAL HAS RECEIVED, I EXPECT THE COMMONWEALTH WILL INTRODUCE AMENDMENTS TO THAT EFFECT.

PERHAPS WE SHOULD ALSO LOOK AT REMOVING THE ELIGIBILITY OF DRUG TRAFFICKERS TO BENEFITS SUCH AS SOCIAL SECURITY PAYMENTS.

CLEARLY IN THE TERRITORY OUR MAJOR ILLEGAL DRUG PROBLEM IS MARIJUANA ... THE PLACE OF TRADE IS HOTELS.

I HAVE ALREADY GIVEN NOTICE THERE WILL BE SPECIFIC LEGISLATION DEALING WITH THAT PROBLEM IN THE MAY SITTINGS.

LICENSEES WHO ASSIST IN STAMPING OUT OF THE TRADE WILL HAVE NOTHING TO FEAR, WHEREAS TRAFFICKERS IN DRUGS ON LICENSED PREMISES WILL SOON KNOW THE TRADE IS GOING TO FINISH.

THOSE WHO CHOOSE TO SELL DRUGS TO YOUNG PEOPLE OR SEEK TO TRADE IN PLACES WHICH YOUNG PEOPLE FREQUENT WILL BE DEALT WITH BY SPECIFIC PROVISIONS.

I STRESS AGAIN THAT THESE LAWS ARE FASHIONED FROM A TERRITORY PERSPECTIVE -- WE HAVE A PROBLEM WITH DRUGS IN HOTELS AND WE HAVE A YOUNG POPULATION.

I AM ALSO LOOKING AT SPECIFIC LEGISLATION RELATING TO ANABOLIC STEROIDS.

THIS IS NOT A POLITICAL GIMMICK ... WE ALREADY HAVE EVIDENCE OF MISUSE OF ANABOLIC STEROIDS IN THE TERRITORY.

IN ADDITION, I AM AWAITING UPDATED INFORMATION FROM THE UNITED STATES IN RELATION TO CRACK AND YOU CAN EXPECT SPECIFIC LEGISLATION IN THAT REGARD ... YOU CAN ALSO BE SURE THE PENALTIES WILL BE SEVERE.

QUITE SIMPLY, IF CRACK IS HALF AS BAD AS IT APPEARS TO BE, IT WOULD HAVE A DEVASTATING EFFECT IN THE TERRITORY GIVEN BOTH OUR YOUNG POPULATION AND THE APPARENT VULNERABILITY OF ABORIGINAL PEOPLE TO LEGAL AND ILLEGAL DRUGS.

WITH THE DREADFUL PETROL SNIFFING PROBLEMS AMONGST YOUNG CHILDREN IN SOME ABORIGINAL COMMUNITIES CAN YOU IMAGINE THE PROBLEMS A CHEAP DRUG LIKE CRACK COULD CAUSE?

ON ANOTHER TACK, ASSETS FORFEITURE LEGISLATION WAS RECENTLY INTRODUCED IN THE TERRITORY ... AS THE AMERICANS SAY "THE AUCTION BLOCK MAY HOLD MORE PROMISE THAN THE ELECTRIC CHAIR IN TURNING THE WAR AROUND...".

IT IS INTERESTING TO NOTE THAT THE MAIN CRITICISM OF SUCH LEGISLATION FROM THE LEGAL PROFESSION, WHEN IT IS ALL BOILED DOWN, IS THAT THEY CAN'T RECOVER THEIR FEES (I UNDERSTAND RECOVERY OF FEES IS SOMEWHAT OF A SORE POINT AMONGST OUR FRIENDS AT THE TERRITORY BAR).

AGAIN BEFORE YOU COMPLAIN, I WOULD ADVISE YOU TO CONTEMPLATE THE ALTERNATIVE LEGISLATION RECENTLY INTRODUCED IN THE UNITED KINGDOM, WHICH MAKES ALL PROPERTY WHICH HAS PASSED THROUGH THE HANDS OF AN OFFENDER FOR SIX YEARS PRIOR TO THE OFFENCE LIABLE TO CONFISCATION.

I MUST ADMIT THAT, IF IT WASN'T FOR THE FACT WE HAVE UNIFORM LEGISLATION IN AUSTRALIA, I WOULD PURSUE THAT APPROACH.

FOLLOWING ON FROM THE INTRODUCTION OF ASSETS FORFEITURE LEGISLATION, I ANTICIPATE THAT A PERCENTAGE OF THE MONIES GAINED FROM ASSETS SEIZED WILL BE DIVERTED FOR DRUG REHABILITATION, IMPROVED ENFORCEMENT EQUIPMENT AND TO A VICTIMS OF CRIMES COMPENSATION FUND.

IN ADDITION, THE CRIMES COMPENSATION ACT IS TO BE AMENDED SOON TO PROVIDE SIGNIFICANT INCREASES IN THE COMPENSATION LEVELS.

I HOPE TO BE ABLE TO INCREASE THAT AMOUNT FURTHER IN FUTURE YEARS PROVIDING THE CRIMES COMPENSATION FUND POOL PROVES SUCCESSFUL.

AS I SAID, THE FUND WILL BE TOPPED UP BY ASSETS FORFEITURE AND FURTHER BY THE VICTIMS OF CRIME LEVY ON OFFENDERS CONVICTED BY OUR COURTS.

THIS APPROACH IS AN EXTENSION OF THE USER PAYS THEORY ... IN PARTICULAR I FAVOUR ADOPTING THE CATCHCRY 'THE ABUSER PAYS'.

CONSISTENT WITH THAT APPROACH, IN COMING MONTHS YOU WILL SEE A VARIETY OF CAMPAIGNS AND PROJECTS DIRECTED AT FURTHER ASSISTING THE VICTIMS OF CRIME.

I AM CURRENTLY EXAMINING THE ESTABLISHMENT OF A VICTIMS' SUPPORT GROUP SIMILAR TO THAT ALREADY OPERATING SUCCESSFULLY IN SOUTH AUSTRALIA.

I HAVE HAD DISCUSSIONS WITH RAY WHITROD, THE FOUNDING FATHER OF THE MOVEMENT, AND HOPEFULLY I WILL BE ABLE TO BRING HIM TO THE TERRITORY DURING THE YEAR TO PROVIDE FURTHER ADVICE.

AS MENTIONED IN MY RECENT MINISTERIAL STATEMENT TO THE ASSEMBLY, I AM EXAMINING THE POSSIBLE INTRODUCTION OF VICTIM IMPACT STATEMENTS AND ALSO THE NECESSARY SUPPORT FACILITIES AND SPECIALIST PERSONNEL WHICH POLICE AND PROSECUTORS MAY NEED TO PROVIDE ADVICE AND SERVICES TO VICTIMS OF CRIME.

I HOPE ALSO TO OPERATE THAT SYSTEM ON THE ABUSER PAYS PRINCIPLE ... THAT IS, BY FUNDS FROM THE ASSETS FORFEITURE POOL.

ANOTHER IMPORTANT ASPECT OF MY PROPOSAL IN FIGHTING CRIME IN THE TERRITORY WILL BE AN INCREASED EMPHASIS ON CRIME PREVENTION.

THE BOTTOM LINE IS THAT WE MUST HAVE GREATER COMMUNITY INVOLVEMENT IN PREVENT CRIME.

THE NEIGHBOURHOOD WATCH SCHEME IS ONE INITIATIVE CONSISTENT WITH THAT APPROACH, AND LATER THIS YEAR I WILL BE SETTING UP FIGHT CRIME COMMITTEES IN THE TERRITORY.

I EXPECT THESE COMMITTEES TO ACT AS AVENUES THROUGH WHICH ORDINARY CITIZENS CAN BECOME MORE INVOLVED IN CRIME PREVENTION AND TO PROVIDE CONDUITS THROUGH WHICH THE GOVERNMENT CAN RECEIVE THEIR VIEWS AND ADVICE ... AND IMPORTANTLY, THIS WILL BE THE ADVICE OF TERRITORIANS.

PROCEEDING FURTHER, ONE OF THE BURNING ISSUES IN OUR COMMUNITY IS CONCERN REGARDING SENTENCING.

THIS CONCERN IS NOT ONLY BEING EXPRESSED BY MEMBERS OF THE PUBLIC, IT HAS ALSO BEEN EXPRESSED BY THE AUSTRALIAN LAW REFORM COMMISSION.

IN RECOGNITION OF THIS THE TERRITORY GOVERNMENT IS PRESENTLY REVIEWING SENTENCING LEGISLATION AND I HOPE TO INTRODUCE LEGISLATION IN THE AUGUST SITTINGS OF THE LEGISLATIVE ASSEMBLY.

PERSONALLY, I FEEL SENTENCING HAS GONE A BIT HAYWIRE.

I KNOW MUCH CRITICISM IS DIRECTED AT JUDGES IN THIS REGARD ... BUT I AM AWARE THAT THEY, TOO, HAVE CONCERNS REGARDING SENTENCING.

I BELIEVE OUR PROBLEMS AT THE MOMENT ARE A LEGACY OF THE ILL-CONSIDERED LIBERALISM OF THE PAST TWO DECADES.

THROUGH THE SIXTIES AND SEVENTIES WE CREATED THE MYTH THAT CRIME WAS NOT THE CRIMINALS' FAULT -- IT WAS SOCIETY'S FAULT ... AS A RESULT, SOCIETY SHOULD BE BLAMED AND PUNISHED AND THE CRIMINAL SHOULD BE REHABILITATED.

IN THE COLD, HARD LIGHT OF THE EVIL EIGHTIES THOSE VIEWS ARE BECOMING INCREASINGLY TRANSPARENT AND DIFFICULT TO MAINTAIN.

INSTEAD OF BEING ABLE TO BREAK FREE OF THE SHACKLES OF EXCESSIVE LIBERALISM THE COURTS NOW FIND THEMSELVES BOUND BY THE WEIGHT OF PRECEDENT WHICH SETS THE GUIDELINES WITHIN WHICH THEY MUST ACT.

THOSE GUIDELINES ARE NOW SEEN AS BEING TOO RESTRICTIVE ... BUT THE COURTS CANNOT GO OUTSIDE THEM BECAUSE THEY KNOW THEIR DECISIONS WILL BE OVERTURNED BY HIGHER COURTS ACTING ON THE AUTHORITY OF PRECEDENCE.

IT IS INDEED A VICIOUS CIRCLE.

AND IT MUST NOW BE THE RESPONSIBILITY OF THE VARIOUS LEGISLATURES TO SET NEW PARAMETERS FOR SENTENCING.

THERE IS, OF COURSE, A HEAVY ONUS OF RESPONSIBILITY ON GOVERNMENTS TO ENSURE THAT THOSE NEW GUIDELINES BE FAIR ... NONETHELESS, THERE IS STILL PLENTY OF ROOM TO MAKE IMPROVEMENTS.

FOR A START, YOU CAN LOOK FOR CHANGES WHICH BRING ABOUT 'TRUTH IN SENTENCING'.

I THINK YOU CAN LOOK TO A BREAKING DOWN OF THE COMPLEXITIES OF A SYSTEM WHICH PROVIDES FOR SUBSTANTIAL SENTENCES OF IMPRISONMENT BUT WHICH, IN REALITY, ALLOWS OFFENDERS TO BE RELEASED LONG BEFORE THEIR TERMS ARE SERVED AND ALSO ALLOWS FOR ADDITIONAL REMISSION 'DISCOUNTS'.

THIS SYSTEM CONFUSES NOT ONLY THE DEFENDANT, THE PROSECUTOR AND THE PRISON OFFICER, BUT ALSO I BELIEVE THE SENTENCING AUTHORITY.

FROM THE TERRITORY PERSPECTIVE YOU CAN EXPECT LEGISLATION WHICH WILL SPECIFICALLY ADDRESS VIOLENT CRIME, PARTICULARLY AGAINST WOMEN.

THIS LEGISLATION WILL ENSURE THAT, SAVE IN EXCEPTIONAL CIRCUMSTANCES, PERSONS CONVICTED OF SERIOUS VIOLENCE WILL BE SENTENCED TO JAIL ... OTHERWISE YOU CAN EXPECT THAT PRISON WILL BE SEEN AS A SENTENCE OF LAST RESORT.

THE PEOPLE WHO WILL HAVE THE MOST TO FEAR WILL BE THE VIOLENT OFFENDERS AND THOSE NON VIOLENT OFFENDERS WHO FAIL TO RESPOND TO OPPORTUNITIES TO REHABILITATE THEMSELVES.

DELEGATES I THANK YOU FOR THIS OPPORTUNITY TO ADDRESS YOU.

I SPECIFICALLY CONGRATULATE COLIN McDONALD, TOM PAULING AND RAY MINAHAN ON WHAT IS OBVIOUSLY A WELL ORGANISED CONFERENCE WHICH PROMISES TO BE HIGHLY SUCCESSFUL.

MOST IMPORTANTLY I WOULD LIKE TO THANK OUR BALINESE HOSTS.

I AM DELIGHTED WE WILL HAVE SESSIONS ON INDONESIAN LAW DURING THE CONFERENCE ... I CONSIDER SUCH INITIATIVES IMPORTANT FOR THE BETTER UNDERSTANDING OF OUR RESPECTIVE CULTURES.

FINALLY, TO STEAL SOME OF JACK KARCZEWSKI'S (KAR-CHEV-SKI'S)
THUNDER -- LET THE CROWN BASH BEGIN -- I FORMALLY OPEN THE
CONFERENCE.