

Australia: 'Anti-social conduct' outlawed in the Northern Territory

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Just weeks before calling an election, the government in Australia's Northern Territory last month pushed through parliament new laws giving police far-reaching powers to "move-on" or arrest anyone they consider to be committing "anti-social conduct".

The Country Liberal Party government is whipping up a reactionary "law and order" atmosphere for the August 18 election, openly vilifying the homeless and unemployed, and giving NT police unprecedented powers. The Public Order and Anti-Social Conduct Act, described by Police Minister Mike Reed as "groundbreaking," directly undermines fundamental democratic rights, including freedom of movement and speech.

The law is a transparent attempt to drive the Territory's poor—predominantly Aborigines—off the streets of tourism and business centres such as Darwin, the NT capital, Alice Springs and Katherine. "The government is determined to ensure that police have the sufficient powers to apprehend those people who are causing anti-social behaviour ... apprehending those people who are accosting law-abiding citizens in the streets, asking for money or even worse," Reed declared.

Moreover, the Act's wording is so sweeping that it can also be used to suppress any form of public political dissent, including demonstrations, pickets and protests. Police can order anyone they accuse of "anti-social conduct" out of an area for 72 hours, and any person who fails to comply can be arrested and jailed for up to six months.

"Anti-social conduct" is specifically defined as being broader than criminal conduct. It includes causing apprehension, harassment, alarm or distress to a "reasonable" person at any place; "obstruction" of pedestrian or vehicular traffic; and interference with

trade or business.

Also outlawed is disruption of "peace or good order"; interference with the "reasonable enjoyment" of any place by other people; and disruption of the "peaceful and orderly" conduct of an event, entertainment or gathering.

No such behaviour even needs to occur—police merely need "a reasonable apprehension that a person has engaged in, is engaging in or is about to engage in anti-social conduct".

The "places" covered by the legislation include: malls, public parks, the vicinity of automatic teller machines (ATMs), public recreation areas, public open spaces, shops, railway stations, service stations, roads, streets, courts and alleys.

In addition, police can obtain a court order designating any place, including a private residence, to be "a place of anti-social conduct," giving officers further powers to raid the premises without a warrant, to search the occupants and seize anything.

The measures go far beyond the "drug house" laws recently passed in New South Wales, which effectively scuttled the presumption of innocence. Under those laws, people found in, or entering or leaving, a proclaimed "drug house" must prove that their presence has nothing to do with illegal drugs.

Under the NT provisions, mere presence on the streets, or in a prescribed "place of anti-social conduct" will be sufficient for police intervention. Anyone considered a nuisance and who refuses to obey a police order will automatically commit a serious offence.

The Labor Party government in NSW used the pretext of combatting drug abuse in order to boost police power and undermine long-standing legal principles on the burden of proof. The NT government has now taken the extra step of giving its police similar powers

without any restriction. Its laws can apply to people simply walking, sitting or congregating in any place where they are not wanted.

Aboriginal activists and lawyers have spoken out against the new laws. “If ever there was a measure to be passed by the NT parliament that singles out Aboriginal people for unjust treatment, then this has got to be it,” commented Chris Howse from the Aboriginal Justice Advocacy Committee.

Representing the legal profession, the NT Law Society likened the Act to the measures used by the apartheid regime in South Africa. “One thing is sure. Legislation of this type is pitched at the lowest common denominator in our society. It is designed to work on prejudice and ignorance... It is also contrived to divert the community’s attention away from the hard fact that the government does not have an answer for the socially destitute.”

Aboriginal people, who make up 28 percent of the NT population, are the government’s most visible targets. They are, in the main, the poorest layer of society. Dragged through a life of poverty, very few have adequate housing, health services or education.

The government now has the ability to herd Aboriginal and other working class and poor people out of entire areas, in order to remove them from sight. With the government touting the Territory as a new centre for tourism and commerce, based on the planned Timor Sea oil and natural gas projects and the promised north-south trans-Australian railway line, it is determined to create the most profitable conditions for businesses and real estate ventures.

The Act comes on top of the 1997 introduction of mandatory sentencing, under which those convicted of even the most petty property offences must be jailed. As numerous cases have demonstrated, with Aboriginal youth incarcerated for “crimes” such as taking a packet of biscuits, these laws already persecute Aboriginal people, as well as the destitute generally.

Police Minister Reed vehemently denounced the Law Society for opposing the Act. The Society had been reduced to a political lobby group for the rights of offenders, he claimed, describing it as “a clique of lawyers who’s very existence is based on helping offenders to escape the law”. According to this logic—which underpins the legislation itself—those charged by the police are guilty, regardless of any trial,

and should not even be entitled to legal representation. In fact, the legal profession should be barred from defending “offenders” at all.

The Labor Party criticised the legislation—but on the ground that the government was not doing enough to boost the police. “What we really need is more police on the beat and more police resources to enable greater enforcement of existing legislation,” its statement insisted. For the election, it has issued a “crime fighting” charter, adopting the slogan, “Serious Crime, Serious Time”.

Neither side has even offered any pretence of tackling the underlying social problems, let alone discuss what impact the Act will have on the lives and living conditions of its targets. The very purpose of the bipartisan “law and order” campaign is to blame and demonise the poorest in society, divert attention away from the economic sources of growing inequality and hand previously unthought-of powers to the police to suppress the inevitable social unrest. Every other Australian government, state and federal, is no doubt monitoring the Northern Territory measures with keen interest.



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