Australia: State election descends into law-and-order bidding war

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The campaign for the March 22 election in the Australian state of New South Wales (NSW) has descended into a law-and-order bidding war. It is so much so that the head prosecutor in NSW, Nicholas Cowdery, has accused the Labor government and Liberal opposition of "fear mongering".

NSW Director of Public Prosecutions Cowdery told a young lawyers' forum that politicians like to be seen as "tough on crime" but tend not to reduce the level of crime or the causes of crime. "The bidding wars on penalties are all about who can more securely bolt the stable door after the horse has bolted. It is not toughness on crime—crime will continue unaffected. It is toughness on the criminal who happens to have been caught and convicted (which may or may not be justified and may or may not be productive and helpful)."

Cowdery, a government-appointed figure, said politicians and the media lack a "reflection of the factual situation in discussion about crime". He was particularly critical of talkback radio. He told the Australian Broadcasting Corporation's *AM* program that, rather than providing a forum for the views of listeners, talkback hosts are "simply selecting the views that they want to hear and to promote for their own purposes".

Cowdery warned that the state Labor government was increasingly merging the judicial and legislative powers, particularly citing the effect of the government's minimum sentencing laws in overriding judicial independence. He raised concerns that opinion polls would increasingly influence judges' decisions.

Official statistics generally confirm Cowdery's conclusion that the law-and-order campaign has not reduced crime. Crime rates have remained relatively steady over the past 10 years, despite a massive boost to police numbers, an increase in average length of sentences and a reduction in the proportion of prisoners granted bail. The murder rate, regarded as the most reliable crime statistic, has remained unchanged since the 1970s.

Since 1995, when Premier Bob Carr took office, the NSW prison population has increased by 20.9 percent, resulting in a higher incarceration rate than most countries in the world. The female prison population increased from 309 in 1995 to 518 in June 2001, while the male population rose from 6,098 to 7,232.

Cowdery's comments are a warning to Carr, who has increasingly relied on law-and-order as his political platform. In the 1995 election campaign, Labor promised certain, although limited, social reforms. It pledged to halve public hospital waiting lists within its first year of office. Once in power, the lists dropped for a short period and then started to rise again. The number of patients still waiting for surgery after 12 months increased by 60 percent between December 1995 and September 2002. Public education, public housing and social services all continued to deteriorate during Carr's first term.

At the 1999 election, Carr attempted to divert the electorate's attention from the mounting social problems with a campaign based on boosting police numbers. He particularly targetted working class youth under the slogan, "Tough Times Require Tough Action". Not to be outdone, the Liberals proposed a 3 a.m. curfew, whereby the police could apprehend any youth under the age of 16 and escort him or her home or to a welfare agency.

Throughout its current term, the government, egged on by the tabloid media's campaigns against "ethnic gangs" and crime waves, has overturned a series of democratic rights. One piece of legislation allows police to order alleged gang members, loosely defined, not to meet in certain places or associate with other members. Anyone breaching the order faces a six-month jail sentence.

Last August, a 20-year-old youth was sentenced to a 55-year jail term after he was found guilty of leading a series of gang rapes in Sydney's southwest. The media launched a campaign of racist scapegoating against the

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youth and the Lebanese Muslim community. Rather than exploring the social conditions that could lead working class youth to commit such brutal acts, Carr's government welcomed the sentence and stoked up the racialist campaign.

Carr and Opposition Leader John Brogden have spent the past two months promising new repressive measures, each accusing the other of stealing law-and-order policies. Labor has promised to overturn the longstanding "double jeopardy" rule, whereby an accused cannot be tried for the same offence twice. Labor will also make it more difficult for repeat offenders to get bail, no matter how minor the offence, by overturning the presumption in favour of bail.

Brogden's Liberals have called for absolute minimum sentences on a range of crimes. A person found guilty of armed robbery would face a minimum of five years in jail, irrespective of the circumstances. Brogden has produced a long list of repressive measures against prisoners, ranging from restricting day release schemes to banning "gang style" haircuts. He has proposed a "Gangs Watch list" for youth who have received a police warning for anti-social behaviour and has promised to stop police giving more than one warning to a young person.

As a number of studies confirm, the underlying causes of crime and anti-social behaviour lie in the deteriorating social conditions and lack of services for which both the Labor and Liberal parties are responsible.

A study released in January by the NSW Bureau of Crime and Statistics and the Australian National University found that if long term unemployment were eliminated and school retention rates increased, home break-ins could be reduced by 16 percent in NSW. The Carr government cut the proportion of the state budget spent on education from 25.7 percent in 1997/98 to 22 percent in 2001/02.

The prisons are full of people whom the government has denied appropriate medical and other help. A survey by the Corrections Health Service in 1997 found that one third of the male and half of the female inmates in Australia have been assessed or treated for a mental illness by a psychiatrist or psychologist at some time. More than 13 percent of the adult prisoners have some form of intellectual disability.

Yet more and more the official response to any problem is to resort to the police and the courts. Both Brogden and Carr mooted placing police in NSW schools in March last year after high school children produced a knife and machete in a school clash. Likewise, Carr utilised calls to increase jail sentences and fines on "arsonists" to divert attention from his government's culpability in this year's bush fires. The fire services lack basic equipment and funding for fire fighters and rely heavily on volunteers.

Law-and-order is also increasingly the response to political dissent. The Labor government assembled 500 police and arrested 31 people at a May Day protest last year and instigated a massive police operation at November's anti-WTO protests. The more politically isolated the state government becomes, the more heavily it relies on repressive legislation and the police.

Despite both parties going to great lengths to promote it, the latest "tough on crime" campaign appears to have fallen flat. "Basically the public is just bored with it all," commented Mark Findley, a criminologist. Cowdery's comments are a further indication that a popular backlash could quickly develop.

After two decades of increasing social inequality, cuts to health care and other services and growing job insecurity, significant layers of the population are alienated from the entire political establishment. None of their concerns about deteriorating social conditions and the undermining of fundamental democratic rights are being addressed, let alone dealt with, by either of the major parties.

Every Australian election, state and federal, over the past four or five years has caused a shock to one of the major parties and the two-party system. Last October's federal by-election in the NSW city of Wollongong saw Labor lose the lower house seat of Cunningham to the Greens, in an electorate that had been held by Labor for all its 50-year history. For its part, the Liberal-National Party Coalition lost more than half its seats in last year's Victorian state election.

Media pundits predict that the March 22 election will be a walkover for Labor. There is very little interest in or enthusiasm for the campaign of either party. But as the lack of response to the law-and-order slogans indicates, there is a profound disconnect between large sections of the electorate and the mainstream parties. Beneath the surface, it is not so much apathy and boredom that dominate but discontent, hostility and political ferment, which may yet manifest themselves in unforeseen ways.

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