November 28 2005.

Bill aims to stop violent Aboriginal men hiding behind customary law

A Bill to prevent violent Aboriginal men hiding behind the protection of customary law will be introduced in Parliament by Opposition Leader Jodeen Carney on Wednesday.

The Bill will be almost identical to a Bill she introduced in August 2003 that was opposed by the Labor Government.

The move follows a much-publicised case of a 55-year-old Aboriginal man sentenced to one month’s jail for bashing a 14-year-old girl and forcing her to have sex with him.

The incoming Australian Labor Party national president Warren Mundine said recently that the sentence was “judicial abuse of indigenous Australian children.”

“Customary law is a shield behind which violent Aboriginal men can hide. It is an unconscionable mechanism by which their criminality is reduced or excused, and it should be removed from the deliberations of Courts in criminal proceedings,” Ms Carney said.

Ms Carney said she was concerned about comments made by the Chief Minister Clare Martin.

Ms. Martin has said that she will only review Government’s position ‘after a decision is made by the Court of Appeal’, and if it ‘seems to reflect any inadequacy in our laws’, [Australian 16/9/05]

“Either the law is inadequate or it isn’t. If the Appeal is not successful, it doesn’t look like Government will act, which is an absurd position to adopt,” Ms Carney said.

“This ‘wait and see’ approach is bizarre. The law can be changed now to bring an end to violent Aboriginal men hiding behind the veil of customary law.”