



## Media Release

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### High Court action against Northern Territory Government to challenge police powers which will disproportionately impact Aboriginal people

Today the North Australian Aboriginal Justice Agency (NAAJA) will commence a High Court challenge against the 'paperless arrest' regime in the Northern Territory that gives police new detention powers.

The regime under the Police Administration Act grants police power to detain someone for up to four hours if they suspect the person has committed, or is about to commit, an 'infringement notice offence', which includes minor offences such as making undue noise and failing to keep a front yard clean.

Ruth Barson, Senior Lawyer at the Human Rights Law Centre which is part of the legal team running the case, said that the case is about ensuring people cannot be detained in circumstances which breach well-established legal principles.

"These laws allow police to lock someone up for minor offences like swearing which would usually only attract a small fine. The laws allow police to effectively act as prosecutor and judge. The right to liberty is a fundamental human right and should only be restricted by the courts, save for well-established exceptions," said Ms Barson.

Under the laws, there is no opportunity for someone to protest their innocence, and police can keep someone in detention for up to four hours without giving them the opportunity to apply for bail. Police do not need to charge the person at the end of the four hour detention, and do not need to provide them with the opportunity to receive legal advice.

"Police can essentially punish people on suspicion of committing a minor offence. The ability to sidestep the courts is particularly concerning, and it's important that the High Court has the opportunity to consider the validity of these laws," said Ms Barson.

Ms Barson said that the laws will inevitably have a disproportionate impact on Aboriginal people.

"At a time when we should be finding ways to reduce the number of Aboriginal people in custody, these laws will see many more Aboriginal people locked up for minor offences," said Ms Barson.

The Northern Territory already has the highest imprisonment rate in the country and Aboriginal people comprise over 85% of the prison population.

“The Royal Commission into Aboriginal Deaths in Custody emphasised the need to avoid locking people up for minor offences. In challenging this regime, NAAJA is taking issue with the validity of new police powers which do just that,” said Ms Barson.

The HRLC is coordinating the pro bono legal team comprised of lawyers from law firm Ashurst and barristers led by Mark Moshinsky QC, who are representing NAAJA. IMF Bentham is also supporting NAAJA through its pro bono program.

“We are pleased to support this important case as part of our commitment to promoting access to justice in Australia,” said Tania Sulan, Coordinator of IMF’s pro bono program.

Further background information can be [found here](#).

*For further information or comments, please contact:*

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