

Dear Attorney-General (separate letter to all states/territories and federal)
(address)
(email)

Dear Attorney-General

Civil Liberties Australia urges you to abolish mandatory sentencing this year. We ask what steps are you taking to amend or replace mandatory sentencing legislation in the coming 12 months.

The International Commission of Jurists Australia has reported on the extent, growth and impact in Australia of mandatory sentencing. As the ICJ report pointed out, “..mandatory sentencing is imposed in respect of serious offences (where) there has been media and public outcry after a court has imposed a sentence that has been deemed to be too lenient”. Further, the report observed: “..mandatory sentencing removes the sentencing discretion from the Courts, placing it instead in the hands of the elected legislature, eroding the principle of judicial independence and appropriating an essential tool of the law for political purposes”.

The Law Council of Australia has also called for the abolition of mandatory sentencing on the grounds that it creates greater law and order problems than it solves.

CLA opposes mandatory sentencing for a fundamental reason, that it removes the discretion of a judge or magistrate to come to a fair and balance decision and sentence appropriate to the individual circumstances. Only a judge or magistrate who has heard all the evidence is in the best position to make a fair and balanced decision, having taken account of all the facts involved.

CLA points out that mandatory sentencing exacerbates the problems of jail overcrowding in your and every jurisdiction. Overcrowding threatens the effectiveness of rehabilitation and vocational and educational programs, and increases incidents of violence in prisons and detention centres. The financial implications of increased incarceration has been graphically outlined in the report of the Queensland Productivity Commission into imprisonment and recidivism in 2019-20.

We also ask you, as a politician first, to ensure your party does not engage during the next election campaign in the perceived politically expedient, but counter-productive, 'tough on crime' approach for votes on a false premise that black letter law is the solution to reducing crime.

Yours sincerely

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President, Civil Liberties Australia

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