

**MANDATORY SENTENCING CAUSES GROSS INJUSTICE
ONE SIZE DOES NOT FIT ALL**

15 NOVEMBER 2012

The Criminal Lawyers Association of the Northern Territory strongly opposes the Northern Territory Government's proposal to radically expand mandatory sentencing.

CLANT President Russell Goldflam deplored the measures, describing them as "unfair, unprincipled, unworkable, unnecessary and unaffordable."

Mr Goldflam said, "These measures would see the introduction of a complex sentencing regime which would remove judicial discretion and force magistrates and judges to imprison many violent offenders for at least twelve months.

"The Government claims these changes are necessary for deterrence and retribution, but the evidence is clear: mandatory sentencing does not deter people from offending. While our notorious and discredited mandatory sentencing laws for property offences were in force in the 1990s, property offending actually went up. As for retribution, our courts already impose the toughest sentences in the country for violent offending.

"Recent research by the Australian Institute of Criminology shows that despite the popular media-fuelled belief that judges are soft on crime, when 700 jurors were asked what sentence they would have imposed in the cases in which they had deliberated, more than half of them said they would have imposed a more lenient sentence than the one actually imposed by the judge.

"Magistrates and judges, impartial professionals who are highly trained, skilled and experienced, are best placed to decide, taking into account all the circumstances of the offence and the offender, what a sentence should be. If, as they do from time to time, they get it wrong, the error can be corrected on appeal. Mandatory sentencing, by contrast, is in effect rubber stamp sentencing imposed by partisan politicians, with no right of review.

"One of the many problems with mandatory sentencing is that it treats all offenders in a particular category as being the same. However, one size does not fit all. If we introduce a blanket approach to justice, then grave injustices are sure to occur. The principle of individualised justice is fundamental: in plain language, it means giving everyone a fair go.

"If passed, these laws will result in a lot of people being locked up for a lot longer, at great expense to Territorian tax payers. Every time we lock one person up for a year it costs over \$100,000. These proposed laws aren't just unfair, they are extremely costly. The Territory imprisonment rate is already almost 5 times the national average. We simply can't afford to keep locking people up at an even higher rate", said Mr Goldflam.

CONTACT: RUSSELL GOLDFLAM

0401119020