



AUSTRALIAN  
LAWYERS  
FOR  
HUMAN RIGHTS

PO Box A147, Sydney South NSW 1235  
[info@alhr.org.au](mailto:info@alhr.org.au) [alhr.org.au](http://alhr.org.au)

**Media release**

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## **Lawyers reject Tasmania's mandatory minimum sentencing laws**

Australian Lawyers for Human Rights (ALHR) has spoken out against the Tasmanian Government's proposal to introduce mandatory minimum sentences for certain sexual offences against minors.

ALHR Vice President Kerry Weste said, "ALHR is strongly opposed to mandatory minimum prison terms on the basis that they impose unacceptable restrictions on judicial discretion and independence, and undermine fundamental human rights and rule of law principles. Judicial discretion is absolutely critical to ensuring the integrity of our criminal justice system."

"Moreover the proposals are likely to have a counterproductive effect on the costs of the administration of justice. Mandatory sentencing regimes operate as an incentive for defendants to plead not guilty thereby resulting in more contested cases and an increased burden on the court's resources".

ALHR Tasmanian Co-Convenor, Nicole Sommer, said. "ALHR recognises the gravity of child sex offences and the very serious enduring harm they cause to victims. Unfortunately however, the reality is that mandatory minimum sentencing has no deterrent effect and does not reduce rates of offending. It is all too often a populist move, rather than an evidence-based response."

"Two of Tasmania's leading legal advisory bodies have specifically considered the use of mandatory minimum prison terms and recommended against introducing them. As recently as 2016, the Sentencing Advisory Council said it did not support the introduction of mandatory minimum sentences, stating there is no evidence they have a deterrent effect."

Ms Weste Continued, "A mandatory minimum sentencing regime that prohibits the court from attributing the weight it deems appropriate to the seriousness of the offending and the circumstances of the offender is bound to result in terms of imprisonment that are arbitrary. The proposed provisions therefore breach Australia's obligations under Article 9(1) of the ICCPR (International Covenant on Civil and Political Rights) in that they amount to arbitrary detention."

"We call on the Tasmanian Legislative Council to reject the bill. The measures proposed are contrary to our international legal obligations and will not serve to increase community safety by reducing rates of offending. Mandatory minimum sentencing is ineffective and costly."

***For further comment or to arrange an interview, please contact Matt Mitchell on 0431 980 365.***