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MEDIA RELEASE

Proposed changes to Sentencing Laws should be Held Over to allow proper discussion

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Proposed changes to sentencing laws should be held over to allow informed discussion said Frank Guivarra Chief Executive Officer of the Victorian Aboriginal Legal Service Co-operative Limited.

The present Crimes Act 1914 (Cth) includes a list of matters which be considered when courts are sentencing people. Cultural background has been singled out as a matter which should be deleted from the list in the Crimes Amendment (Bail and Sentencing) Bill 2006.

The majority of people will not know about the legislation because culture is largely taken for granted. Consideration of culture only surfaces where there is some real or perceived threat or in relation to people who are recently arrived or who appear to be different.

Unfortunately Aboriginal culture and the diversity of it is not widely understood or widely taught. This means that respect for Aboriginal culture or valuing it by all Australians is some way off.

In this context moves to delete the requirement to consider culture as a factor in sentencing is an invitation, if not an encouragement, to Courts to ignore it.

At the same time, the Commonwealth Government has proposed this legislation most of the State Governments have moved to have Courts more effectively inform themselves about cultural factors relevant to sentence (ie: Koori Courts). This has led to reduced re-offending rates.

Removal of the cultural background consideration in sentencing is not a step forward for Aboriginal people nor does it assist the Australian justice system.

For further information contact Robin Inglis (9419 3888 or ringlis@vals.org.au).