

# Victorian Aboriginal Legal Service Co-operative Limited

## MEDIA RELEASE



### **MANDATORY SENTENCING WILL BRING HARM, NOT COMMUNITY SAFETY**

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The Victorian Aboriginal Legal Service Co-operative Limited (VALS) is urging the Victorian Government to rule out mandatory minimum sentences for juvenile offenders aged 16 and 17. Victorian Attorney-General Robert Clark has tasked the Sentencing Advisory Council (SAC) with advising the Government on the introduction of statutory minimum sentences for juvenile as well as adult offenders for gross violence.

“There is a reason why jurisdictions with mandatory sentencing practices have high recidivism rates and prison populations out of control. There is a confluence of factors that lead a person to offend. Taking the discretion away from the judiciary to apply appropriate sentences on a case-by-case basis ignores everything we have learned about what works to address crime” VALS CEO Mr Wayne Muir said. “There is also a troubling implication by the Government that the judiciary are not appropriately sentencing perpetrators of violent crimes.”

Mandatory minimum sentencing has been discredited from a human rights perspective due to the disproportionate impact it has on Aboriginal and Torres Strait Islander peoples. VALS argues that mandatory minimum sentencing will not achieve the Governments aims and will not improve community safety in the long-term. VALS is especially concerned for the fate of juveniles before the justice system under these changes.

“The Children’s Court operates in a unique way in that in the determination of criminal cases before it the paramount consideration must be the best interests of the child. In sentencing children rehabilitation is and must remain paramount. A period of detention for a young person should always be the last resort,” said VALS Executive Officer of Legal Practice, Ms. Jill Prior.

“Study after study tells us that detention does little to deter people from committing an offence.” Ms. Prior argues that the notion of community protection cannot be divorced from the causal reasons for criminal activity. “It then becomes apparent that the greatest protection for the community will be in providing socio-economic change and cultural and emotional wellbeing to children and their families. These are children, after all, and one must question a society that stands by and does nothing while our future gets locked up.”

VALS is concerned that the introduction of mandatory sentencing practices will reverse the progress made since the recommendations of the Royal Commission into Aboriginal Deaths in Custody. Mr Muir said mandatory sentencing is likely to dramatically increase the prison population which has been shown to be a significant contributor to deaths in custody. “It is a sorry day when years of solid evidence is ignored and our children are arbitrarily incarcerated in order to temper public opinion. What is worse is that it is done in the name of community safety. VALS supports evidence-based attempts to achieve community safety.”

On the basis of recent evidence from SAC itself, VALS seriously questions whether a ‘tough on crime’ approach can achieve community safety. In their 2011 report *Does Imprisonment Deter? A Review of the Evidence*, SAC concluded that imprisonment has no effect on rates of reoffending. SAC therefore argued that caution be exercised when imprisonment is justified as a means of deterrent.