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## Mandatory Madness Ameliorated in The Northern Territory

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**The Aboriginal and Torres Strait Islander Social Justice Commissioner, Dr William Jonas has welcomed the repeal of mandatory minimum terms of imprisonment for property crimes committed by juveniles and adults in the Northern Territory. But the fight continues.**

”Mandatory sentencing laws in the Northern Territory have been a focal point across the country and internationally for the past few years due to their callous and unjust nature. These laws targeted Indigenous people and have been costly and ineffective in deterring crime. The Northern Territory government is to be congratulated for its efforts in repealing these laws.” Dr Jonas stated.

The Juvenile Justice Amendment Act (No2) 2001 repeals mandatory sentencing for juvenile offenders, while the Sentencing Amendment Act (No 3) 2001 repeals mandatory sentencing for property offences for adults. However, the Sentencing Amendment Act creates a presumption of imprisonment for a series of offences known as aggravated property offences: The Act provides that a Court must imprison an offender or require them to participate in a community work order, unless exceptional circumstances exist.

Dr Jonas stated “A sense of justice has been restored to the Territory’s legal system as courts will no longer be compelled to sentence Indigenous and other offenders who have committed petty property crimes to lengthy terms of imprisonment, without having regard to their circumstances.”

”However, I would prefer the restoration of full judicial discretion in the case of aggravated property offences. It remains to be seen whether the class of offences which attract a presumption of imprisonment including for first time offenders

will lead to any further unjust sentences for Indigenous people.”

”The repeal of mandatory sentencing will allow the focus to be more appropriately and fully on diversionary options, which have a much greater chance of addressing the needs of victims as well as appropriately dealing with juvenile offenders.”

The introduction of diversionary programs has been encouraging and stands in stark contrast to the impact of mandatory sentencing, Dr Jonas stated. “It is unfortunate, however, that diversionary programs for juveniles have so far had to operate in the shadow of mandatory sentencing laws. Also, the deal with the federal government unacceptably allowed mandatory sentencing for adults to continue.”

Dr Jonas called for the Commonwealth government to ensure that funding for diversionary programs under the deal with the Territory government be maintained. “It is essential that the federal government continues to fund these programs in their formative stages.”

Dr Jonas also urged the Territory government to ensure that its efforts do not end with the repeal of mandatory sentencing: “I hope that the repeal of these laws signals the beginning of a new relationship with Indigenous people in the Territory.”

The repeal of mandatory sentencing in the Northern Territory now means that Western Australia is the only state in Australia that imposes minimum mandatory terms of imprisonment for property offences. These laws are currently under review by a WA Ministry of Justice inquiry. “The Western Australian mandatory sentencing provisions are bad law. The WA government can expect more intensive scrutiny of these laws in coming months - they should act now and repeal these reprehensible laws.”