

Introduction

Each year the University of New South Wales holds a symposium on matters of considerable public importance and significance. In 2000 the symposium was on mandatory sentencing, a subject not only of great public significance but of great controversy as well. On 28 October 2000 those attending the symposium heard from an impressive list of speakers including prominent members of Australia's indigenous community, academic community, law and politics.

A number of papers prepared for the symposium were distributed on an ad hoc basis to those members of the public who contacted the symposium organisers. In view of the importance of the issues surrounding mandatory sentencing, we felt that a more permanent record of these contributions to the debate was warranted. With that in mind, we offer in the following pages, a selection of papers from the symposium. As you will see, the contributors discuss the complexities of their subject matter thoughtfully and with care. The result is that these issues are made accessible to all readers, irrespective of their familiarity with the subject matter.

The issue opens with Sir Gerard Brennan's concluding remarks at the symposium which are a valuable precis of the proceedings. The ensuing papers canvass a range of topics including a criminological perspective on mandatory sentencing, the impact of mandatory sentencing on human rights and the implications of mandatory sentencing for judicial independence. We commend to you the following contributions from the University of New South Wales Symposium 2000 — Mandatory sentencing: rights and wrongs. ●

Anne McNaughton, Annie Cossins and Peter Kriesler
October 2001

Postscript

While this issue of the journal was being prepared for publication, elections were held in the Northern Territory. Remarkably, after 26 years of continuous government by the Country Liberal Party, the voters of the Northern Territory elected a Labor Government. One of the Labor Party's campaign promises was to abolish the mandatory sentencing system. On being elected as the Territory's Chief Minister, Ms Clare Martin confirmed

that dismantling mandatory sentencing was a priority for her government. In accordance with this commitment, the new Government of the Northern Territory introduced legislation amending the *Sentencing Act 1995 (NT)* by removing the offending mandatory aspects of the Northern Territory's sentencing laws. The amended Act came into force on 22 October, 2001. Despite calls for the abolition of mandatory sentencing to be done retrospectively, the Chief Minister, on the basis of legal advice, decided against this. What is to be done for those people already in gaol under this iniquitous system must nevertheless be addressed.

Mandatory sentencing remains in operation in Western Australia however. It is hoped that sooner rather than later, the practice will be abolished there as well. In the meantime, it is the responsibility of each and every one of us to do what we can to bring about this change of heart. ●

26 November 2001