

MEDIA RELEASE

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NEW SOUTH WALES
BAR ASSOCIATION

Mandatory one punch laws not the solution

The Government's proposed mandatory eight year minimum sentences for 'coward punch' assaults will do nothing to prevent alcohol-fuelled violence on our streets, the president of the New South Wales Bar Association, Phillip Boulten SC, said today.

'Mandatory sentencing is a "one size fits all" form of justice, which fails to take into account the individual circumstances of each case' Mr Boulten said.

'Mandatory sentencing laws do not deter criminal activity. They remove discretion from judges. They result in penalties that are often disproportionately harsh' he said.

'The Government has rightly announced limits on trading hours for liquor outlets, lockouts in CBD venues and a risk-based licensing scheme. These sensible, practical measures offer a far more effective means of addressing alcohol related violent crime, and all of the other problems that accompany binge drinking in public spaces' Mr Boulten said.

Other options that should be considered could include plain packaging, price controls and improved enforcement of existing Responsible Service of Alcohol standards.

However, the government's sentencing proposal is a major rebuff to those within its ranks who have consistently made the case against mandatory minimum sentences, such as the Attorney General and the Member for Cronulla, Mark Speakman SC MP, an eminent barrister, who spoke against mandatory terms in a speech last month saying, 'there is no evidence that mandatory sentencing reduces the incidence of crimes. In fact, it reduces the incentive to plead guilty and leads to arbitrary and capricious results.'

'There is no evidence to prove that mandatory sentences are effective. The Government's suite of practical measures aimed at reducing the availability of alcohol on our streets is the appropriate response to the problem of alcohol-related violence, rather than the knee-jerk changes to the criminal law that have been tagged on to the package' Mr Boulten said.

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