

28 April 2023



MEDIA RELEASE

AFPA SUPPORTS CHANGE TO ACT SENTENCING SUBMISSIONS

The Australian Federal Police Association (AFPA) supports the proposal by Dr Marisa Paterson MLA to amend the *ACT Crimes (Sentencing) Act 2005* to allow for recommendations on sentencing to be made by both the prosecution and defence in criminal proceedings.

AFPA President Alex Caruana said that the ACT urgently needed an independent judicial review and that sentencing submissions would provide a voice to both the prosecution and defence with respect to judicial outcomes.

“We’ve seen some sentencing recently that doesn’t meet the community’s expectations; submissions could assist in providing objective and balanced guidance to the judiciary during their deliberations. It’s an opportunity to try something different. Queensland has introduced sentencing submissions, and it appears that no unintended consequences have arisen.

“The Director of Public Prosecutions (DPP) in 2021/22 reported that the DPP had filed a much greater number of Crown appeals against criminal sentences than in the previous year. Extraordinarily, 68 per cent of those appeals in 2021/22 were successful, which indicates systemic failures in the initial sentencing processes.” Mr Caruana said.

The AFPA thanks Dr Paterson for drafting the discussion paper and facilitating the community consultation opportunity. Members of the public are encouraged to provide their feedback to paterson@parliament.act.gov.au by May 12, 2023.

AFPA President Alex Caruana said that a sentencing submission would not mean offenders would be imprisoned as a matter of course without due diligence.

“It’s guidance, and I can’t see why the ACT Attorney-General would oppose such a proposal. At the end of the day, it’s no different to a minister receiving a brief from a government agency and the minister using that brief to assist in decision-making.

“The judiciary will still be able to sentence within the prescribed penalties in the legislation. Dr Paterson’s proposal doesn’t change those available penalties, but it does provide a level of accountability that perhaps doesn’t sit well.

“The sentencing and bail regime in the ACT needs an independent review, and we’ll continue to call for one. We still have no clarity on the ACT Government’s commitment towards establishing a Law and Sentencing Advisory Council, nor have we seen anything relating to the Justice and Community Safety Directorate’s ‘study’ announced in August 2022 by the Attorney-General.” Mr Caruana said.

For comments:

AFPA Media and Government Relations Manager Troy Roberts - (02) 6285 1677 – troy.roberts@afpa.org.au