NORTHERN TERRITORY LAW REFORM COMMITTEE

SUBMISSION IN RESPONSE TO THE MANDATORY SENTENCING AND COMMUNITY-BASED SENTENCING OPTIONS CONSULTATION PAPER

Felicity Gerry QC and Julian R Murphy[1]

1. We appreciate the opportunity to make a submission in response to the Northern Territory Law Reform Committee's consultation paper on "Mandatory Sentencing and Community-based Sentencing Options".

2. The authors are both barristers and academics who have practiced for a number of years in the Northern Territory. Together with Rebecca Tisdale and Julia Kretzenbacher, the authors prepared what was reported to be the Northern Territory's first successful mercy petition for a man sentenced under the mandatory sentencing provisions in relation to murder.[2]

EQUAL AND INDIVIDUALISED JUSTICE

3. Equal justice has long been a cornerstone of Australia's legal system and has been described as a value of constitutional significance.[3] . The High Court has called equal justice "an aspect of the rule of law" and, borrowing from Hans Kelsen, "the starting point of all other liberties".[4]

4. Equal justice requires that like cases are treated alike and different cases are treated differently.[5] The High Court has observed: "Equal justice requires … *different* outcomes in cases that are different in some relevant respect."[6] It is important to be clear that equal justice does not require *leniency*, rather, it requires *accuracy* in the imposition of sentences that take into account differences between offenders, victims and circumstances of offending.

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[2] See Felicity Gerry QC, Rebecca Tisdale, Julian R Murphy, Julia Kretzenbacher, "Petition for Mercy in the Matter of Zak Grieve" (20 July 2019) [11]-[18] https://www.deakin.edu.au/__data/assets/pdf_file/0007/1444903/Petition-for-mercy-in-the-matter-of-Zak-Grieve-FULL-DOCUMENT.pdf.

[3] Cheryl Saunders and Megan Donaldson, "Values in Australian Constitutionalism" in Dennis Davis, Alan Richter and Cheryl Saunders (eds), *An Inquiry into the Existence of Global Values: Through the Lens of Comparative Constitutional Law* (Oxford: Hart Publishing, 2015) 15, 34-38; Amelia Simpson, "Equal Treatment and Non-Discrimination through the Functionalist Lens" in Rosalind Dixon (ed), *Australian Constitutional Values* (Oxford: Hart Publishing, 2018) 195, 216-217.

[4] *Green v The Queen* (2011) 244 CLR 462, 472 [28].

[5] *Lowe v The Queen* (1984) 154 CLR 606, 609.

[6] *Wong v The Queen* (2001) 207 CLR 584, 608 [65] (emphasis in original).

5. Mandatory sentencing precludes such accuracy in assessment of criminal offending. For example, a premeditated offence committed by a repeat, unrepentant offender will be more serious than a one-off offence committed by a remorseful offender who may have a limited moral culpability by reason of a mental impairment or relevantly disadvantaged upbringing. However both offences will attract at least the same mandatory minimum sentence.

6. As has been acknowledged by the Senate Legal and Constitutional References Committee,[7] the apparently unjust or anomalous results produced by mandatory sentencing regimes can erode community trust in the legal system.[8] Indeed, the Chief Minister of the Northern Territory has previously described one particular mandatory sentence for murder as an "anomaly".[9] It is unsurprising, then, that mandatory sentencing laws have attracted adverse comments from the judges administering them.[10] One Northern Territory judge has explained:

> "Prescribed minimum mandatory sentencing provisions are the very antithesis of just sentences. If a Court thinks that a proper just sentence is the prescribed minimum or more, the minimum prescribed penalty is unnecessary. It therefore follows that the sole purpose of a prescribed minimum mandatory sentencing regime is to require sentencers to impose heavier sentences than would be proper according to the justice of the case."[11]

7. In another more recent case, mandatory sentencing laws were candidly acknowledged to have resulted in a more harsh sentence than was just. The judge remarked on sentence:

> "I am compelled by the legislation to hand down a sentence which is harsher than a just sentence arrived at on the application of longstanding sentencing principles applied by the Courts … I have no choice. … Had it not been for the mandatory minimum sentencing regime … I would have

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[7] Now the Senate Standing Committee on Legal and Constitutional Affairs.

[8] Parliament of Australia, Senate Legal and Constitutional References Committee, *Inquiry into the Human Rights (Mandatory Sentencing of Juvenile Offenders) Bill 1999* (March 2000) [7.46]-[7.47]. See also Walter Sofronoff, *Queensland: Parole System Review, Final Report* (Department of Justice and Attorney-General) (2016) 105.

[9] Chief Minister Michael Gunner quoted in Ben Millington and Tom Maddocks, 'Zak Grieve: Mercy plea lodged in murder case', *ABC News* (online 31 August 2017) <http://www.abc.net.au/news/2017-08-31/nt-administrator-rejects-claims-mercy-plea-for-zac-grieve/8858924>.

[10] See, e.g., Steven Schubert, "NT coroner criticises mandatory sentencing, says indigenous law should be considered" *ABC* (online) <https://www.abc.net.au/news/2017-12-01/nt-coroner-slams-mandatory-sentencing-scheme/9216106>; C Flatley, "Judge Slams mandatory sentence for people smugglers" *Sydney Morning Herald* (11 January 2012); Jared Owens, "Tenth judge decries 'savage' mandatory sentences against boat crewmen" *The Australian* (online) (11 January 2012). See also *R v Ambo* [2011] NSWDC 182; *R v Mahendra* [2011] NTSC 57; Anthony Mason, "Mandatory sentencing: implications for judicial independence" (2001) 7 *Australian Journal of Human Rights* 21, 27. See also *Kuczborksi* (2014) 254 CLR 51, 901 [108]-[109] per Hayne J.

[11] *Trennery v Bradley* (1997) 6 NTLR 175, 187.

considered an appropriate penalty to have been a [lesser] term of imprisonment ….”[12]

8. Of particular concern is the disproportionate impact of mandatory sentencing on Aboriginal and Torres Strait Islander people, in light of the over-representation of Aboriginal and Torres Strait Islander people in the criminal justice system.[13] Issues of systemic racism were clear in the Royal Commission into Aboriginal Deaths in Custody (RCADIC)[14] and are the backbone of the National Justice Project.[15] It is notable that the Northern Territory has not had an independent review into the treatment of, and outcomes for Aboriginal and Torres Strait Islander people akin to the UK Lammy Review which found that Black, Asian and Minority Ethnic individuals in the criminal justice system still face bias, including overt discrimination in the justice system. There is, however, national understanding in Australia that the disproportionate rates of Indigenous imprisonment are unfair, unsafe and unaffordable.[16] Mandatory sentencing is part of that overall injustice.

9. In relation to more serious offending, research by a Monash University academic in the United Kingdom has found a body of practitioners' opinion in favour of sentencing discretion.[17] Similar expressions of concern have been found in Australia by the Australian Law Reform Commission.[18] Further research in the UK has shown that mandatory sentencing has a unique effect on those under the age of 25.[19] It is axiomatic that the rights of Northern Territory children are similarly affected by mandatory sentencing. The rate of incarceration for Indigenous people in the Northern Territory has increased more rapidly than for non-Indigenous people in the rest of Australia and the growth of incarceration rates in the Northern Territory has far outstripped population growth.[20]

10. It is no answer to point to the above critique to point to so-called “exemption provisions” which relax mandatory sentencing provisions in particular cases.[21]

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[12] *R v Edward Nafi* (unreported, Northern Territory Supreme Court, 19 May 2011).
[13] Australian Law Reform Commission, *Pathways to Justice* (Report No 133).
[14] Chris Cunnen, ‘Aboriginal Deaths in Custody: A Continuing Systemic Abuse’ (2006) 33(4) *Social Justice* 37.
[15] See the work of the National Justice Project: https://justice.org.au/
[16] PWC Indigenous Consulting, *Indigenous Incarceration: Unlock the Facts* (May 2017) <https://www.pwc.com.au/indigenous-consulting/assets/indigenous-incarceration-may17.pdf>.
[17] K Fitz-Gibbon, ‘The Mandatory Life Sentence for Murder: An Argument for Judicial Discretion’ (2013) 13 *Criminology and Criminal Justice* 506.
[18] Australian Law Reform Commission, *Pathways to Justice* (Report No 133).
[19] Crewe, B., Hulley, S., and Wright, S. (2019), *Life imprisonment from early adulthood: Adaptation, Identity and Time.* Palgrave. This study involved over 200 people sentenced to mandatory life, with tariffs of 15 years or more that they received when 25 years old or younger.
[20] https://www.cdu.edu.au/sites/default/files/research-brief-2015-05.pdf
[21] See Yvon Dandurand, *Exemptions from Mandatory Minimum Penalties: Recent Developments in Selected Countries* (Report, Department of Justice, Canada, March 2016) <https://www.justice.gc.ca/eng/rp-pr/jr/rr16_ex/rr16_ex.pdf>.

The whole point of mandatory sentencing regimes is to impose mandatory sentences and, in the vast majority of cases, that is what they do. It is notable that, in the context of murder, the provisions available in the Northern Territory relating to exceptional circumstances have rarely been used.[22]

11. The above discussion reveals that men, women and children are serving mandatory sentences in a range of circumstances, with a range of issues, which have not been reflected in the sentencing process and with options for exceptionality or mercy being rarely used or granted.

12. Finally, it should be noted that the consequence of mandatory sentencing is not just to reduce judicial discretion, it is also arguably to increase the power and discretion of prosecutors. It has been observed that:

> "in Australia, mandatory sentencing provisions have … transferred discretionary power from the judiciary. Discretion is generally transferred in the first instance to the police informant who decides on the charge to be laid. It is then up to the Director of Public Prosecutions ('DPP') in indictable cases, to decide what charge to proceed on and how to conduct the case. This is particularly so in relation to those DPP prosecutors who have the freedom to engage in charge bargaining. For example, the New South Wales DPP Prosecution Policy and Guidelines requires the prosecutor to proceed on a charge that reflects the overall criminality of the offence. This provides more power than other DPP guidelines, which require the prosecutor to proceed on the most serious charge available."[23]

13. In the Northern Territory prosecutorial guidelines presently favour charges attracting mandatory sentencing.[24]

INTERNATIONAL LAW

14. It is well known that mandatory sentencing provisions can operate in certain cases to violate international law's protection of fundamental human rights, freedoms and liberties, particularly:
    (i) the right to a fair trial;

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[22] The first was Evelyn Namatjira, an Aboriginal woman from the Alice Springs region who received a 15 year non-parole period for the murder of her sister. The second was Christopher Malyschko, Zak's co-offender, who was received an 18 year non-parole period. See *R v Evelyn Namatjira* (Supreme Court of the Northern Territory, 21100086, Southwood J, 3 July 2012); *R v Christopher Malyschko* (Supreme Court of the Northern Territory, 21136198, Mildren J, 9 January 2013).

[23] Candace McCoy and Tony Krone, "Mandatory Sentencing: Lessons from the United States" (2002) 5 (17) *Indigenous Law Bulletin* 19, 21 (citations omitted).

[24] See Guidelines of the Director of Public Prosecutions (2016), [6.4] ("A negotiated charge will normally not be appropriate where … an offender will avoid a mandatory term.") <http://www.dpp.nt.gov.au/about-us/Publications/DPP%20Guidelines%20-%20Current%202016.pdf>. For a discussion of prosecutorial decisions relating to people smuggling mandatory sentencing charges see Andrew Trotter and Matt Garozzo, "Mandatory Sentencing for People Smuggling: Issues of Law and Policy" (2012) 36 *Melbourne University Law Review* 553, 610-615.

(ii) the right to be free from cruel, inhuman or degrading treatment;
(iii)the right not to be arbitrarily detained; and
(iv)Freedom from discrimination.[25]

(i) The right to a fair trial

15. The right to a fair trial in international law encompasses the requirement that prison sentences are subject to the opportunity of appeal.[26] By stipulating at law the minimum sentence that must be imposed, mandatory sentencing provisions prevent meaningful review of sentences by appeal courts. Accordingly, many scholars and institutions, including the Law Council of Australia[27] and the United Nations Special Rapporteur on the Independence of the Judiciary,[28] have opined that mandatory sentencing provisions like those currently in force in the Northern Territory infringe the right to a fair trial and an opportunity of appeal.

(ii) Cruel, inhuman or degrading treatment

16. The right to be free from cruel, inhuman or degrading treatment is contained in a number of international instruments.[29] The United Nations Committee Against Torture,[30] the United Nations Human Rights Committee[31] and esteemed commentators[32] have all suggested that grossly disproportionate terms of imprisonment may amount to cruel, inhuman or degrading treatment.[33]

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[25] This section builds upon our previous work with Rebecca Tisdale and Julia Kretzenbacher, see Felicity Gerry QC, Julian R Murphy, Rebecca Tisdale and Julia Kretzenbacher, "Petition for Mercy in the Matter of Zak Grieve" (20 July 2018) at [55]-[65] <https://www.deakin.edu.au/__data/assets/pdf_file/0007/1444903/Petition-for-mercy-in-the-matter-of-Zak-Grieve-FULL-DOCUMENT.pdf >.

[26] See, e.g., *International Covenant on Civil and Political Rights*, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976), art 14(5).

[27] Law Council of Australia, "Mandatory Sentencing" (Policy Discussion Paper, May 2014) [78]-[80].

[28] Dato' Param Cumaraswamy, 'Mandatory sentencing: the individual and social costs' (2001) 7 *Australian Journal of Human Rights* 7, 14.

[29] A *Universal Declaration of Human Rights*, GA Res 217A (III), UN GAOR, 3rd session, 183 plen mtg, UN Doc A/810 (10 December 1948), art 7; *International Covenant on Civil and Political Rights*, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976), art 7; *Convention Against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment*.

[30] United Nations, *Conclusions and Recommendations of the Committee Against Torture: Australia*, CAT/C/XXH/Concl.3, (21 November 2000) 6(e), 7(h).

[31] United Nations Human Rights Committee, *Views of the Human Rights Committee under article 5, paragraph 4 of the Optional Protocol to the International Covenant on Civil and Political Rights* (112th session) concerning Communication No. 1968/2010 17.

[32] Jenny Blokland, "International Law Issues and the New Northern Territory Sentencing Regime" (paper presented at conference of the Criminal Lawyers Association of the Northern Territory, 22-26 June 1997) 8-12; Andrew Dyer '(Grossly) disproportionate sentences: can charters of rights make a difference?' (2017) 43 *Monash University Law Review* 195, 219.

[33] In some jurisdictions, the right to be free from disproportionate punishment is considered a free-standing right independent of the torture prohibition. One example is Article 49(3) of the European Union Charter of Fundamental Rights. Article 49(3) of the European Union Charter of Fundamental Rights provides, relevantly that the "severity of penalties must not be

17. Canada has the most developed jurisprudence in the common law world on the way that mandatory minimum sentences can impose cruel, inhuman or degrading treatment.[34] As early as 1987, the Supreme Court of Canada struck down a mandatory minimum narcotics sentence on the basis that it infringed the right to be free from cruel and unusual punishment. The Court defined cruel and unusual punishment to encompass a mandatory minimum sentence that is "grossly disproportionate" or "so excessive as to outrage standards of decency".[35]

18. Europe also has a mature jurisprudence describing the link between disproportionate punishments and cruel, inhuman or degrading treatment.[36] The European cases emphasize that a sentence will be amount to inhuman or degrading treatment where it does not allow for a meaningful possibility of a person rehabilitating themselves so as to re-enter the community outside of prison. Another principle deriving from the European decisions is that, for a sentence to avoid characterisation as inhuman or degrading, it must be reasonably related to the risk of reoffending.[37]

19. Admittedly, mandatory sentencing provisions for a particular offence do not affect all or even the majority of persons sentenced for that offence. Many such persons can still be sentenced to proportionate sentences, because their offending would warrant a period of imprisonment in excess of the prescribed minimum independent of the legislative directive. However experience shows that the rigidity of mandatory sentencing provisions, inevitably results in rare occasions of disproportionate sentences, and those sentences will violate the right to be free from cruel, inhuman or degrading treatment.

(iii) Right not to be arbitrarily detained

20. The right not to be arbitrarily detained[38] has been held to require that State detention of individuals be:
    - Reasonable;
    - Necessary;

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disproportionate to the criminal offence." See also *Garage Molenheide v Belgium* [1997] ECR I-7281.

[34] The Canadian jurisprudence stems from section 12 of the Canadian Charter of Rights, which provides: "Everyone has the right not to be subjected to any cruel and unusual treatment or punishment." See *Constitution Act 1982* (Can), Pt I, s 12.

[35] *R v Smith* [1987] S.C.J. No. 36, [53]. See also *R v Goltz* [1991] S.C.J. No. 90; *R v Morrisey* [2000] S.C.J. No. 39.

[36] See, e.g., *Vinter v United Kingdom* [2013] III Eur Court HR 317, 344 [102]; *Vinter v United Kingdom* (2012) 55 EHRR 34, [88]-[89], [93]; *Harkins v United Kingdom* (2012) 55 EHRR 19, [133]; *Ahmad v United Kingdom* (2013) 56 EHRR 1, [237]. The European jurisprudence focuses on Article 3 of the European Convention on Human Rights, which provides: "No one shall be subject to torture or to inhuman or degrading treatment or punishment."

[37] *R (on the application of Knights) v Secretary of State for Justice* [2017] EWCA Civ 1053.

[38] *International Covenant on Civil and Political Rights*, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976, art 9(1).

- For a legitimate purpose;
- Proportionate to the purpose.[39]

21. There are a number of ways in which mandatory sentencing provisions will often fail to satisfy these requirements. First, where mandatory sentencing laws require judges to impose a sentence of imprisonment without permitting consideration of all relevant circumstances this may be unreasonable, and thus arbitrary.[40] Mandatory sentencing can also be seen to produce unnecessary, and thus arbitrary, sentences in the way that sentence length is not calibrated according to the risk that a particular offender poses to the community. Finally, where mandatory sentencing requires the imposition of a disproportionate sentence it will inflict arbitrary detention. This has been acknowledged by the United Nations Human Rights Committee,[41] the Inter-American Court[42] and the Joint Standing Committee on Treaties.[43]

(iv) Freedom from discrimination

22. The principles of equality and non-discrimination are part of the foundations of the rule of law. As United Nations Member States noted in the Declaration of the High-Level Meeting on the Rule of Law, "all persons, institutions and entities, public and private, including the State itself, are accountable to just, fair and equitable laws and are entitled without any discrimination to equal protection of the law"(para. 2). They also dedicated themselves to respect the equal rights of all without distinction as to race, sex, language or religion (para. 3).[44]

23. Australia is a signatory to much of the international human rights legal framework including instruments to combat specific forms of discrimination and has committed to implementation of these principles.[45] Mandatory sentencing runs contrary to these commitments.

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[39] *Van Alphen v Netherlands*, Communication No. 305/1988, CCPR/C/39/D/305/1988 (23 July 1990) [5.8]; *Gorji-Dinka v Cameroon*, Communication No. 1134/2002, CCPR/c/83/D/1134/2002 (17 March 2005) [5.1]; *F.K.A.G. et al. v Australia*, Communication No. 2094/2011, CCPR/C/108/D/2094/2011 (20 August 2013) [9.3], [9.6]-[9.7]; *M.M.M. et al. v Australia*, Communication No. 2136/2012, CCPR/C/108/D/2136/2012 (20 August 2013) [10.3]-[10.4], [10.6]; United Nations Human Rights Committee, *General Comment No. 27: Freedom of movement* (1999) [13].

[40] See, e.g., Australian Law Reform Commission, *Seen and Heard: Priority for Children in the Legal Process*, report No 84 (1997), 554; Law Council of Australia, "Policy Discussion Paper on Mandatory Sentencing" (May 2014) [68], [70]-[77].

[41] *A v Australia*, Communication No. 560/1993, CCPR/C/59/D/560/1993 (3 April 1997) [9.2].

[42] Gangaram Panday Case 2 IHRR (1995) 360.

[43] Joint Standing Committee on Treaties, Parliament of Australia, *Inquiry into the United Nations Convention on the Rights of the Child* (1998) 346 [8.26].

[44] United Nations and the Rule of Law, 'Equality and Non-discrimination' <https://www.un.org/ruleoflaw/thematic-areas/human-rights/equality-and-non-discrimination/>.

[45] United Nations and the Rule of Law, 'Equality and Non-discrimination' <https://www.un.org/ruleoflaw/thematic-areas/human-rights/equality-and-non-discrimination/>.

Conclusion as to international law

24. As has been explained by United Nations Human Rights Committee and the Senate Legal and Constitutional References Committee, mandatory sentencing provisions risk infringing international law.[46] Such international law concerns weigh against the retention of mandatory sentencing provisions in the Northern Territory.

COMMUNITY PROTECTION

25. Across the developed world there is now near consensus among experts that mandatory sentencing laws have little effect on crime rates and community protection.[47] In North America, where modern mandatory sentencing began, studies have found little evidence that such laws succeed in protecting the community.[48] In fact, a review of two decades of crime data from 188 large cities suggested that cities enacting "three strikes" laws saw *increases* in certain crimes as compared to cities that did not introduce the laws.[49] The Australian research comes to similar conclusions.

26. In 1992 Western Australia introduced extreme mandatory sentencing measures aimed at deterring high-speed pursuits in stolen motor vehicles.[50] Empirical research on the effects of the laws indicated that, far from deterring vehicle-related crime the laws were attended by a significant *increase* in motor vehicle theft and related arrests.[51] Later, in 1996, Western Australia introduced "three strikes" mandatory sentencing for property offences.[52] Again, empirical evidence suggested that reported home burglaries *increased* immediately after the laws passed;[53] robberies also appear to have increased in this time.[54] The

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[46] Senate Legal and Constitutional References Committee, Inquiry into the Human Rights (Mandatory Sentencing of Juvenile Offenders) Bill 1999 (March 2000) [5.91]; United Nations Human Rights Committee: Australia, *Concluding Observations*, CCPR/CO/69/Australia, (28 July 2000) 17.

[47] See, e.g., Michael Tonry "Functions of Sentencing and Sentencing Reform" (2005) 58 *Stanford Law Review* 37, 52-53.

[48] See, e.g., Lisa Stolzenberg and Stewart J D'Alessio, "'Three Strikes and You're Out': The Impact of California's New Mandatory Sentencing Laws on Serious Crime Rates" (1997) 43 *Crime & Delinquency* 457.

[49] Tomislav V Kovandzic, John J Sloan III and Lynne M Vieraitis, "Unintended Consequences of Politically Popular Sentencing Policy: The Homicide Promoting Effect of 'Three Strikes' in U.S. Cities (1980-1999)" (2002) *Criminology & Public Policy* 399.

[50] *Crime (Serious and Repeat Offenders) Sentencing Act 1992* (WA). See also Neil Morgan, "Capturing Crims or Capturing Votes? The Aims and Effects of Mandatories" (1999) *University of New South Wales Law Journal* 267, 271-273.

[51] Roderic Broadhurst and Nini Loh, "The Phantom of Deterrence: The Crime (Serious and Repeat Offenders) Sentencing Act" (1993) 26 *Australian & New Zealand Journal of Criminology* 251.

[52] *Criminal Code Amendment Act (No 2) 1996* (WA).

[53] Mary Ann Yeats, "'Three Strikes' and Restorative Justice: Dealing with Young Repeat Burglars in Western Australia" (1997) 8 *Criminal Law Forum* 369, 377.

Northern Territory's own "three strikes" laws for property offenders were introduced in 1997 (and repealed in 2001) and had similar effect. A review of the laws by the Office of Crime Prevention revealed that the available data did not support the claim that the laws could reduce recidivism or deter potential offenders.[55] The Northern Territory's mandatory sentencing regime was extended to violent offences in 2013[56] and subjected to an internal review in 2015.[57] The authors of that review noted that violent crime rates decreased after the laws were introduced, however this decrease could not be attributed to the mandatory sentencing legislation (and was thought to be the product of other criminal justice initiatives).[58]

CONCLUSION

27. The above analysis has sought to show that while mandatory sentencing provisions might be constitutional valid, they are inconsistent with Australia's constitutional values and with international law. Furthermore, the available research suggests that mandatory sentencing provisions are unlikely to advance community protection and, in the Northern Territory, disproportionately affect Aboriginal and Torres Strait Islander people. Accordingly, it is recommended that mandatory sentencing provisions be abolished.

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NOTE: This submission is written in the authors' personal capacities and does not reflect the views of any past or present employer or other organisational affiliation.

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[54] Neil Morgan, "Capturing Crims or Capturing Votes? The Aims and Effects of Mandatories" (1999) *University of New South Wales Law Journal* 267, 273-274.
[55] Northern Territory Office of Crime Prevention, *Mandatory Sentencing for Adult Property Offenders: The Northern Territory Experience,* Discussion Paper (2003) 10.
[56] *Sentencing Amendment (Mandatory Minimum Sentences) Act 2013* (NT)
[57] Carolyn White et al, Department of Attorney-General and Justice, *Review of the Northern Territory Sentencing Amendment (Mandatory Minimum Sentences) Act 2013* (2005) 15-16.
[58] Carolyn White, Joe Yick, Dee-Ann Vahlberg and Leonique Swart, "Review of the Northern Territory *Sentencing Amendment (Mandatory Minimum Sentences) Act 2013*" (2015, Department of Attorney-General and Justice, Darwin) 15-16.