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## Mandatory sentencing undermining firearms trafficking bill

Including mandatory sentencing in the Federal Government's firearms trafficking bill could lead to unjust punishments and unintended consequences.

The *Criminal Code Amendment (Firearms Trafficking) Bill 2016*, being debated in the Senate today, includes a mandatory minimum sentence of five years imprisonment for those found guilty of trafficking illegal firearms.

The Law Council of Australia is urging Parliament to amend the Bill to remove mandatory sentencing.

Law Council President, Fiona McLeod SC, said the important goal of the Bill was being undermined by the inclusion of mandatory measures.

"The Law Council supports increasing maximum penalties for firearms trafficking," Ms McLeod said.

"But mandatory minimum penalties are never appropriate. They are too blunt an instrument and have repeatedly proven not to produce the desired effect.

"A minimum mandatory five year penalty would not deter hardened criminals. These kinds of criminals have already likely factored in considerable jail time as a risk they are willing to take.

"Mandatory sentencing may lead to unjust punishments by forcing courts to apply a rigid standard with no regard to individual circumstances.

"For example, there have been multiple examples of individuals who have a legitimate use for firearms inadvertently looking to travel on planes with gun parts. These individuals could be in prison if these reforms were in force," Ms McLeod said.

Former Victoria Police Chief Commissioner, Simon Overland, inadvertently carried a magazine containing live rounds of ammunition on a flight from Melbourne to Canberra in 2010. Prior to travelling, Mr Overland had removed a firearm from his bag, but forgot to take out the magazine. Under the proposed laws he may be facing a mandatory five year jail term.

"Judicial discretion is a core principle of our justice system for a very good reason. The world is complex and judges need to be able to adapt their sentence to the circumstances of an individual case," Ms McLeod said.

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**Patrick Pantano: Public Affairs**

P 02 6246 3715

E [Patrick.Pantano@lawcouncil.asn.au](mailto:Patrick.Pantano@lawcouncil.asn.au)

**Patrick Baume: Communications**

P 0458 651 000

E [Patrick.Baume@lawcouncil.asn.au](mailto:Patrick.Baume@lawcouncil.asn.au)