MANDATORY SENTENCING
RIGHTS AND WRONGS

UNSW SYMPOSIUM 2000 > SATURDAY 28 OCTOBER > 9AM-3.30PM > CLANCY AUDITORIUM
Few issues have aroused as much controversy in Australia and internationally as the introduction of mandatory sentencing regimes in the Northern Territory and Western Australia. Opponents claim major legal and human rights abuses and the intolerable fettering of judicial discretion. Those in favour argue that a minimal tolerance policy is the best way to cope with crime.

The full picture is very complex, with many judicial, social, economic, children's rights and racial aspects adding to the maelstrom of issues the imposition of these laws has engendered.

The UNSW Symposium 2000 "Mandatory Sentencing – Rights and Wrongs" is an opportunity for the general public to hear these issues aired and to learn the facts from prominent Australian and international speakers representing the full span of opinion. Even more importantly, delegates will be able to hear and take part in high-level debate in a free and objective environment.
# PROGRAM

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<tr>
<td>9.00am</td>
<td><strong>Welcome</strong>&lt;br&gt;Professor John Niland Ad, Vice-Chancellor, UNSW</td>
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<td><strong>Welcome to Country</strong>&lt;br&gt;Ms Kobi Martin, Eora People</td>
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<td>9.05am</td>
<td><strong>Opening</strong>&lt;br&gt;The Hon James Spigelman Ad</td>
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<td>9.15am</td>
<td><strong>Session 1</strong>&lt;br&gt;Chair &gt; The Hon Justice Marcus Einfeld Ad Qc</td>
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<td><strong>Keynote Address</strong>&lt;br&gt;Dato' Param Cumaraswamy</td>
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<tr>
<td>9.45am</td>
<td><strong>Implications for Judicial Independence</strong>&lt;br&gt;Sir Anthony Mason AC KBE</td>
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<td>10.05am</td>
<td><strong>Session 2</strong>&lt;br&gt;Chair &gt; Ms Linda Burney</td>
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<td><strong>ATSI Perspectives</strong>&lt;br&gt;Commissioner Eric Wynne JP&lt;br&gt;Professor Marcia Langton AM&lt;br&gt;Mr William Tilmouth</td>
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<td>11.00am</td>
<td><strong>Morning tea</strong></td>
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<td>11.30am</td>
<td><strong>Session 3</strong>&lt;br&gt;Chair &gt; The Hon Justice John Dowd Ad</td>
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<td><strong>Government Perspectives</strong>&lt;br&gt;Dr Brendan Nelson MP&lt;br&gt;The Hon Peter Foss Qc MLC</td>
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<td>12.25am</td>
<td><strong>A Criminological Perspective</strong>&lt;br&gt;Professor David Brown</td>
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<td>12.45pm</td>
<td><strong>Morning Session Close</strong></td>
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<td>1.00pm - 2.00pm</td>
<td><strong>Lunch</strong></td>
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<td>2.00pm</td>
<td><strong>Session 4</strong>&lt;br&gt;Chair &gt; Sir Gerard Brennan AC KBE</td>
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<td><strong>International Perspectives</strong>&lt;br&gt;Dr Sarah Pritchard and&lt;br&gt;Dr Angela Ward</td>
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<td>2.30pm</td>
<td><strong>Questions &amp; Answers – Speakers and Audience</strong>&lt;br&gt;Moderation and Symposium Summary by Sir Gerard Brennan AC KBE</td>
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<td>3.30pm</td>
<td><strong>Symposium Close</strong></td>
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PARTICIPANTS

Sir Gerard Brennan AC KBE
is Chancellor of the University of Technology, Sydney and a Visiting Professor in the Faculty of Law, UNSW. He holds Honorary Doctorates from Trinity College, Dublin, the University of Queensland, ANU and UTS, and from Central Queensland, Griffith and Melbourne universities. Sir Gerard was Chief Justice of the High Court of Australia from 1995 to 1998 and a Justice from 1981. He is currently a Judge of the Hong Kong Court of Final Appeal, a member of the Executive of the Law Council of Australia, and the Australian Law Reform Commission and was the first President of the Administrative Appeals Tribunal.

Professor David Brown
teaches criminal law, criminal justice and criminology in the Faculty of Law at the University of NSW. He has been involved in numerous social movements and campaigns around criminal justice issues and is a regular media commentator. His research work has been published widely in journals and books in Australia and internationally. Most prominent among the works he has co-authored in the influential Criminal Laws (1990) and (1996) which has become the leading criminal law teaching text in New South Wales.

Ms Linda Burney
is a member of the Wiradjuri nation. She is Director-General of the NSW Department of Aboriginal Affairs, a former Chair of the State Reconciliation Committee; President of the Aboriginal Education Consultative Group and member of the Council of Aboriginal Reconciliation as well as many other community and cultural organisations.

An award-winning teacher, Ms Burney is a prominent indigenous spokesperson and an experienced mediator and media representative.

Dato' Param Cumaraswamy
is the UN Special Rapporteur on the Independence of Judges and Lawyers. Called to the Bar in England, he has practised in Kuala Lumpur since 1966. He is a former Chairman of the Bar Council of Malaysia, a former President of LAWASIA and is currently Chairman of LAWASIA’s Standing Committee on Human Rights. He serves on the executive committee of the ICJ, the advisory board of the Centre for the Independence of Judges and Lawyers and with the Regional Working Group for an ASEAN Human Rights Mechanism.

The Hon. Justice John Dowd AO
is a judge of the Common Law Division of the Supreme Court of New South Wales. He is a Commissioner of the International Commission of Jurists (ICJ), Geneva, and President of the Australian Section of the ICJ. A former NSW Attorney-General and Leader of the State Opposition, he was the State Member for Lane Cove for 16 years and both Shadow Leader and Leader of the House from 1988 to 1991. He held office with the New South Wales Law Reform Commission, latterly as Deputy Chairman.

Internationally, Justice Dowd has observed trials in Indonesia and Philippines and headed the Australian Government Mission during the 1997 election of the Palestinian Legislative Council.
The Hon Justice Marcus Einfeld AO QC

is a Justice of the Federal Court of Australia, the Supreme Court of the ACT, and the Eastern Caribbean Supreme Court. He is one of Australia's foremost human rights activists worldwide through his involvement with such human rights and aid bodies as AUSTCARE, UNHCR, UNICEF and ALRI. As the inaugural President of the Australian Paralympic Federation, he led the successful bid for the Sydney 2000 Paralympics, and, among many other international roles, successfully negotiated the right of Soviet Jews and other citizens to emigrate from the USSR. He lectures widely on legal, social justice and equity issues.

The Hon Peter Foss QC MLA

is Attorney General and Minister for Justice in the Western Australian Government. A former partner with Mallesons Stephen Jaques, Mr Foss was elected to the WA Legislative Council in 1989, becoming Upper House spokesman on legal matters. He was also a foundation member of the Standing Committee on Legislation.

Mr Foss has held a range of portfolios since the WA 1993 election. He was appointed Attorney General, Minister for Justice and Minister for the Environment and the Arts in 1995. He subsequently relinquished the Environment and Arts portfolios and assumed responsibility for prisons and offender management.

Professor Marcia Langton AM

holds the Chair of Australian Indigenous Studies in the Department of Geography and Environmental Studies at the University of Melbourne. Among her former positions, she headed the Aboriginal Issues Unit and the Royal Commission into Aboriginal Deaths in Custody in the Northern Territory and chaired the Australian Institute of Aboriginal and Torres Strait Islander Studies in Canberra.

Professor Langton counts among her major achievements the Centre for Indigenous Natural and Cultural Resource Management, Northern Territory University, and the Indigenous Higher Education Centres Program she established and directed. She has written widely in many research areas, including land, indigenous dispute processing; indigenous systems of land tenure; policing and substance abuse; gender; identity and Australian Aboriginal ethnography.

The Hon Sir Anthony Mason AC KBE

was Chancellor of UNSW from 1994 until 1999 and received an Honorary Doctorate from the University in 2000. He also holds Honorary Doctorates from ANU, Sydney, Melbourne, Monash, Griffith, Deakin and Oxford Universities. Until recently, he was National Fellow at the Research School of Social Sciences at ANU, a Judge of the Supreme Court of Fiji and President of the Solomon Islands Court of Appeal.

Sir Anthony was Chief Justice of the High Court from 1987 to 1995 and a Justice of the Court from 1972. Among other positions, he was Commonwealth Solicitor-General and a Justice of the NSW Court of Appeal. Sir Anthony is a Judge of the Hong Kong Court of Final Appeal.

Dr Brendan Nelson MP

is the Federal Liberal Member for Bradfield. He is Chairman of the House of Representatives Standing Committee on Employment, Education and Workplace Relations, Secretary of the Government’s industrial relations policy committee and is about to head a major national inquiry into the education of boys.

At 35, Dr Nelson was the youngest doctor ever elected Federal President of the Australian Medical Association and in 1995 was awarded the AMA's Gold Medal, for “distinguished service to medicine and humanity”. He is involved in many health, medical and social issues including smoking, drugs, aboriginal health, aged care, youth suicide, human rights and the health effects of unemployment.
Dr Sarah Pritchard
is a Sydney barrister and senior lecturer in the Faculty of Law, UNSW, teaching Public International Law, Human Rights Law, and International and Comparative Indigenous Legal Issues. She has worked with indigenous delegations at the United Nations and has been an adviser to, among others, the Aboriginal and Torres Strait Islander Commission, the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families, and the International Work Group for Indigenous Affairs. She is a former director of the Australian Human Rights Centre at UNSW.

The Hon James Spigelman AC
is Chief Justice and Lieutenant-Governor of New South Wales. He was previously Acting Solicitor-General of New South Wales; Secretary, Department of Media and Senior Adviser and Principal Private Secretary to Prime Minister Gough Whitlam. He co-authored The Nuclear Barons and wrote Secrecy-Political Censorship in Australia.

Justice Spigelman has held board positions on many arts, legal and educational organisations, including the Australian Law Reform Commission.

Mr William Tilmouth
is an Arrernte man from Alice Springs. Taken from his family when he was 4, his life was defined by mission home, cottage home, reformatory and gaol until he was 21, when he became politically active. He gained qualifications in Community Development and Creative and Applied Arts.

In addition to working for grass-roots organisations, such as the Alice Springs Youth Accommodation Service, he has served as Chairman of the Central Australian Aboriginal Childcare Agency and the Aboriginal Justice Advisory Committee and sits on the boards of numerous other Aboriginal bodies.

Mr Tilmouth is Executive Director of Tangentyere Council, the resource agency for the residents of the 18 special purpose leases, known as town camps, in and around Alice Springs. It is widely recognised as a working example of self-determination.

Dr Angela Ward
is a Reader in Law at the University of Essex in the UK and a specialist in European Union and European Human Rights law. She has taught and researched EU and International law at King's College, London, at UNSW and at the European University Institute in Florence. She is a member of the legal team led by Cherie Booth QC which argued before the UN Human Rights Committee that Northern Territory mandatory sentencing laws breach Australia’s obligations under the International Covenant on Civil and Political Rights.

Mr Eric Wynne JP
is ATSIC Commissioner for WA South-West, having been previously an Aboriginal Liaison Officer with the WA Department of Education. Originally from Collie, he has lived in Perth since 1992. Mr Wynne believes that improving employment and education opportunities for indigenous youth will give them a strong foundation for the future, and he has for many years provided strong leadership in the development of youth projects. His current portfolio responsibilities on the ATSIC Board of Commissioners include Law and Justice, Health and Financing Audit.
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The UNSW annual symposium series is held as a service to the community at large. Its purpose is to keep alive important current issues, to raise awareness and present a comprehensive range of facts and opinion against which the public can come to informed conclusions and participate in public debate.

The organisers of UNSW Symposium 2000 would like to record their gratitude to the following for their generous support and sponsorship of this event:
Dr John Yu AM, Chancellor, UNSW
Professor John Niland AC, Vice-Chancellor, UNSW
Faculty of Law, UNSW
Public Affairs & Development, UNSW
ATSIC NSW
The NSW Bar Association
International Commission of Jurists (Australia Branch)

ATSIC NSW

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