

MORE CHAMBERS
Level 28 East, Santos Place
32 Turbot Street, BRISBANE QLD 4000
PO Box 13279, GEORGE STREET QLD 4001
DX 926

Mark Plunkett
Level 8, Inns of Court
109 North Quay
Brisbane 4000

Dear Mark,

I urgently need your assistance in trying to establish whether the Commonwealth Government is in the process of changing the mandatory sentencing regime for those convicted "people smuggling" offences. Many accused are now considering adjourning their trials in anticipation of a change in the sentencing regime. Uncertainty about the sentencing regime has the potential cause chaos with court systems throughout the country.

The anticipation of change in the mandatory sentencing regime stems from comments made by the Attorney General on the ABC's 7.30 Report on 15 August where she said:

"...We have of course considered these issues [changes to mandatory sentencing] before because they have been raised with us from a number of quarters and I would expect that over the coming weeks we'll be able to make announcements about that proposal, but also about others that require more advice."

Naturally, because of those comments, lawyers throughout the country are reluctant to proceed with trials and sentences in circumstances where we will expose our clients to mandatory sentences that may not apply in just a matter of weeks. I have approached the Commonwealth DPP about this uncertainty but it is clear that frontline staff in that organisation do not know any more than has been said publicly.

I understand that you are shortly to travel to Canberra and will be meeting legislators and diplomats concerned with these matters. I would be extremely grateful if you could raise this matter with those you meet because the uncertainty has the potential to cause genuinely Kafkaesque injustice unless it is resolved urgently.

With compliments,

EOIN MAC GIOLLA RÍ

CHAMBERS

22 August 2012