



ATTORNEY-GENERAL
THE HON ROBERT McCLELLAND MP

MINISTER FOR HOME AFFAIRS
THE HON BRENDAN O'CONNOR MP

09/16216



6 JAN 2010

Senator the Hon Trish Crossin
Committee Chair
Senate Legal and Constitutional Affairs Committee
Parliament House
CANBERRA ACT 2600

Dear Senator

I am writing to inform you that my Department has completed a review of the amendments to Commonwealth and Northern Territory laws that limit consideration of customary law and cultural practice in bail and sentencing decisions.

I note that the Senate Legal and Constitutional Affairs Committee requested a copy of this report in the Senate Estimates hearings of 27 May 2009.

I attach a copy of the report, which identifies five options for reform, including making no change. The recommended option (Option 1) is that the amendments are retained in their current form at this time. While most stakeholders argued for repeal of the amendments on the basis of potential negative impacts, they were not able to identify cases where the amendments had actually operated to produce unintended consequences.

Given the report's finding that there is little evidence available about the impact of the amendments, I consider that the provisions should be monitored for a further 12 months before a decision is made on whether reform is required.

The officer responsible for this matter in my Department is Sarah Chidgey, who can be contacted on 02 6141 2800 or at sarah.chidgey@ag.gov.au.

Yours sincerely

Robert McClelland

Brendan O'Connor