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From: Robin Margo [REDACTED]
Sent: Saturday, 25 January 2020 12:50 PM
To: sentencingcouncil
Subject: Submission by Robin Margo in response to part of section 6 of the Homicide Consultation Paper, Oct 2019 (Penalties for murder and manslaughter - options for reform)

This submission is influenced by my political, legal and personal experiences growing up under the apartheid regime in South Africa, of its aftermath, and as a former solicitor, barrister and later senior counsel practising in New South Wales, other jurisdictions in Australia and occasionally in Papua New Guinea.

I submit that moral considerations similar to those that cause most enlightened states and people to oppose the death penalty compel opposition also to any mandatory life sentences without the possibility of parole (though I realise that the terms of reference for this review allow consideration only of whether parole should be available for life imprisonment sentences for murder).

However serious the crime, mandatorily to imprison any human being for the rest of her or his life, without any possibility whatever of release, discounts to zero the possibility of repentance and rehabilitation for that person, is likely to cause hopelessness and despair in most prisoners (and their families), and is inhumane.

It removes from judicial officers and parole boards discretions that are usually entrusted to them with good reason, and which they have experience in exercising.

It can cause problems in management of prisoners who feel they have 'nothing to lose'.

And it also has the consequence that taxpayers must continue to bear the costs of a prisoner's incarceration even if he or she would otherwise be assessed as having reached an appropriate level of rehabilitation and as fit and able to be released (under continuing supervision where appropriate).

I hope very much that the New South Wales government will follow the example of other Australian and foreign jurisdictions that do not have mandatory life sentences for murder without any chance of parole.

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