You are invited to a seminar hosted by the Legal Intersections Research Centre

**Impacts of the High Court decisions of Bugmy and Munda on Indigenous Sentencing and Imprisonment**

Presented by Dr Thalia Anthony

Date: 21 October 2015  
Time: 12:30 – 2:30 pm  
Location: Moot Court (67.202)  
RSVP: Online

In 2013 the High Court of Australia handed down two seminal decisions in *Bugmy* and *Munda* on how to sentence Indigenous defendants. Aboriginal legal services both celebrated the Court’s finding that culpability should be fully accounted for in determining a sentence and despaired the Court’s position that the systemic background of disadvantage is not a relevant consideration. This paper explores these dual approaches by the High Court and how they have been interpreted by Supreme Courts. It examines whether the effect of these decisions has been to mitigate or aggravate Indigenous prison sentences. It concludes that the sentencing principles provide some foundation for leniency but that this does not guard against competing sentencing principles that emphasise the seriousness of the offence and the need for deterrence.

Dr Thalia Anthony is an expert on criminal law and procedure and Indigenous people and the law. Her research is grounded in legal history and understandings of the colonial legacy in legal institutions. She has developed new approaches to researching and understanding the role of the criminal law in governing Indigenous communities and how the state regulates Indigenous-based justice strategies. Her research is informed by fieldwork in Indigenous communities such as Warlpiri communities in central Australia and partnerships with Indigenous legal organisations in Australia and overseas. Dr Anthony’s scholarship is published in a number of books, including her influential monograph, *Indigenous People, Crime and Punishment* (Routledge 2013) and a forthcoming book with Professor Harry Blagg, *Decolonising Criminology* (Palgrave 2016).