

MEDIA RELEASE

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ATTENTION: Chiefs of Staff, News Directors



SENTENCING ADVISORY COUNCIL RECOMMENDED FOR TASMANIA

Today the Tasmania Law Reform Institute released its Final Report No 11: *Sentencing*.

The key recommendation is for an independent statutory Sentencing Advisory Council to be established in Tasmania.

The Council would have a broad membership of about 10 people, drawn from those with experience in community issues affecting courts, victim support or advocacy groups, judges and magistrates, academics in relevant disciplines, experienced defence and prosecution lawyers and people with experience in the operation of the criminal justice system.

The primary role of the Sentencing Advisory Council should be to bridge the gap between the community, courts and government by informing, educating and advising on sentencing matters.

Director of the Institute, Professor Kate Warner, said the Institute's research highlighted "the need for accessible information about crime and sentencing in Tasmania" and, in particular, accessible sentencing statistics for Magistrates Courts.

This would be among the functions of the Sentencing Advisory Council, which would conduct research on sentencing issues, consult with government bodies, stakeholders and members of the public on sentencing matters, and advise the Attorney-General on sentencing.

The Report also considers the need to address the apparent public dissatisfaction with sentencing, as recent opinion polls suggest that sentences are perceived to be inappropriate in their level of severity. This was recently highlighted by claims that sentencing for sexual offences and rape are too lenient in Tasmania.

"The criminal justice system - and therefore politicians and judges - should be responsive to the community it was designed to protect, but being responsive to the community means responding to informed public judgment, not mass public opinion," Professor Warner said.

"For these reasons, the Institute recommends that priority be given to public opinion research as a means toward making the criminal justice system properly responsive to the public," she said.

The Sentencing Advisory Council would also be responsible for gauging public opinion on sentencing matters and co-ordinating strategies to educate the public on crime and sentencing issues.

Professor Warner said an important message within the Report was that sentencing reform cannot significantly impact on crime levels and empirical evidence does not support a link between crime levels and harsher sentencing practices.

“Given the limited impact sentencing can have on crime levels, the public should not be encouraged to think that crime can be solved by punishment,” she said.

“This is not to say there is no room for improvement and that resources could not be used more effectively and imaginatively - we should endeavour to sentence smarter.”

The Report makes 96 recommendations to improve the sentencing system, including:

- direct resources to evidence-based rehabilitative programmes for prisoners in the areas of cognitive behavioural therapy, sex offender treatment and drug treatment programmes to improve the potential for rehabilitation during custody;
- obtain information about recidivism rates, program rates and completion and breach rates in relation to conditional orders, such as suspended sentences and community service orders;
- review procedures for breach of conditional orders;
- a feasibility study of day fines;
- research the value of victim impact statements in Tasmania;
- a community conferencing pilot for young adults;
- review the administrative procedures for compensation orders.

For further information and interviews:

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The full report can be downloaded from www.law.utas.edu.au/reform/

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