

MEDIA RELEASE

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Tasmanian Law Reform Institute recommends new sentencing provisions to deal with racially motivated offences

A new report released today by the Tasmania Law Reform Institute (TLRI) has recommended that new sentencing provisions be introduced to address criminal racial vilification and racially motivated offences.

The final report follows the release of an issues paper on the matter last year.

The issues paper considered the extent of racism and racist behaviour in Tasmania and Australia and asked whether reforms were needed.

The TLRI received around 20 individual and group submissions in response to this paper, many of which detailed personal experiences of racial vilification and racially motivated attacks in Tasmania. The submissions also considered which law reform options would be most effective.

TLRI Director, Professor Kate Warner, said that an important function of any new law is the symbolic role it can play in identifying for the community what is and is not acceptable behaviour.

“Provisions that address racial vilification and racially motivated offences can send a strong message to society that racism is considered abhorrent and will not be tolerated,” Prof Warner said.

“However, we need to be sure that the new laws are workable. A law that is seldom or never used is likely to lose its symbolic function. It is also important that they are communicated to the general public through awareness and education campaigns.”

Prof Warner said that after considering all the reform options, including introducing an offence in the *Criminal Code* or the *Police Offences Act*, the TLRI is of the view that a sentence aggravation provision is the most appropriate for Tasmania.

“An express sentence aggravation provision allows a judge to take the racist motivation of an offender into consideration at sentencing. By singling out this factor, Parliament is sending a strong message that reaffirms social values of tolerance and respect for racial minorities,” Prof Warner said.

Prof Warner also noted that sentence aggravation provisions have been successfully enacted in three other Australian States and Territories.

“Sentence aggravation provisions exist in New South Wales, Northern Territory and Victoria. In all three jurisdictions these provisions have been successfully used to address the racial motivation of offenders,” Prof Warner said.

For further information please contact Professor Kate Warner, Director of the Tasmania Law Reform Institute on (03) 6226 2067.

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

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