



Civil Liberties Australia
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Ms Catherine Vickers
Director
Department of Justice
by email – Catherine.vickers@justice.tas.gov.au

16 October 2016

Dear Ms Vickers

RE: Sentencing Amendment (Assaults on Frontline Workers) Bill 2016

Thank you for your letter of 3 October 2016 inviting comment by 14 October.

Civil Liberties Australia is thankful to frontline workers for placing themselves in harm's way so others in society may lead safer lives. Police officers, ambulance officers, child protection workers, correctional service officers, medical officers, social service officers all perform invaluable public service and deserve support.

Nevertheless, CLA does not support this Bill for the following reasons.

Length of consultation

A two-week consultation period for such an important bill is inadequate. The bill creates mandatory prison sentences of six months and so demands a higher level of scrutiny.

Mandatory sentencing in principle

Mandatory minimum prison sentencing is expensive¹, ineffective in deterring crime² and leads to unjust outcomes in individual cases³. We do not support mandatory sentences as a point of principle.

¹ it costs \$419/day to detain someone in the Tasmanian prison system. 2016 Productivity Commission Report on Government Services. Refer Table 8A.7, measured as total net operating expenditure and capital costs per prisoner per day, table: <http://www.pc.gov.au/research/ongoing/report-on-government-services/2016/justice/corrective-services/rogs-2016-volume-c-chapter8.pdf>

² in its 2008 Final Report on Sentencing, the Tasmanian Law Reform Institute concluded that there is no evidence that mandatory sentences are an effective deterrent to crime. Refer page 208: http://www.utas.edu.au/_data/assets/pdf_file/0005/283811/Sentencing.pdf

³ for detailed analysis of the unjust outcomes generated by mandatory sentencing, refer Law Council of Australia's policy position on mandatory sentencing: http://www.lawcouncil.asn.au/lawcouncil/images/LCA-PDF/Policy_Position_-_Mandatory_Sentencing.pdf

Reviews

Tasmania's first mandatory minimum sentences came into effect on 17 December 2014. At various stages CLA has heard reference made to a review of those laws 12 months after operation.⁴ To the best of our knowledge the results of the '12 month review' have not been published.

The only Tasmanian review publicly available on the Department of Justice website is the 2013 report from the Sentencing Advisory Council⁵ which recommended a range of improvements to sentencing practice for those who assault emergency workers but explicitly did not recommend mandatory minimum sentences. It stated: "The Council has not recommended sentence aggravation provisions, mandatory minimum fines or mandatory minimum sentences."

In the absence of the 12-month review and, given the clarity of the 2013 Sentencing Advisory Council recommendation, we do not believe the current Bill should proceed.

Yours sincerely

Richard Griggs
Tasmanian Director

⁴ for example, 21 October 2015 media release from Attorney General:

http://www.premier.tas.gov.au/releases/mandatory_minimum_sentences_support_from_unions_welcome

⁵ Assaults on Emergency Service Workers (2013), Sentencing Advisory Council

http://www.sentencingcouncil.tas.gov.au/publications/reports/previous/Assaults_on_Emergency_Service_Workers.pdf