

Abolishing suspended sentences

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The Plan to rebuild essential services

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The Liberals believe that the progressive abolition of suspended sentences in Tasmania is the right approach

Abolishing Suspended Sentences

A majority Liberal Government will ensure our community can once again feel safe and that sentencing reflects the gravity of the crime committed by progressively phasing out the use of suspended sentences.

We will start with serious offences that cause death or serious injury, aggravated and armed robbery, sexual offences, arson and serious drug offences.

There is an overwhelming need to send a strong message to the community that those who commit crimes will be dealt with appropriately and that the community will be protected.

As an alternative to suspended sentences, a majority Liberal Government will work with the Sentencing Advisory Council to introduce best practice sentencing options that provide an opportunity for rehabilitation and represent an appropriate response to the gravity of the crime committed.

These options may include: home detention, periodic detention, intensive correction/supervision and additional problem solving/ therapeutic alternatives.

During the transition phase, courts will be able to impose a suspended sentence of imprisonment in exceptional circumstances where such a sentence is appropriate in the interests of justice. In doing so, the Court will be required to detail in open court its reasons for imposing a suspended sentence.

Tasmanians have lost faith in our justice system, with many of the view that penalties imposed are too light or don't appropriately reflect the severity of the crime committed.

In a 2008 Sentencing Final Report the Tasmanian Law Reform Institute found that 60 percent of prison sentences were wholly suspended (2003-04 financial year)ⁱ

It also noted a number of criticisms regarding the use of suspended sentencesⁱⁱ including:

- The public view that suspended sentences are too light for the crimes committed;
- The double weight given to mitigating circumstances in sentencing and assessing whether a sentence should be suspended; and
- The lack of any follow-up on breach of conditions as part of suspended sentences.

Criticism of suspended sentences has led to the abolition of this sentencing option in New Zealand and Victoria in recent years.

Early indications following the abolition of suspended sentences in Victoria have shown that incidents of certain crimes are in decline - including property crimes and some serious crimes against the person.ⁱⁱⁱ

By taking these steps, a majority Liberal Government will ensure that our community can once again feel safe, that crime is dealt with seriously and that would-be criminals are deterred from committing these crimes.

ⁱ Tasmanian Law Reform Institute, Sentencing Final Report, No 11, June 2008, page 106

ⁱⁱ Tasmanian Law Reform Institute, Sentencing Final Report, No 11, June 2008, pages 108-111.

ⁱⁱⁱ Victoria Police Crime Statistics 2012/13

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