

# Law and Order



## A MAJORITY LIBERAL GOVERNMENT WILL:

- Strengthen Dangerous Criminal Declaration laws
- Amend Bail Law to address serious and repeat offenders while strengthening protections for the community
- Introduce 'One Punch' laws
- Abolish remission and reintroduce legislation for mandatory minimum sentences for serious child sex offenders



## Keeping Tasmanians Safe

### Tough on Crime

Tasmanians deserve to live in safety and free from the impact of crime.

We make no apology for being tough on crime and a re-elected Hodgman majority Liberal Government will take further important steps to make it clear criminal activity will not be tolerated.

### Dangerous Criminal Declarations

Tasmania's Dangerous Criminal provisions allow repeat and dangerous offenders to be declared a Dangerous Criminal and detained in prison for the protection of the community, even after their sentence expires.

This declaration is reserved for only the most dangerous offenders, but it has not been successfully applied for in many years.

The current system can be unnecessarily inflexible and has been criticised as being too difficult for the Court to implement because an order can only be made by the same judge who sentenced the offender.

In cases where a judge has retired, this makes the process impractical.

A re-elected Hodgman Government will streamline the process, with appropriate safeguards, so that the community can be confident that when the courts and prosecutors believe a criminal is too dangerous to be released from prison, action can be taken.

We will also introduce a second tier declaration for dangerous criminals.

This category of offenders may include repeat sex offenders or serious family violence offenders, for example.

A re-elected Hodgman majority Liberal Government will move to allow for offenders classified in this second tier to be subject to intensive monitoring post-release, including electronic monitoring and other forms of supervision which will help to protect the community and ensure offenders do not reoffend.

### Our Targets

**#32:** The lowest serious crime rate in the nation across all victimisation measures by 2022

**#33:** The lowest use of crystal methamphetamine (ice) of any state by 2022

### Why Tasmania Needs This

The Tasmanian community is now feeling safer as a result of our tough on crime policies, but we understand there is still more work to be done.

Tragically, there have been a number of cases in Tasmania where repeat offenders have committed serious crimes soon after being released from prison. This shows that there is a need for greater monitoring and supervision of criminals who may not meet the threshold for ongoing detention but nevertheless present a significant risk to the community once released from prison.

This may be particularly relevant to repeat sex offenders and serious family violence offenders.



## Keeping Tasmanians Safe

### Bail Law Reform

Tasmania's bail laws are often criticised by the community as being too lenient and it's fair to say many Tasmanians have lost faith in the process.

Changes are needed to restore community confidence in the justice system and to prioritise community safety.

Tasmania is the only state to rely primarily on the common law for considerations relevant to whether an offender should be granted bail.

Other Australian jurisdictions have moved to provide clear statutory frameworks for what a court should consider when granting bail.

Tasmania's *Bail Act* is largely procedural, with courts having to rely on decades old common law when considering whether or not a person should be granted bail.

A re-elected Hodgman majority Liberal Government will modernise Tasmania's bail laws to reflect community expectations when offenders are accused of committing a crime such as murder or serious drug trafficking, or are deemed a high risk of reoffending while on bail.

A Liberal Government will move to legislate a presumption against bail in these circumstances.

The starting point will be that certain serious and repeat offenders, such as large-scale drug traffickers, will need to demonstrate to a court why they should be bailed in the first place, rather than it falling to police to demonstrate why they should be held in custody.

This is an important measure to ensure community safety from high-risk offenders.

### 'One Punch' laws

In Tasmania, cowardly "one punch" attackers who cause the death of their victim have in the past been prosecuted for manslaughter.

However, it is open for an offender to avoid a conviction for manslaughter if they successfully argue that the death was an accident.

Other jurisdictions have removed this loophole, ensuring offenders cannot escape the consequences of their actions by claiming the death was an accident.

We will also invest \$200,000 in a campaign to send the strongest possible message that these acts of violence and cowardice will not be tolerated.



## Keeping Tasmanians Safe

A re-elected Hodgman majority Liberal Government will introduce a specific law that will directly address 'one punch' incidents, as well as having a broader application to other assaults that lead to the death of the victim.

Our reform will ensure that violent offenders who cause the death of others will always be criminally responsible for the result of their actions.

This will give police and prosecution authorities the means to ensure that such behaviour is properly addressed, and offenders are held to account.

In addition to these reforms, we will ensure that an offender's own intoxication cannot be used as an excuse when they come before the Courts.

We will also review the existing provisions in the *Sentencing Act 1997* that give courts the power to ban offenders from certain areas. It is important to ensure police and the courts have the powers they need to ensure the community is protected from cowardly acts by repeat drunken attackers.

### Targeting Persistent Family Violence Offenders

A re-elected majority Hodgman Liberal Government will create a new offence of "persistent family violence".

To address this issue, the new offence of "persistent family violence" modelled on other continuing offences in Tasmanian law, will be created.

This new, nation-leading offence will allow courts to take into account the full extent of an abusive relationship.

Courts will also be given the power to declare repeat offenders as persistent family violence offenders.

Such a declaration could have wide ranging implications and be relevant to whether an offender is –

- Admitted to bail or granted parole in the future;
- Permitted to possess firearms or hold a firearms licence;
- Required to undertake certain programs or therapy while in custody; or
- Abide by certain conditions or remain under supervision while in the community.



## Keeping Tasmanians Safe

### Abolish Prison Remission

Tasmanians may be surprised to learn that under the current regime, prisoners can be released up to three months before their release date handed down by the Court.

We believe that simply letting an offender out three months early is not acceptable and other methods of incentivising good behaviour in prison are more appropriate.

It's our view that if you do the crime, you should do the time. Granting remission is an outdated practice and out-of-step with other Australian jurisdictions who have phased out their use.

A re-elected Hodgman majority Liberal Government will re-introduce legislation to remove remission for prisoners in Tasmania.

### Policing experience on the Parole Board

Just as we did when we legislated to ensure a victims of crime representative on the Parole Board, we will legislate to ensure a member with policing experience is similarly represented on the Board.

Police have a unique set of experiences that are relevant when considering whether a prisoner should be considered for parole. We believe their views could be helpful in considering applications for parole which inevitably involves the parolee reintegrating back into the community.

### Serious Sexual Offences Against Children

We will re-introduce legislation which will ensure guaranteed prison time for serious child sex offenders. This will determine minimum terms of imprisonment in line with the Sentencing Advisory Council's recommendations in relation to adult offenders, including a minimum of:

- 4 years' imprisonment for the crime of rape where a victim is under 17 years.
- 4 years' imprisonment for maintaining a sexual relationship with a young person where there are aggravating circumstances and rape.
- 3 years' imprisonment for the crime of maintaining a sexual relationship with a young person where there are aggravating circumstances.
- 2 years' imprisonment for the crime of sexual intercourse with a young person where there are aggravating circumstances.

Labor shamefully blocked our legislation previously and they should explain to Tasmanians whether they will do the right thing and support such a move in the next Parliament.



## Keeping Tasmanians Safe

### **Mandatory Sentencing for Assaults on Frontline Workers**

We will reintroduce legislation to ensure guaranteed prison time for serious assaults on frontline workers. This would ensure that a person who commits an offence resulting in serious bodily harm against ambulance officers, paramedics, nurses and midwives, child safety officers and correctional staff will receive a mandatory minimum sentence of six months in jail, unless there are exceptional circumstances.

We maintain our view that off-duty police officers should have the same protection that exists for on-duty as there are no circumstances at all in which police officers should be targeted and assaulted because of their job.

We will re-introduce our legislation to provide protections for our frontline workers, legislation that both Labor and the Greens shamefully voted against.

### **Cost**

Law reform will be managed from within existing resources.

\$200,000 for our 'One Punch' campaign.