

12 August 2024

Members of the Legislative Council  
Parliament House  
HOBART TAS 7000

Dear Honourable Members

***RE: Sentencing Amendment Bills***

With the *Sentencing Amendment (Presumption of Mandatory Sentencing) Bill 2024* and *Sentencing Amendment (Presumptive Sentencing for Assaults on Frontline Workers) Bill 2024* on the Legislative Council Notice Paper, I write to again raise TasCOSS' significant concerns with mandatory sentencing regimes.

While I understand the Tasmanian Government is committed to improving the safety and wellbeing of Tasmanian children and frontline workers, these Bills may in fact have detrimental outcomes for those very people the Government is intending to protect and support.

Research demonstrates mandatory sentencing regimes are ineffective in deterring against future crime – that is, they are not an effective tool to provide better support for Tasmanian families, children and workers. In addition to mandatory sentencing being ineffective as a deterrent, research from other jurisdictions shows it disproportionately impacts communities and individuals already experiencing disadvantage, in particular, Aboriginal Australians.

The Law Society of Tasmania has noted that, *"mandatory sentencing regimes can produce unjust results with significant economic and social costs without a clear and directly attributable corresponding benefit in crime reduction"*.

The potential impact of a mandatory sentencing scheme was also carefully considered – and rejected – by the Sentencing Advisory Council of Tasmania, who in their report noted that, *"mandatory sentencing is inherently flawed. The Council has grave concerns that the introduction of mandatory minimum sentencing for sexual offences in Tasmania will create injustice by unduly fettering judicial discretion... [and] create unjustified unfairness without achieving its stated aims of deterring offenders and increasing transparency"*.

It must also be noted the introduction of a mandatory sentencing regime was **not** a recommendation of the recent *Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings*.

I fully support the Government committing to and progressing necessary and important changes to make sure communities and families can receive the support they need to be healthy and safe. However, there is no evidence a mandatory sentencing regime will provide any additional safety to children, families and workers.

For further information on the evidence-base, links to other research and TasCOSS' opposition to these Bills, I refer you to our previous submissions<sup>1</sup> and invite you to contact Dr Charlie Burton, Deputy CEO and Director Policy and Advocacy, on 03 6169 9514 or [Charlie@tascoss.org.au](mailto:Charlie@tascoss.org.au) with any questions.

I urge all Honourable Members to oppose both of these Bills and instead encourage a focus on evidence-based, best practice reforms that ensure our criminal justice system can appropriately and effectively respond to harm.

Yours faithfully



**Adrienne Picone**  
Chief Executive Officer

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<sup>1</sup> <https://tascoss.org.au/wp-content/uploads/2024/04/TasCOSS-submission-Sentencing-Amendment-Presumptive-Sentencing-for-Assaults-on-Frontline-Workers-Bill-2024-Final.pdf>

<https://tascoss.org.au/wp-content/uploads/2023/04/Inquiry-into-Tasmanian-Adult-Imprisonment-and-Youth-Detention-Matters-FINAL.pdf>