

DRAFT SECOND READING SPEECH

HON. JEREMY ROCKLIFF MP

Sentencing Amendment (Racial Motivation) Bill 2016

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Madam Speaker, I am pleased to introduce the *Sentencing Amendment (Racial Motivation) Bill 2016* to the House.

The Government is committed to promoting and supporting a rich and culturally diverse community for Tasmania.

The Government recognises that there are demonstrated economic and cultural benefits in attracting more migrants to Tasmania. Increasing the State's population is essential for a prosperous Tasmania and will generate wealth, jobs and opportunities to grow our economy.

A significant part of the Government's plan to increase Tasmania's population is to increase Tasmania's share of economic migrants (skilled and business arrivals), and to encourage international students to stay once they have completed their studies.

However in recent years there has been an apparent increase in the number of racially motivated attacks on immigrants and international students in Australia. These incidents have raised considerable safety concerns among minority groups and damaged our reputation as a tolerant multicultural society.

The Tasmania Law Reform Institute (TLRI) recommended the Government consider reform in relation to our sentencing laws to address offending behaviour that is motivated by racial hatred or prejudice.

The Government has acted on the recommendation of the TLRI to require the courts to take any racist motivation of an offender into consideration when sentencing.

This Government continues to undertake extensive review of the sentencing practices and law in Tasmania. The Government has requested both the Sentencing Advisory Council and the TLRI to review and make recommendations in relation to specific areas of concern within the community such as dangerous driving, child sexual offences and the use of suspended sentences.

In August of this year, the Government introduced a Bill which sets out the aggravating factors that courts are to take into account when determining the appropriate sentence for offenders convicted of certain sexual offences.

The Government is committed to taking action to protect the vulnerable in our community from perpetrators of violence of any form.

I will now address the specific terms of the Bill.

As Members will be aware, the *Sentencing Act 1997* provides the legislative framework for sentencing offenders in Tasmania.

This Bill amends the *Sentencing Act 1997* to introduce a statutory basis for the courts to take into account racial hatred or prejudice as an aggravating circumstance in relation to an offender.

Specifically, the Bill introduces a new section 11B into the *Sentencing Act 1997* which requires the courts to take into account whether the offence was motivated by racial hatred or prejudice to any degree. This means that even if racial hatred or prejudice is not the primary or only motivation for an offence it is still to be taken into account as an aggravating circumstance by the courts when determining the appropriate sentence for an offender.

Further, the Bill provides that the courts are to take into account as an aggravating circumstance whether the offender is motivated by racial hatred or prejudice not only against a victim but also in relation to a victim who is, or is believed to be, associated with a racial group at the time of the offence.

Sentence aggravation provisions have been successfully enacted in Victoria, New South Wales, the Northern Territory and Western Australia. This Bill brings Tasmania into line with those States and Territories that have taken a strong stance against criminal behaviour motivated by racial hatred and prejudice in the community.

This Bill sends a strong message that the Government denounces racially motivated offences and embraces cultural diversity.

I commend the Bill to the House.