

Media Release



Federation of
Community Legal Centres
VICTORIA

Don't reduce judicial discretion in sentencing say community lawyers

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The Victorian Federation of Community Legal Centres criticised the Victorian Government's announcement today that suspended sentences for serious offences would be abolished.

"While we're yet to see the detail of the proposed reforms or the Sentencing Advisory Council's report, this is a worrying trend that reduces judicial discretion. Abolishing suspended sentences will reduce judges' ability to ensure the punishment fits the crime," said Federation Executive Officer Hugh de Kretser.

"A suspended sentence is an appropriate sentencing option which is overwhelmingly used for non-violent crimes. A recent NSW study showed that suspended sentences are as effective, if not more effective, in reducing further offending compared with immediate jail time. Abolishing suspended sentences may increase crime and may lead to unmanageable increases in the prison population," Mr de Kretser warned.

"In New Zealand, following the abolition of suspended sentences, the number of people being sentenced to immediate terms of imprisonment rose 23%. While it's difficult to predict the impact of abolishing suspended sentences on the Victorian prison population, an increase of only 10% would mean an extra 435 Victorian prisoners. 435 extra prisoners could cost taxpayers close to \$35 million annually, not including the huge costs to construct new prison accommodation which could be over \$225 million – similar to the cost of building the planned new 200-bed Monash Children's Hospital," said Mr de Kretser.

"Victorians should be concerned about simplistic political calls for harsher penalties for offences. The media and politicians disproportionately focus on a small number of dramatic and violent cases and leave out relevant information about perpetrators that judges use to give an appropriate sentence. Studies have shown when the public is provided with more information on a particular case – similar to the information a judge would have – they would impose a similar or lower sentence than the judge."

While the Federation opposed restrictions on suspended sentences, it welcomed the abolition of mandatory jail time for people twice caught driving while disqualified. "Mandatory sentencing fails to reduce the crime rate, leads to harsh and unfair sentences and disproportionately affects marginalised groups. Abolishing this mandatory jail sentence is a smart move," said Mr de Kretser.

Further information:

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