

## **RESPONSE TO PETITION**

**TITLE OF PETITION NUMBER 7 OF 2024:** Hate Crime Legislation

**The petition of the undersigned residents of Tasmania draws to the attention of the House:**

We, the undersigned residents of Tasmania, draw the House's attention to the tragic death of a young Indian man, Deepinderjeet Singh, who was pushed into the Princes Wharf on 29th January 2024 by a group of young people. Mr Singh was a diligent university student and a conscientious employee and is sadly missed.

Tasmanians have noticed an increase in race related offending against migrant businesses, taxi drivers and individuals including physical assault and attacks and damage to property.

Police are often reticent to record racial (or other) hatred as a motivation for offending because there are no corresponding offences that recognise racial or other hatred as a motivating factor.

Your petitioners request the House:

- Amend the Youth Justice Act, the Criminal Code, the Police Offences Act and the Sentencing Act, so that when people are charged with offences and hatred was a factor in that offending, that offenders can be charged with offences that recognise that motivation.
- Call on the Government to reform the youth justice system to move away from incarceration in favour of mandatory education and mentoring programs designed specifically to hold young people accountable for their offending, while providing opportunities for them to get off the path of offending. This should include specifically tailored therapeutic programs that focus on long term solutions.
- Call on the Government to implement a system that allows police to identify and record hateful motivation for offending (race, homophobia, disability etc), in a straightforward and consistent way.

## GOVERNMENT'S POSITION

The death of Deepinderjeet Singh was a tragic incident that has deeply affected his family, friends and our local community. Any death in our community is a tragedy and I express my sincere condolences to all affected by this extremely unfortunate death.

A key priority of our Government is ensuring that Tasmania is a safe and inclusive place – a place where all members of the community are secure, valued and supported.

Racially motivated offences are completely unacceptable and have no place in our State. Tasmania is at its best when we embrace our tolerant, thriving and multicultural society – and as we continue to deliver our 2030 Strong Plan for Tasmania's Future there is absolutely no place for discrimination.

I acknowledge the concerns raised in this petition and am pleased to share that our Government will amend the *Sentencing Act 1997* (the Sentencing Act) to implement all of the recommendations made by the Sentencing Advisory Council in their Final Report 'Prejudice and Discrimination as Aggravating Factors in Sentencing'.

Specifically, the Tasmanian Government will amend the Sentencing Act to:

- Expand the scope of section 11B to include other forms of prejudicial offending as aggravating factors in sentencing.
- Amend section 11B to include an illustrative list of groups or attributes against which the prejudicial offending is directed.
- Adopt the combined objective and subjective animus model when legislating prejudicial offending as an aggravating factor in sentencing.
- Legislate an additional provision to treat discriminatory targeting as a separate aggravating factor in sentencing.

Section 11B commenced in 2017 and was inserted into the Sentencing Act following the recommendations of the Tasmania Law Reform Institute (TLRI) Report 'Racial Vilification and Racially Motivated Offences'. The TLRI considered a sentence aggravation provision to be the most effective instrument for addressing racially motivated offending, and it recommended against the introduction of standalone hate crime offences in Tasmania.

At the time of preparing its report, the TLRI's review of those jurisdictions that provide for standalone hate crimes noted that those provisions were underutilised. Nevertheless, I acknowledge the concerns raised by the Tasmanian community and will seek further advice from the Department of Justice as to whether the introduction of standalone hate crime provisions would be effective and desirable.

Reform of the youth justice system reform is a key priority for the Government. Our 'Youth Justice Blueprint 2024-2034' outlines an evidence-based, therapeutic criminal justice approach that supports young people to address the factors that led to their offending, preventing continued

offending behaviours and ongoing involvement with the system. The Blueprint has a focus on prevention, early intervention, and diversion, through to services for repeat and high-risk offenders, changing the pathways for children and young people at risk of, or who are engaged in, offending behaviours.

Tasmania Police actively seek out opportunities for the diversion and rehabilitation of youth offenders because it is understood that early intervention is particularly beneficial in preventing crime.

Our Government does not accept that police are reticent to record racial or other hatred as a motivation for offending. There is no excuse for any form of verbal or physical abuse in our community. All reports of crimes are taken extremely seriously by Tasmania Police, and people are urged to contact police in a timely manner so matters can be fully investigated. Members of the community are strongly encouraged to always come forward and report matters to police where they believe they have been the victim of a prejudice-related incident.

Tasmanians live in a very safe state. However, there is a small number of recidivist offenders who continue to do the wrong thing. Police have a range of legislative powers to deal with anti-social behaviour and will interdict, disrupt, and hold to account those people who offend.

The Government remains committed to ensuring that Tasmania is a place where everyone feels valued, included, encouraged and supported to be the best they can be. We are committed to legislative reforms that increase safety for members of our community, and ensure that offenders are appropriately punished for crimes, including where hate and prejudice is a motivating factor for the offender.



Hon Guy Barnett MP  
**Deputy Premier**  
**Attorney-General**  
**Minister for Justice**

Date:

26/11/24.