

**LAUNCH OF THE JUSTICE REFORM INITIATIVE  
RECEPTION REMARKS BY  
HER EXCELLENCY PROFESSOR THE HONOURABLE KATE WARNER AC  
GOVERNOR OF TASMANIA  
GOVERNMENT HOUSE, THURSDAY 6 MAY 2021**

Good evening and welcome to this event to mark the launch of the Justice Reform Initiative in Tasmania.

I begin by paying my respects to the traditional and original owners of this land: the palawa people. I acknowledge the contemporary Tasmanian Aboriginal community, who have survived invasion and dispossession, and yet who continue to maintain their identity, culture and Indigenous rights.

The importance of re-evaluating our approach to criminal justice and reducing our reliance on the use of imprisonment is particularly pertinent in relation to our First Nations people who are overrepresented in the criminal justice system. The Aboriginal imprisonment rate in Tasmania is more than five times the non-Indigenous imprisonment rate and has increased at a far greater rate over the last decade.<sup>1</sup>

We have failed to address the underlying systemic issues which the Royal Commission into Aboriginal Deaths in Custody identified as the cause of the disproportionate rate of Aboriginal and Torres Strait Islander incarceration 30 years ago.

I have spent more than 40 years as a criminologist and in that time the imprisonment rate in Australia has increased from around 70 or so per 100,000 adults to 124 per 100,000 today. And yet we have long known that imprisonment is a failure – it does not deter the individuals who are sent there, nor does it rehabilitate them nor deter others from committing offences.

Without police and a criminal justice system, crime would undoubtedly increase but we know that there is no evidence that marginal deterrence – increasing the severity of penalties for the crimes that most worry us – sex offences and non-sexual violent crime and serious property offences – deters members of the public from offending.

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<sup>1</sup> The Justice Reform Initiative, *Jailing is Failing*, April 2021.

We do need to take crime seriously, but this does not mean embracing a law and order ideology. When the public say sentences are too lenient, they are saying we want crime to be taken seriously. Research on public attitudes to crime has repeatedly shown that the public think crime is rising when it is not, and they underestimate the severity of punishment for crimes. For example, in our National Jury Sentencing Study, less than a quarter of respondents knew the proportion of rapists sent to prison. While most said sentences for sex and violent crimes were too lenient, when jurors were asked to suggest a sentence for the offender they had convicted, 62% suggested a sentence more lenient than the judge's sentence. And when informed of the judge's sentence most said it was appropriate.

On these measures, the public is not clamouring for harsher sentences.

Rather than mandatory sentences and other populist sentencing measures, criminal justice policy should be evidence-based. Responding to the drivers of crime, investing in education, community development, housing, social support, access to drug and alcohol treatment, mental health and disability support is a much smarter way to reduce crime than imprisonment.

This is not to say in relation to rehabilitation that 'nothing works'. Some offenders will need to be sent to prison. With a smaller prison population more resources can be put into strengths-based programs that assist prisoner pre- and post-release to desist from re-offending.

I commend all those associated with the Justice Reform Initiative for striving for cross-party co-operation to implement evidence-based criminal justice policies. We should take crime seriously but not by over-reliance on ineffective responses to it for the sake of being seen to be doing something.

Many thanks to Christine Milne and Tasmanian co-patrons Lara Giddings, Greg Barns, Jim Wilkinson and Rob White for nominating me for Tasmanian Head Patron of the Justice Reform Initiative, the position I will now hold after my Governorship. I am honoured and greatly look forward to being involved and thank you also to Robert Tickner for your invitation to take up this patronage.

Thank you.