Justice Legislation (Strengthening Victims' Rights) Amendment Bill 2026

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Our ref: [LP:MC]

Mr Martin Hunt MP
Chair
Justice, Integrity and Community Safety Committee
Parliament House
George Street
Brisbane Qld 4000

By email: JICS@parliament.qld.gov.au

Dear Chair,

Justice Legislation (Strengthening Victim's Rights) Amendment Bill 2026

Thank you for the opportunity to comment on the Justice Legislation (Strengthening Victims' Rights) Amendment Bill 2026 (**Bill**).

This submission has been prepared with the assistance of the Society's Criminal Law Committee.

The Society acknowledges the profound, and often lasting harm, suffered by victims of crime and the difficulty many victims experience when navigating the criminal justice system. We consider the Bill pursues a legitimate objective, to ensure victims are heard and the harm they have suffered is recognised.

The Society's primary concern is the amendment of section 179K to remove the ability of prosecutors to decide what details of harm, in the form of a victim impact statement (**VIS**), are appropriate to give the sentencing court. Further, the Society does not support the introduction of community impact statements (**CIS**). In our view, section 9 of the *Penalties and Sentences Act 1992 (Qld)* (**PS Act**) already requires the court to have regard to the broader impact of offending, including the harm it causes, and the introduction of a CIS regime will add unnecessary complexity to the sentencing process.

The public interest is the conviction of the guilty. The most efficient conviction is a plea of guilty. Early pleas are commonly reached through case conferencing between the prosecution and defence, in which charges are refined, facts are agreed and the basis for sentence is settled. Restorative options also play a part in this process. These processes are important and, in many cases, spare the victim from the ordeal of trial, provide certainty and allow matters to be finalised without unnecessary delay.

Where matters proceed to trial, the evidence is tested through the adversarial process and under the rules of evidence. The facts on which the offender is sentenced are then confined by the verdict.

Prosecutors' existing role under section 179K is integral to both pathways. It ensures that a VIS aligns with the agreed facts or the verdict, so that sentencing proceeds, as much as possible, on a settled basis.

The Bill removes important safeguards regarding the use of VIS and will likely result in unintended consequences.

Amendment of Section 179K of the PS Act

We strongly oppose the amendments to section 179K.

The Bill seeks to remove prosecution's ability to redact parts of a VIS that are inadmissible or irrelevant and consult with the defence about matters of admissibility. The Bill also seeks to narrow the circumstances where a victim may be cross-examined in relation to the contents of their VIS. These are important statutory safeguards and serve to ensure that the material presented before a sentencing court is not inconsistent with the purposes of sentencing as set out in PS Act.

Sentencing is a complex exercise. Each sentence is formulated on the particular facts of the case, which are often intricate. A VIS may describe harm flowing from a sequence of events, only some of which may relate to the offence being sentenced. Without the existing safeguards, there is a real risk that a defendant will be sentenced, in substance, on facts that have not been admitted or proved beyond reasonable doubt.

Prosecution's ability to redact irrelevant and inadmissible material is an important procedural safeguard. Anecdotal reports from member practitioners note that VIS are often substantially redacted before being provided to a sentencing court because they refer to conduct outside the charges or agreed facts, to unproven allegations or otherwise inadmissible material. If the amendments proceed, that material would instead be placed before the sentencing court. Alternatively, it will reagitate disputes about agreed facts resulting in an increase in contested sentencing hearings.

The Explanatory Notes state the amendments seek to provide a therapeutic benefit to the victim. We support that objective. However, the therapeutic benefits the Bill seeks are more likely to be achieved through restorative justice options, which are often engaged during the case conferencing that leads to early pleas and timely sentences. These processes give victims a voice and an acknowledgement of the harm caused by the offending. It the amendments proceed and sentencing hearings become contested over the content of a VIS, the restorative benefits achieved up to sentence risk being undone.

Community impact statements

The Society does not support the provisions relating to the proposed CIS framework.

The explanatory materials do not make clear what function a CIS is intended to perform in the sentencing process or how the court is to weigh it. The explanatory materials state the CIS model provides an opportunity for a sentencing court to consider the broader impact of any offence or type of offending beyond victims. In our view, section 9 of the PS Act already requires the court to have regard to the broader impact of offending.

We note the amendments will require significant additional effort of the Office of the Victims' Commissioner and the prosecution and will impact the flow of proceedings in the Magistrates Court.

If the Bill is to proceed in its current form, we make the following further comments.

The definition of *community impact statement* should be so the documents referred to in 179(a)(c)(i) and (ii) *must* be attached to the CIS.

We do not support the provisions in the Bill that enable the offences for which a CIS may be given to be prescribed by regulation. Extending a new and untested regime in this way removes public consultation and scrutiny. Section 179R(b) should be removed.

New section 179T(1) provides that a CIS is to be given to the offender and their legal representative 'as soon as possible' after conviction. There is no minimum period a CIS is required to be provided before the sentencing hearing date.

A CIS may also have submission and personal statements attached. On the current drafting, this material may be disclosed to a defendant without sufficient time to consider before the sentencing hearing. Where a CIS is disclosed, a defence practitioner must review the material, take instructions, consider objections related to admissibility and relevance and where needed, obtain responding material. Where CIS are provided without adequate time to discharge a defence practitioner's obligations, adjournments will be unavoidable. This will increase adjournments across the Courts and result in longer delays and increased costs.

We have had the benefit of reviewing the submission of the Bar Association of Queensland and support the matters raised therein.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via [redacted] or by phone on [redacted]

Yours faithfully

Peter Jolly
President