

Justice, Integrity, and Community Safety Committee
Inquiry into the Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Bill 2025
Department of Justice (DoJ) supplementary response to submissions

DoJ previously provided a response to the submissions published on the Justice, Integrity and Community Safety Committee's webpage for its inquiry into the Bill as at 10 June 2025. On 11 June 2025, four additional submissions were published on the website:

- 12. Queensland Law Society (QLS)
- 195. Name withheld
- 196. Archdiocese of Brisbane
- 197. Full Stop Australia (FSA)

Submission	Submitter comments	Department response
Queensland Sentencing Advisory Council (QSAC) Report sentencing reforms		
Sentencing purpose		
12 - QLS	QLS submits that section 9 of the <i>Penalties and Sentences Act 1992</i> (PS Act) need not be amended, it does not consider any changes should be made to the general of specific sentencing purposes.	DoJ notes the submitter's view that the amendment need not be made. The amendment implements recommendation 2 of the QSAC Report to expand the sentencing purpose to include the recognition of the harm done to a victim by the offender.
Statutory aggravating factor		
12 - QLS	QLS submits that section 9 of the PS Act need not be amended. QLS also submits that it is not clear whether new section 9(9BB) is intended to be an exception to the requirement to treat age as an aggravating factor or whether it is intended to provide guidance as to what constitutes exceptional circumstances.	DoJ notes the submitter's view that the amendment need not be made. The amendment implements recommendation 2 of the QSAC Report to expand the sentencing purpose to include the recognition of the harm done to a victim by the offender. In relation to the submitter's concern regarding the purpose of new section 9(9BB), DoJ can advise that the subsection provides guidance to the court 'in deciding whether there are exceptional circumstances'. DoJ also notes that the drafting of section 9(9BB) is consistent with drafting of current section 9(5).

Submission	Submitter comments	Department response
Good character evidence		
12 - QLS	QLS does not support the amendments to good character evidence in the Bill. QLS submits character evidence can be an important feature of sentencing, and that it is challenging to separate given good character evidence from other sentencing factors, or prescribe the particular purposes for which good character evidence will be admitted. QLS suggests that removing character evidence except, in particular circumstances, would limit courts' access to information that may be vital in formulating a sentence that balances all relevant features and is tailored to the individual circumstances of a case. QLS is also concerned proposed section 9(3C) risks unduly constraining judicial discretion by drawing an artificial link between an offender's good character and the harm suffered by a victim, suggesting these considerations are not connected in all cases and are already properly weighed by courts under the well-established application of the instinctive synthesis in sentencing. QLS submits that if the Bill progresses the following changes should be made: • replace new sections 9(3A)-(3C) with "In sentencing an offender for an offence of a sexual nature, good character evidence will not be considered to be a mitigating factor on sentence unless it is of assistance to the court in considering the matters to which it must have regard under section 9" (QLS considers this more accurately reflects the recommendations of QSAC and the notion being of good character, of itself, is insufficient to mitigate penalty, whilst allowing the court to consider good character evidence where it engages other section 9 considerations); • add community protection to the list of mitigating facts a court should consider in new section 9(3B) to ensure judges can evaluate the broader impact on public safety when determining the appropriate sentence.	DoJ notes that the submitter does not support the amendments, and has concerns that the amendments may restrict the ability of the court to appropriately reflect the specific circumstance of each matter in a sentence. The amendments implement recommendation 5 of the QSAC Report to qualify the treatment of certain types of good character evidence in sentencing offences of a sexual nature. It is noted that QSAC concluded in its report that evidence of good character can have a legitimate role in the sentencing process and that sentencing courts should be informed by the best available evidence. However, QSAC found there is a problem with certain types of good character evidence, and recommended amendments restrict the use of the problematic types of evidence. In relation to the submitter's comments about section 9(3C), DoJ notes this provision enhances judicial discretion. The court is currently bound under the common law to consider good character as a mitigating factor in determining the appropriate sentence (<i>Ryan v The Queen</i> [2001] HCA 21). The amendment in section 9(3C) provides the court with discretion to not treat an offender's good character as mitigating if it considers it appropriate having regard to the nature and seriousness of the offence. The submitter's suggested amendments to provide that good character evidence will not be considered a mitigating factor unless it is of assistance to the court in considering any matter to which it must have regard under section 9, and to provide that the court may treat good character established by a prescribed form of good character evidence as a mitigating factor if it is relevant to community protection are inconsistent with QSAC's recommendation that the evidence only be considered for assessing the offender's prospects of rehabilitation and risk of reoffending.
195	The submitter submits that a character witness' experience of a convicted person and any good character reference they provide is irrelevant as the convicted person is not being sentenced for actions against their character witness.	DoJ notes the submitters' suggestion that good character references are irrelevant.

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		It is noted that QSAC concluded in its report that evidence of good character can have a legitimate role in the sentencing process and that sentencing courts should be informed by the best available evidence. While QSAC found there is a problem with certain types of good character evidence, including character references, it did not recommend a blanket prohibition on the use of these types of good character evidence. The amendments relating to good character evidence in the Bill implement recommendation 5 of the QSAC Report, which recommends the qualified treatment of certain types of good character evidence in sentencing offences of a sexual nature.
197 - FSA	FSA submits the Bill would be strengthened if the amendments went further to provide that ‘the offender’s good character, to the extent it has been established by a character reference, standing in the community, or contributions to the community’ (together, character evidence) may not be used at all as a mitigating factor in the sentencing of sexual offences. FSA supports a blanked rule prohibiting the use of character evidence in sentencing for child and adult sexual offending. FSA also submits that the current drafting of section 9(6A) of the PS Act creates an arbitrary double standard depending on whether the court accepts that the offender’s character assisted them to offend. FSA submits that section 9(6A) should be amended to clarify that character evidence is inadmissible as a mitigating factor for all child sex offences, suggesting that this would establish a more consistent approach to sentencing that recognises the insidious role all child sex offenders’ reputations play in allowing them to gain access to their victims.	DoJ notes the submitter’s suggestion, to prohibit good character evidence in the form of a character reference, standing in the community, or contributions to the community being used as a mitigating factor in sexual violence matters. DoJ also notes the submitter’s further suggestion that section 9(6A) be amended to provide character evidence is inadmissible as a mitigating factor for all child sex offences. The amendments relating to good character evidence in the Bill implement recommendation 5 of the QSAC Report, which recommends the qualified treatment of the specified types of good character evidence in sentencing offences of a sexual nature. It is noted that QSAC concluded in its report that evidence of good character can have a legitimate role in the sentencing process and that sentencing courts should be informed by the best available evidence. While QSAC found there is a problem with certain types of good character evidence, including character references, it did not recommend a blanket prohibition on the use of these types of good character evidence, as it considered it is impossible to disentangle the problematic elements from other elements that serve a legitimate and important purpose in sentencing.
Blue cards		
196 - Archdiocese of Brisbane	The Archdiocese of Brisbane acknowledges and supports the amendments to the WWC Act.	DoJ notes the submitter’s support for the amendments.

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	The Archdiocese also recommends broader systemic reforms to ensure the blue card system remains fit for purpose in an increasingly complex environment, specifically recommending the introduction of real-time compliance monitoring.	DoJ notes the submitter's recommendations are outside the scope of the Bill. However, DoJ notes that blue card holders and applicants are monitored on a daily basis through an electronic interface with the Queensland Police Service for changes in their Queensland police information.