

Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Bill 2025

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Submission to the Justice and Integrity Committee Legislative Amendments to Implement QSAC Recommendations from “Sentencing of Sexual Assault and Rape: The Ripple Effect” and Related Reforms

On behalf of Voice for Victims, we are pleased to submit our response to the proposed legislative amendments aimed at implementing the recommendations from the Queensland Sentencing Advisory Council (QSAC) report “*Sentencing of Sexual Assault and Rape: The Ripple Effect*”, as well as associated changes to the **Penalties and Sentences Act 1992 (Qld)** and related reforms.

Our organisation has had limited interactions with victims of sexual violence; however, we recognise the importance of these legislative changes and acknowledge the potential positive impact they will have for the various agencies which exist in this sphere to support victims.

This submission reflects our support for reforms that better address the experiences of victims of sexual assault and rape, empower those who have survived these crimes whilst working to improve the justice system’s response to such offences.

1. Support for QSAC Recommendations – Penalties and Sentences Act 1992 (Qld)

Voice for Victims strongly support the proposed amendments to the **Penalties and Sentences Act 1992 (Qld)**, which are reflective of community sentiment around these crimes, and consistent with our core belief that the justice system should prioritise the needs, rights, and dignity of victims. The recommendations made by QSAC represent a critical step toward ensuring that Queensland’s sentencing framework for sexual assault and rape is fair, victim-centred, and reflective of community values.

We support the following reforms:

Recognition of Harm as a Sentencing Purpose (s 9)

Amending the **Act** to include the *recognition of harm caused to victims* as a sentencing principle is a crucial change. Many victims of sexual violence face long-lasting emotional, psychological, and physical trauma. The legal system must acknowledge this harm in a meaningful way, not only for the sake of justice but also as a step toward healing for the victims themselves. This recognition is vital in empowering victims, as it affirms their experiences and helps validate their strength in navigating the often-difficult process of engaging with the legal system.

Limiting ‘Good Character’ as a Mitigating Factor (s 9(2)(f))

We support the proposed amendment to limit the weight placed on an offender’s “good character” in sentencing. The concept of good character should not serve as a shield for those who commit serious crimes, especially where such crimes are designed to exploit trust or manipulate others. This change is a step toward ensuring that justice is not compromised in favour of perpetrators’ social standing or reputation, which too often has worked to the detriment of victims, particularly in sexual assault cases.

Aggravating Factor for Sexual Offences Against 16- and 17-Year-Olds

The creation of a statutory aggravating factor for sexual offences against children aged 16 and 17 is an important and necessary measure. While these individuals are legally capable of consenting to sexual activity, they remain vulnerable to exploitation and manipulation. This reform recognises that victims within this age group can suffer significant harm, trauma, shame and guilt and as such offenders who target these young people should face enhanced penalties.

No Inference from Absence of Victim Harm Statements

The proposed clarification that no inference should be drawn from the absence of a victim impact statement is a vital protection for victims. Many survivors, particularly those who have been subjected to sexual violence, may struggle to share details of their trauma in a formal setting. The inability to present such information should not be seen as a reflection of the seriousness of the harm suffered. This change allows victims to engage in the legal process in a way that is less re-traumatising and more focused on the need for justice.

2. Support for the Offence of False Representations to Government Agencies

We support the introduction of a new offence that criminalises false representations made to government agencies. This amendment will help ensure greater accountability and transparency within the public sector.

Victims of sexual violence, like all members of society, need to be able to trust that government agencies operate with integrity. This proposed change will promote faith in public systems that are vital for supporting individuals who may seek assistance or redress.

3. Alignment of Queensland's Crimes at Sea Act with Commonwealth Provisions

We also support the proposed amendments to the *Crimes at Sea Act 2001 (Qld)* to align it with the Commonwealth *Crimes at Sea Act 2000*. Although this reform may not directly impact sexual assault or rape cases, ensuring that Queensland's maritime laws are in line with national provisions is important for maintaining consistency and providing a clear legal framework for addressing crimes at sea.

4. Amendments to the Blue Card System – Protecting Children and Vulnerable Individuals

The proposed amendments to the *Working with Children (Risk Management and Screening) Act 2000*, as part of the *WWC Amendment Act 2024*, are particularly important for improving child protection in Queensland. Strengthening the Blue Card system is an essential step in safeguarding children from potential harm and ensuring that those who work with children meet rigorous standards. The reforms will allow for better identification of potential risks, helping to prevent further victimisation of vulnerable children.

5. Empowerment of Victims and Acknowledging Their Strength

While our organisation has not yet advocated specifically for victims of sexual violence, we recognise the immense strength it takes for individuals to report, relive, survive and navigate the trauma associated with these crimes. We understand that many victims may choose not to disclose their experiences or engage in legal processes, often due to fear, distrust, the limited conviction rates or the emotional toll of recounting traumatic events.

It is crucial that the justice system acknowledges and respects the strength of those that come forward seeking help to remove dangerous persons from the community and to not allow them to offend further.

The proposed legislative changes are a positive step in recognising the complex nature of sexual violence and its impact on victims. By prioritising harm recognition and ensuring that courts cannot make unfounded inferences based on a victim's silence, we can foster a more compassionate and supportive environment for those who choose to seek justice.

Furthermore, we believe that it is important for victims to have access to **restorative justice** options, should they wish to participate. This could provide a space for victims to reclaim their narrative, find healing and receive reparation; it is however, not to be used to reduce the custodial sentence of a guilty party.

Conclusion

We support the proposed legislative reforms as outlined, recognising that they represent significant progress in ensuring that the justice system better serves victims of sexual violence and those who may experience similar crimes in the future. These reforms are essential for empowering victims, providing them with the dignity and respect they deserve, and promoting restorative justice where appropriate.

Although Voice for Victims has had limited interactions with victims of sexual violence we are committed to advocating for the needs of victims of sexual offences and working toward a justice system that truly reflects the complexity of their experiences. We urge the Committee to endorse these amendments and continue working towards a more just and victim-centred legal framework.

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Voice for Victims