

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

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We thank the government for the opportunity to share our feedback on the *Penalties and Sentences (Sexual Offences) and Other Legislation Bill 2025*.

Who we are:

We are the North Queensland Women's Legal Service - a community legal centre with offices in both Cairns and Townsville. We assist women in North Queensland from Mackay to the Cape and out to the NT border. We are a specialist domestic violence service and provide advice in the areas of family law, child protection, migration and domestic violence.

We are members of the Women's Legal Service Australia committee and are significantly involved in law reform work at a state and national level.

Our work in the community includes delivering community education programs and supervising legal students as volunteers and placement students. We also provide non-legal services to enable us to offer a wholistic service to our most vulnerable clients.

We provide an array of in-person and telephone advice services and duty lawyer services in the Specialist Domestic Violence Court and Federal Circuit and Family Court. In the 2023/24 year we assisted women and girls with almost 17,500 services. One in five of our clients identify as being Aboriginal or Torres Strait Islander and 15 per cent have a CALD background. All our clients identify as experiencing or having experienced domestic and family violence.

Our feedback:

Our submissions derive from our extensive experience providing duty lawyer services in the Specialist Domestic Violence Court and the FCFCOA and hearing the voices of our clients.

We do not intend to comment comprehensively but we trust our feedback on the *Penalties and Sentences (Sexual Offences) and Other Legislation Bill 2025* is useful in your considerations of some key proposed reforms.

Amendment to the PSA

Over the course of time, sentencing practices have evolved to become highly complex and widely misunderstood. This evolution has occurred in a somewhat piecemeal fashion. Whilst the current regime results in outcomes that many consider 'just', our service continually receives feedback about the lack of dissatisfaction experienced by our clients as the victim/complainants in the justice system.

We hear that are clients feel sidelined and ignored, that their voices are not heard, and that they feel they are not important to the process of 'justice'. Our clients perceive more regard is afforded to the circumstances and sensibilities of the offenders, than to them as the victims of the offending and the ones who experience the harm.

Even more alarming is the regular feedback we hear about the re-traumatising effect of the justice system, and the regret felt by many of our clients for having made a complaint in the first place.

It is our view that the justice system must be redesigned to become victim-centric, not offender-focused as it is now. The experience of the victim/complainant must be embedded as the highest priority within all systems and processes designed to redress the harm done to them.

To be 'just in all the circumstances' requires an understanding that the essence of 'the circumstances' is the offending that was perpetrated against the victim and the ongoing harms they experience.

It for these reasons we agree with the introduction of the proposed section 9 (1) (ca) to recognise the harm done by the offender to the victim as a sentencing guideline. However, we submit that this subsection should be elevated above all others to be the first in the list of guidelines. We also believe that 'harm' should be expanded upon to the 'physical, mental, emotional and other harm' done by the offender to the victim.

Further, we believe that reference to a sentence that is 'just in all the circumstances' (currently s 9(1)(a)) should make a specific reference to the idea that a 'just' sentence is not only what is just for an offender, but for the victim.

The proposed inclusions of sections 3(A) to (D) are entirely appropriate to address the criticisms we hear often hear from our clients about evidence of so-called good character being relied upon by an offender. We fully support the restriction of the use of such evidence in offences of a sexual nature to considerations of the prospects of rehabilitation and risk of reoffending. Moreover, we strongly believe these provisions should extend beyond sexual offences and include offences of serious domestic violence and serious drug offences.

We hope that the restricted use of character evidence is made abundantly clear by the sentencing court, as we are mindful that those who observe a sentence where good character is raised (particularly victim/complainants and their families and supporters), will likely still misunderstand the purpose of the evidence. Justice must be seen *and understood* to be done.

Finally, we agree with the introduction of a statutory aggravating factor for rape and sexual assault against children aged 16 or 17 years; and clarification that no inference may be drawn from the absence of details of harm caused to a victim.

Conclusion

We thank you again for this opportunity to provide submissions and are available for discussion at any time to elaborate on any aspect of our submissions.

Yours sincerely



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North Queensland Women's Legal Service