



Speech by

Hon. Cameron Dick

MEMBER FOR GREENSLOPES

Hansard Tuesday, 3 August 2010

MINISTERIAL STATEMENT

Sentencing Reforms

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (9.57 am): The Bligh government is in the midst of delivering a significant reform program to modernise our state's legal system, and another major milestone will be reached later today. That is when the government will introduce legislative changes that will strengthen Queensland's criminal justice sentencing framework.

The bill I will introduce to the parliament today will create the state's first sentencing advisory council and will create a power for the Court of Appeal to deliver and review guideline judgements. Our changes to sentencing will go further, with amendments to the Penalties and Sentences Act that further reflect the Bligh government's tough-on-crime approach. Firstly, adults convicted of sexual offences against children under 16 years of age will have to serve an actual term of imprisonment, unless there are exceptional circumstances. These reforms recognise the seriousness of any form of indecent treatment of a child by an adult and reflect the potentially devastating consequences for young victims. Adults convicted of these types of offences can expect to do jail time. That is what the community expects and that is what should happen.

Secondly, courts will also be required to treat the age of a child victim as an aggravating factor in violent crimes against children when considering whether a serious violent offender declaration should be made. This will require judges to recognise the disproportionate power of an adult over a young child and the much lower level of force needed to cause serious injury.

Finally, the new provisions will target offenders who repeatedly break the law by enshrining the principle that judges and magistrates must treat each relevant previous conviction as an aggravating factor when determining penalties. These reforms make it crystal clear that the community expects offenders to be punished appropriately for their crimes. They strike the right balance between judicial discretion and a sentencing regime that reflects both the community's and the government's expectations.

Some extraordinary claims have been made since yesterday's announcement, particularly in relation to exceptional circumstances, which demonstrate a wilful and deliberate ignorance of how our criminal justice system works. The inclusion of the exceptional circumstances provision is important. While it is difficult, if not impossible, to envisage circumstances in which a violent sexual offender might satisfy such a provision and in doing so not be sentenced to an actual term of imprisonment, there may be some offences that will be caught by this provision that involve circumstances that warrant further careful consideration by a court, for example, where a 17-year-old and a 15-year-old are in a consensual relationship.

The law must be capable of providing a just and appropriate sentence based upon all the facts in a case, most notably where those facts are unusual and differ from more straightforward examples. The fact remains that there are aspects of our criminal justice system that are difficult and complex, and our criminal justice system must be capable of a higher level of debate than the sort of sound bites and sloganeering that the members opposite regularly engage in. The reforms to be introduced today by the Bligh government are yet another example of our commitment to protecting the Queensland community and ensuring criminals are sent to jail.