



Speech by
Curtis Pitt

MEMBER FOR MULGRAVE

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PENALTIES AND SENTENCES (SENTENCING ADVISORY COUNCIL) AMENDMENT BILL

Mr PITT (Mulgrave—ALP) (5.21 pm): I rise to speak in support of the Penalties and Sentences (Sentencing Advisory Council) Amendment Bill 2010. The bill's objective is to amend the Penalties and Sentences Act 1992 to establish a Sentencing Advisory Council for Queensland; to strengthen the penalties imposed upon repeat offenders, sex offenders and offenders who commit violence or cause death upon a young child; and to give the Queensland Court of Appeal power to issue guideline judgements. These amendments are intended to provide a more robust and efficient justice system and continue the government's commitment to the ongoing modernisation and reform of the Queensland legal system.

The creation of a Sentencing Advisory Council will go a long way to bridge the gap between community expectation, the courts and government in deciding criminal penalties. For the first time members of the public and victims of crime will have more direct involvement into appropriate sentencing in this state and will have a greater say on how criminals are punished in Queensland. These groups will be represented on the new council, along with experts in law enforcement, criminal law and juvenile and Indigenous justice issues. The aims behind the Sentencing Advisory Council are to promote consistency in sentencing, stimulate balanced public debate and raise awareness about the complexities of the sentencing process. The government acknowledges community concerns about sentencing and recognises that sometimes it may seem that the sentence does not fit the crime. But the public should have confidence in our independent judicial system, which has served our state well for 150 years. It should also have faith in the independent discretion exercised by judges in determining sentences based on all the facts and circumstances relevant to a particular case. The Sentencing Advisory Council will help strengthen our system.

The second amendment to the act is strengthening the penalties imposed upon repeat offenders, child sex offenders and offenders who commit violence upon a young child and/or cause the death of a young child. The Queensland government is taking its tough stance on violent crime to a new level, introducing standard non-parole periods to ensure jail time fits the crime. This means that jail time will fit the crime for violent or sexual offences. Again, it also responds to the gap between community expectations and some sentences being imposed for serious crimes.

It is imperative that offenders who commit violent or sexual crimes spend appropriate periods in detention. Enabling the justice system to impose standard non-parole periods will achieve that. 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. Currently, the law only provides for a maximum sentence. What standard non-parole periods will deliver is a guide for the courts as to how much time a prisoner should spend behind bars. It is different from mandatory jail terms as the judge will still have the discretion to impose a sentence that deviates from standard minimum non-parole periods but will have to provide a detailed explanation

outlining reasons. Standard non-parole periods have been credited with making sentences tougher, more consistent and more reflective of community standards in New South Wales where they have operated for seven years. Our new Sentencing Advisory Council will examine what the appropriate length of non-parole periods for violent or sexual offences should be and provide that advice back to government. Crimes to be covered by this new approach include murder, attempted murder, rape, serious assault and sexual offences involving children. This scheme will promote consistency and clarity in sentencing and help meet community expectations.

The third and final amendment to the act is to give the Queensland Court of Appeal power to issue guideline judgements. A guideline judgement is a means by which the Court of Appeal can give guidance to sentencing courts. Conferring jurisdiction on the Queensland Court of Appeal to issue guideline judgements will enhance public confidence in the integrity of the sentencing process and further support consistency of approach in sentencing criminal offenders. These reforms make it crystal clear that the community expects offenders to be punished appropriately for their crimes. It is important that judicial discretion and our sentencing regime reflect both the community's and the government's expectations, and I think this bill has the balance right.