




Speech By
Hon. Anastacia Palaszczuk

MEMBER FOR INALA

Record of Proceedings, 15 March 2016

PENALTIES AND SENTENCES (QUEENSLAND SENTENCING ADVISORY COUNCIL) AMENDMENT BILL

Introduction

 **Hon. A PALASZCZUK** (Inala—ALP) (Premier and Minister for the Arts) (12.26 pm): I present a bill for an act to amend the Penalties and Sentences Act 1992 to establish a Queensland Sentencing Advisory Council and to amend the acts mentioned in schedule 1 for particular purposes. I table the bill and explanatory notes, and I nominate the Legal Affairs and Community Safety Committee to consider the bill.

Tabled paper: Penalties and Sentences (Queensland Sentencing Advisory Council) Amendment Bill 2016 [\[327\]](#).

Tabled paper: Penalties and Sentences (Queensland Sentencing Advisory Council) Amendment Bill 2016, explanatory notes [\[328\]](#).

I am pleased to introduce the Penalties and Sentences (Queensland Sentencing Advisory Council) Amendment Bill 2016, which will establish the Queensland Sentencing Advisory Council and deliver the Queensland government's commitment to establish a Sentencing Advisory Council for Queenslanders. Promoting an understanding of our criminal justice system, and in particular our sentencing regime, is vital to ensuring public confidence in the administration of justice. The establishment of the Sentencing Advisory Council is also an important part of the process to improve the effectiveness of sentencing practices to support the principles of sentencing; namely, punishment, deterrence, rehabilitation, community protection and denunciation.

The sentencing of criminal offenders is a sensitive and complex process which requires courts to balance a range of competing interests. Often this process is not readily understood and criticism is directed at sentencing decisions. The establishment of the Queensland Sentencing Advisory Council will provide the government and the wider community with a valuable and independent resource that has unique and dedicated functions specific to sentencing matters. The community lost this valuable resource when the former LNP government abolished the previous Sentencing Advisory Council in 2012. Queensland's previous Sentencing Advisory Council represented a superior and comprehensive approach to a sentencing advisory body that provided high-quality work, vital research and undertook community consultations on important issues of sentencing policy.

The proposed new Queensland Sentencing Advisory Council is modelled on its predecessor. The bill sets out the council's functions, which include to provide information to the wider community, to enhance knowledge and understanding of matters relating to sentencing, as well as to obtain the community's views on sentencing and matters about sentencing. If asked by the Attorney-General, the council is to provide advice to the Attorney-General on sentencing matters. Generally such a request would be made by the issuing of terms of reference which require the council to report to the Attorney-General by a prescribed date. The council will furnish its advice to the Attorney-General, and the Queensland government will decide and determine to what extent, if at all, such advice will be

adopted and implemented. The council will also be able to provide the council's views, if requested, to assist the Court of Appeal if the court is considering giving or reviewing a guideline judgement. Allowing the Court of Appeal to decide whether it requires comment from the council is consistent with the court's judicial discretion.

The bill recognises that the council is uniquely positioned as a valuable information source to assist the court if the court wishes. To ensure independence, transparency, accountability and clarity in the council's role, in addition to setting out the functions of the council the bill outlines the structure, membership arrangements and reporting requirements of the council.

The council will be an independent body comprising up to 12 members appointed by the Governor in Council on recommendations of the Attorney-General. To support an understanding of the issues facing Aboriginal and Torres Strait Islander people that contribute to their overrepresentation in the criminal justice system, the bill provides that at least one member of the council is to be an Aboriginal or Torres Strait Islander person. The council members will represent a cross-section of the community that have expertise or experience in areas relevant to the functions of the council. The bill provides a non-exhaustive list of such areas, which include victims of crime, crime prevention, law enforcement, criminal prosecutions, criminal defence representation, corrective services, juvenile justice matters, justice matters relating to Aboriginal people or Torres Strait Islander people and justice matters relating to domestic and family violence.

To support its independence, the council will be responsible for the management of its own affairs, including its work plan, and will be required to report annually to the Attorney-General on performance of its functions. The council will be supported by a multidisciplinary secretariat of Public Service officers. It will be through the independence and collective experience and expertise of the council members, the council's dedicated research focus and the ability of the council to consult widely on sentencing matters that the council will contribute to a greater public understanding of the criminal justice system and sentencing process.

Subject to the passage of this bill through parliament, the council is expected to be operational in the second half of 2016. It is intended that, once established, terms of reference will be issued to the council to consider sentencing practices associated with domestic and family violence offences, as committed to during the debate on the Criminal Law (Domestic Violence) Amendment Act 2015. The establishment of the council provides an important and valuable resource to the community that will stimulate balanced public debate about sentencing issues, lead to properly informed sentencing reforms and influence community confidence in our criminal justice system.

First Reading

Hon. A PALASZCZUK (Inala—ALP) (Premier and Minister for the Arts) (12.31 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the Legal Affairs and Community Safety Committee

Madam DEPUTY SPEAKER (Ms Farmer): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.