




Speech By
Mark Furner

MEMBER FOR FERNY GROVE

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PENALTIES AND SENTENCES (QUEENSLAND SENTENCING ADVISORY COUNCIL) AMENDMENT BILL

 **Mr FURNER** (Ferny Grove—ALP) (5.27 pm): Can I firstly congratulate you, Mr Deputy Speaker Millar, on your appointment to the esteemed position of temporary speaker in this chamber. I rise to speak in support of the Penalties and Sentences (Queensland Sentencing Advisory Council) Amendment Bill and also the amendment moved by the Attorney-General this evening. The bill amends the Penalties and Sentences Act 1992 to establish the Queensland Sentencing Advisory Council. The bill sets out the QSAC's structure, function, membership arrangements and reporting requirements to ensure transparency, accountability and clarity in its role.

Some of the functions of the QSAC are to, if requested by the Court of Appeal, state in writing to the court the QSAC's views on the giving or reviewing of a guideline judgement; if requested by the Attorney-General, provide advice to the Attorney-General on matters relating to sentencing; provide information to the community on matters relating to sentencing to enhance community knowledge and understanding of sentencing matters; publish information relating to sentencing; research matters relating to sentencing and publish the results of the research; and obtain the community's views on sentencing and matters related to sentencing.

Turning to the membership composition of the council, the QSAC will comprise up to 12 statutory appointed members. The membership composition of the QSAC ensures broad based community representations from a range of persons with expertise or experience in areas relevant to the functions of the QSAC. The bill provides a non-exhaustive list of such areas.

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 QSAC will be an Aboriginal person or a Torres Strait Islander. Digressing slightly, last week this committee travelled to North Queensland to hear evidence about another bill. However, it certainly gained an appreciation of the importance of the need for representation in our legislation to support people in Aboriginal and Torres Strait Islander communities.

Notwithstanding this requirement of mandating one member to be an Aboriginal or Torres Strait Islander, government members also proposed that the bill should ensure at least one woman is appointed to QSAC by introducing an amendment to proposed section 201 of the Penalties and Sentences Act, and the Attorney-General has covered that issue. Certainly our position on this side of the chamber is to ensure we have equal, if not fifty-fifty, representation of women appointed to boards and in our cabinet. We on this side of the chamber see the importance of having women involved in all aspects and ranks in our community.

This position was also supported by Soroptimist International Brisbane Inc. In their evidence, SIB suggested that consideration of women as a minority group affected by domestic and family violence and consideration and recognition of the increasing number of women in custody were grounds

supporting this amendment. In addition, SIB submitted the rate at which women are being incarcerated in Australia has increased dramatically in the last 20 years. Reviewing data collected between 1995 and 2002, the ABS calculated that the female imprisonment rate has more than doubled—58 per cent—over those seven years.

Interestingly, the non-government members of the committee did not support the government members' suggestion that the bill mandate the appointment of at least one woman as a member of the council, believing that all appointments should be on the basis of merit and the unique qualifications and experience each member would bring.

Government members interjected.

Mr FURNER: I do not know what members opposite have against women, but we on this side of the chamber certainly support women.

The composition of QSAC ensures broad based community representation for a range of persons with expertise or experience in areas relevant to the function of QSAC, and the bill provides a non-exhaustive list of such areas. Where recommending a person to the Governor in Council, the Attorney-General must be satisfied the person has expertise or experience relevant to the functions of the council including, for example, in relation to the following: victims of crime, justice matters relating to Aboriginal people or Torres Strait Islanders, justice matters relating to domestic and family violence, vulnerable persons facing the criminal justice system, law enforcement, crime prevention, criminal prosecutions, criminal defence representation, civil liberties, corrective services including offender rehabilitation, juvenile justice matters, criminal justice policy and criminal law including sentencing and criminology.

The committee received four submissions and received a written briefing from the Department of Justice and Attorney-General in March and April of this year. There are four sentencing advisory councils operating across Australia, located in Victoria, New South Wales, Tasmania and South Australia. When this bill is passed, we will be the fifth state providing the government and the wider community with a valuable and independent resource that has unique and dedicated functions specific to sentencing matters.

I thank the Attorney-General for supporting both recommendations of the committee. The committee, firstly, recommended that the bill be amended to delete the word 'suffering' in proposed section 201(3)(d) of the Penalties and Sentences Act and replace it with appropriate terminology. In their evidence, Queensland Advocacy Inc. suggested that proposed section 201(3)(d) includes unnecessary qualifiers and contestable value judgements that do not belong in legislation. They indicated that 'persons suffering mental illness' should be better framed as 'persons with mental illness' or 'persons who have suffered mental illness' or 'persons who have lived experience of mental illness'. 'Suffering' warrants pity, and being pitiable is not a sound foundation on which to build equitable relationships with other council members.

The second recommendation relates to presiding members of the QSAC meetings. Clause 5 of the bill inserts, inter alia, new section 203F into the Penalties and Sentences Act regarding who presides at the QSAC meetings. Pursuant to subsection (1), the chairperson presides at all QSAC meetings at which the chairperson is present. If the chairperson is absent from a meeting, the deputy chairperson presides. Subsection (3) states that if neither the chairperson nor the deputy chairperson is present at a meeting, a member of the council chosen by the members presides. Therefore, it is quite possible that the intended meaning of this provision is that a presiding member will be chosen from the members present at the meeting rather than by all members. On this current drafting, however, all members including absent members would be entitled to participate in choosing a member to preside over a meeting from which the chair and the deputy are absent. On that basis, in recommendation 2 the committee recommended that the bill be amended to insert the word 'present' in proposed new section 203F(3), such that the section reads—

If neither the chairperson nor deputy chairperson is present at a meeting, a member of the council chosen by the members present presides.

I want to turn very briefly to the other amendment that has been circulated in the chamber by the Attorney-General. As people would know, recently the task force handed down a proposal with respect to what the government is considering. The objective that is proposed in this amendment is to further postpone the commencement of parts 8, 14 and 24 of the Criminal Law (Criminal Organisations Disruption) and Other Legislation Amendment Act until 1 July 2017. That is to allow the government to finalise its policy and its legislative response to the findings and also the recommendations of the task force to ensure that we have captured all the issues. We are not going to rush this. We are going to treat this with the respect that it deserves and with the commitment that this Labor government was elected to this House to display. We will make sure we do a thorough job, unlike those opposite. I commend the bill and the amendment to the House.