




Speech By
Mark Ryan

MEMBER FOR MORAYFIELD

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PENALTIES AND SENTENCES (QUEENSLAND SENTENCING ADVISORY COUNCIL) AMENDMENT BILL

 **Mr RYAN** (Morayfield—ALP) (8.36 pm): I rise in support of the Penalties and Sentences (Queensland Sentencing Advisory Council) Amendment Bill 2016. This bill will reinstate the Queensland Sentencing Advisory Council and demonstrates our government's ongoing commitment to promoting public confidence in the administration of justice and in particular the sentencing practices of Queensland courts. Throughout the debate tonight we have heard that the previous government quite wrongly abolished the Sentencing Advisory Council when previously in government.

Many people spoke out against the decision to abolish the Sentencing Advisory Council when it was made by the previous government. In particular, I note the comments of the then president of the Queensland Law Society, John de Groot, who said that Queenslanders greatly benefit from the public education service provided from the Sentencing Advisory Council and that the council has also been effective in its community consultations and has produced well balanced reports that feed into government policy considerations. He also said that the Sentencing Advisory Council was a useful channel for Queenslanders to be informed on sentencing trends and that the decision to disband the Sentencing Advisory Council by the previous government was very disappointing.

Throughout the debate tonight we have heard those opposite claim that the Sentencing Advisory Council in its original iteration was useless, that it did not do any work, that it did not provide any guidance to the Court of Appeal, that it did not provide any useful function. There may be numerous members of the opposition who will be getting up very shortly to—

Ms Bates: Yes, very shortly!

Mr RYAN: No, very shortly to correct the record. Madam Deputy Speaker Farmer, you are well aware of the privileges of this House that members should not mislead this House. While I was listening to the contributions of those opposite, I did a quick Google search on the Queensland Sentencing Advisory Council. On the first page of that Google search I found a report from September 2011 titled *Minimum standard non-parole periods—final report* by the Sentencing Advisory Council. I wonder who wrote that report. It states—

Published by the:

Sentencing Advisory Council

Level 30, 400 George St Brisbane ...

Opposition members interjected.

Mr RYAN: They might crow, but they will be getting up very shortly to apologise to the House for misleading the House because they quite clearly said that the Sentencing Advisory Council did nothing. They quite clearly said that it did not produce any reports. They clearly said that it provided no guidance

to any court. It is blatantly wrong and a simple Google search has shown that. That is proof that they are the laziest opposition. They have always been the laziest opposition. Their leader is lazy. Every single one of those members is lazy. They do not let the facts get in front of providing a proper—

Mr WATTS: I rise to a point of order. I find the member's comments personally offensive. I am most certainly not lazy.

Madam DEPUTY SPEAKER (Ms Farmer): Order! There is no point of order.

Mr RYAN: On the point of order, I referred to no individual member. It cannot be a personal reflection.

Madam DEPUTY SPEAKER: I have already said that there is no point of order.

Honourable members interjected.

Madam DEPUTY SPEAKER: Order! Would everyone just settle down, please.

Mr HART: I rise to a point of order. The member clearly said, 'Every member over there.'

Madam DEPUTY SPEAKER: There is no point of order. Resume your seat.

Mr RYAN: As I was saying, we should be soon hearing apologies from all of those members opposite who have contributed to this debate and misrepresented the work of the Queensland Sentencing Advisory Council. I take members to page 70 of that report, which was produced in September.

Honourable members interjected.

Madam DEPUTY SPEAKER: Will members please cease interjecting. I appreciate that this is a fiery debate, but we still need to be able to hear the member for Morayfield.

Mr RYAN: Page 70 of that report, which was produced in September 2011, refers to recommendation 12 of the Sentencing Advisory Council, which states—

A court should be required to set the minimum standard non-parole period as the non-parole period for a prescribed offence otherwise meeting the eligibility criteria. ...

This is a report of the Sentencing Advisory Council providing recommendations to courts about a very important subject, minimum standard non-parole periods. I am sure that if those members opposite stopped being lazy and did some work, they, too, could have found that report. I am happy to table the extract of that report. The report goes to about 130 pages. If members opposite want to have a read of it, they can look it up online.

Tabled paper: Extract from Sentencing Advisory Council: Minimum standard non-parole periods—Final Report, September 2011, pp. ii-iv, 70 [766].

We know that the Sentencing Advisory Council will do great work for Queensland. Last week, during Law Week, I was very fortunate to have President McMurdo come to a number of events in the Morayfield electorate. We started off with a visit to Morayfield State High School. The president very kindly made a presentation to the students of Morayfield State High School and Caboolture State High School. The very topic that the president spoke about was the myth of leniency in sentencing. It was a very instructive contribution from the president of the Court of Appeal.

Mr Walker interjected.

Madam DEPUTY SPEAKER: Order! Thank you, member for Mansfield. Please let the member for Morayfield continue.

Mr RYAN: The president is on record talking about this subject when she made a submission to an inquiry by the Legal Affairs and Community Safety Committee in 2014. In that submission she said that many people 'may perceive judges as out of touch with community expectations and that sentences are too low.' President McMurdo then referred to a couple of studies. One was a study by the New South Wales Parliamentary Research Service in 2014, which concluded that, when people were given a bit more information about sentencing and the role of courts, they understood more clearly the process that a judge goes through when setting a sentence. President McMurdo also referred to the 2010 Tasmanian Jury Sentencing Survey, which concluded that, when people are more informed of the sentence, they are more highly likely to endorse it. There is an interesting conclusion to this 2010 survey that maybe members opposite could take notice of. The authors of this survey concluded that 'It is an important finding which should be heeded by politicians and policy makers.' That is, when you inform members of the public about sentencing, members of the public understand more clearly the role of the criminal justice system and how sentencing works.

I note that Stephen Keim SC wrote a nice little article with reference to the submission made by President McMurdo to the committee. In his article, Stephen Keim comes to an interesting conclusion. He states—

It would appear that, when we actually have an understanding of the details of a case, we, as ordinary members of the community, can park our prejudices out back and respond, as human beings, to that complexity of factors that judges wrestle with, every day.

The Tasmanian Jury Sentencing Survey also concluded, '... informed members of the public overwhelmingly approve of the sentences given by our judges.' The role of the Sentencing Advisory Council is not only to feed community feedback into the process of sentencing but also to provide that important educative function—to ensure that our communities are aware of sentencing processes, are aware of the processes that judges go through and have a better understanding of the criminal justice system. Stephen Keim said further in his article—and perhaps this also may be relevant to the contributions of members opposite—

If the committee—

the committee that President McMurdo gave her submission to—

heeded the evidence as well as heeding Justice McMurdo's call, they should conclude that those who have the strongest views about judges and sentencing are the most ignorant on the subject, sometimes, deliberately so.

It is very important for us to appreciate that the Sentencing Advisory Council is about informing members of the community of a very important aspect of our criminal justice system. It is about making sure that information is available to members of the public and, in that regard, the Sentencing Advisory Council can make a good contribution.

Opposition members interjected.

Mr RYAN: I hear the contributions from those opposite about a waste of money and all of those things. It is not a waste of money if the very first referral that will go to the Queensland Sentencing Advisory Council will be the consideration of domestic and family violence. What an insulting thing for those opposite to be saying that it is a waste of money to be taking action on domestic and family violence! What a disgraceful thing to say!

Those opposite have not only been misleading in this debate but also deliberately skewed their arguments to ensure that those perceptions of criminal justice sentencing are perpetuated in our community. The Queensland Sentencing Advisory Council will do good work for Queensland. It is important for ensuring that people understand sentencing processes and our criminal justice system in Queensland.