



Speech By
Hon. Amanda Stoker

MEMBER FOR OODGEROO

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PENALTIES AND SENTENCES (SEXUAL OFFENCES) AND OTHER LEGISLATION AMENDMENT BILL

Second Reading

 **Hon. AJ STOKER** (Oodgeroo—LNP) (4.02 pm): There are a few principles that guide us as a government when it comes to making our community safer. The first is that victims must always come first, not offenders. The second is that there must be consequences for actions. The third is that rehabilitation must be meaningful, with the support needed post sentence to really drive changes in behaviour once a person has done their time. That stands in such stark contrast to those opposite, who proudly, as one of the earliest moves upon their election to government a decade ago, watered down the youth justice system, championing the victimhood of young criminals and unleashing dire consequences. They created a generation of untouchables—people who knew that the courts would never rein them in while there was a Labor government in place—systemically under-resourced the police and failed to set a framework to focus the judiciary to their important task.

In such a short time, the Crisafulli LNP government has started to change the trend. Under Labor, crime statistics consistently climbed to the point where rates were up across just about every crime category across the state. Those young untouchables graduated into adult criminals, equipped for high impact of the worst kind the community in this state has seen. The morale of police plummeted as they were asked over and over again to prepare cases against defendants who would get little more than a slap on the wrist before being released into the community to do it all again.

After 10 years of Labor presiding over an ever-rising rate of crime, the steps we have taken as a new government in just 10 months have made a meaningful difference: adult time for adult crimes; gold standard rehabilitation and early intervention; the Staying on Track program to help behaviour change to stick post sentence; better equipment and resourcing for our police; more police on the beat—in fact, in just 10 months we have doubled the number Labor could add in four years; and genuine engagement with the crisis in the child safety system.

I could go on, but the impact of these changes is starting to show. It is just the beginning, of course. There is much more to do—particularly given the numbers are coming off such a high baseline—but a 5.7 per cent reduction in victim numbers in the first half of this year compared with the year before is such an encouraging sign. We have changed the trajectory of the crime rate. Instead of it climbing, as it consistently did under Labor, it is now down three per cent in the first eight months of this year compared to the same time the year before. Of course, that reflects a much more difficult task. The task of undoing a person's decision to engage in criminal behaviour is a much more challenging one than preventing a person from embarking on that path in the first place.

With all of that in mind, I stand here somewhat in shock that Labor members' contributions in this chamber have had the tone they have had today. For instance, the shadow attorney complaining that this bill is not happening fast enough is pretty rich. Those opposite had 10 years to strengthen the

sentencing arrangements for sexual assault, but they did not do it. They did not even ask the Sentencing Advisory Council to look at it until May 2023. That report was delivered in December of last year and now we have got to work. We digested the report and drafted a bill that reflects its recommendations. We introduced that bill and referred it to committee for consideration and reporting, and now we are debating it in this chamber. We are in the debate, and now they say it is not fast enough. They had 10 years.

We have engaged in a prompt and diligent process—no delay but also no cutting of corners. As Labor's proposed amendments show, rush jobs make a mess. Their demand for speed at the expense of care has led to their own amendments being rife with dysfunctionality in their drafting. They had a decade to do it properly. They did not, and now they come in here and bleat about delay. They also did nothing, I might add, about the 12-month delays in the testing of rape kits. People come in here and say how much they care and empathise with the horrific experience of victims of sexual crime, but they were so unable to govern effectively that they were prepared to allow those very victims to have their investigations hampered and to leave perpetrators out in the community, unable to be held accountable as a product of those investigations. They were content to allow charges to be unable to be proved in these cases because that DNA evidence could not be obtained. Honestly, I do not know how they can come in here with a straight face and complain about delay. We will not be lectured to about timeliness from the rabble opposite.

With the care that this important issue deserves, we are now delivering the reform that the sentencing laws surrounding sexual assault deserve. This bill recognises and acknowledges the harm done to victims of sexual assault; it often has a lifelong impact. It introduces a new statutory aggravating factor requiring courts to consider the age of victims aged 16 or 17 as an aggravating factor on sentencing for sexual assault or rape, because courts should impose higher sentences when offences are committed against a child. Those aggravating factors are already in place for children aged under 16, but a rape is a rape and it is not less of a crime because the age of the child is 16 rather than 15. This is an aggravating factor that should apply to all children, so we are extending it to cover 16- and 17-year-olds. Children are more vulnerable, including at those ages, and they deserve our protection. When a child is a victim of sexual crime, whatever the age of that child, they deserve to have our protection. Where a penalty is imposed, the seriousness of the conduct involved should be reflected in a more severe penalty.

The bill limits the use of evidence of good character in the sentencing of people for sexual offences of this kind. After all, it is a bit rich for a person who has been, for example, convicted at trial of rape or who has pleaded guilty to that offence to then trot out evidence to the effect that they are of great character as a way to mitigate their sentence because people of great character do not engage in rape. We will not allow that evidence to be used in cases of this kind unless that evidence directly relates to that offender's prospects of reoffending or rehabilitation.

The changes in this bill provide more substantial recognition of the harm that is inflicted upon victims of these crimes in terms of the way the sentencing process is undertaken. That is appropriate because of the intensity of the harm these kinds of offences can cause. It provides that the court cannot—must not—infer from the absence of a victim impact statement that there has been an absence of harm. This is important as a recognition of the difficulty that many victims of these offences face in reliving it through the justice process. For a range of reasons they may not feel able to contribute a statement of that kind and that should not be a matter that results in a person who has committed a serious crime receiving a lesser penalty.

The bill also engages in a number of technical kinds of reforms but things that must be done in order for the legal system to function properly. For instance, it corrects a number of technical errors in the blue card system that have been recommended by the Queensland Family and Child Commission and it establishes a new offence of falsely impersonating a government agency. I imagine that is an extremely important offence for us to have on the books in an age when people are being scammed by those who purport to represent credible agencies from time to time. That protection is quite important. It also harmonises Queensland law with some federal legislation that deals with crimes that are committed at sea.

Ultimately, there is a very good reason why the committee, after listening to people with a whole range of perspectives from our community, really did recommend just one thing in relation to this bill and that is that it be passed. That is because this is a reform that is much needed; it is careful and it is prudent. It has been done in a conscientious and timely way, not delayed, as those opposite would suggest, although again I am quite shocked that anybody who presided over the kind of inaction they did would talk about delay. It is proper, it is careful and it represents a recognition of the harm that victims of this kind of offending experience.