




Speech By
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MEMBER FOR SOUTH BRISBANE

Record of Proceedings, 16 September 2025

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

Second Reading

 **Dr O'SHEA** (South Brisbane—ALP) (8.46 pm): I rise to contribute to the debate on the Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Bill 2025. The Labor opposition understands and shares the deep concern in our community about the prevalence of sexual offences, the devastating impact they have on victims and the urgent need for a justice system that delivers both deterrence and accountability. In addressing this bill, I would like to first acknowledge the work of the Justice, Integrity and Community Safety Committee, the submitters who provided contributions and the hard work of the secretariat in supporting the committee in its review of this proposed legislation.

This bill proposes amendments to a range of legislation including the Penalties and Sentences Act 1992, the Criminal Code and the Evidence Act 1977. Primarily, the bill's amendments implement recommendations from a report by the Queensland Sentencing Advisory Council, QSAC. This report came about from a review requested two years ago by the then attorney-general, the member for Waterford. QSAC was asked to review the sentencing of sexual assault and rape in Queensland and advise on any changes required. Following 18 months of consultation with victims of crime, advocates, frontline workers and the wider community, QSAC delivered their report in December last year.

The *Sentencing of sexual assault and rape: the ripple effect* made 28 detailed recommendations for change. This bill addresses four of the recommendations in the QSAC report. Firstly, it amends the Penalties and Sentences Act 1992 to require the court to treat offences of rape or sexual assault against children aged 16 or 17 years as an aggravating factor in sentencing. This amendment extends the current considerations of the age of the victim for offences against children under the age of 16 years to all children under 18 years. This change recognises the vulnerability of older adolescents and reinforces that sexual offences against children of any age are more serious due to the increased level of harm experienced by child victims. Secondly, this bill amends the act to ensure sentencing explicitly recognises the harm done to a victim. Doing so will improve the visibility of the harm done to victims, acknowledge the need for offenders to be held properly to account and strengthen trust in the justice system.

This bill will also qualify the treatment of good-character evidence in sentencing offenders convicted of sexual offences. In addressing this amendment, the Queensland Sexual Assault Network explained—

The use of good character evidence is highly traumatic and offensive to victim-survivors. It demeans, dismisses and minimises their experience of sexual violence. That has lifelong impacts.

Rape and Sexual Assault Research and Advocacy stated—

Rape and sexual assault are never acceptable. Good character evidence suggests that committing these offences is more acceptable where an offender can establish unrelated, supposedly redeeming qualities that failed to prevent the offending in the first place.

This bill provides that the court may treat an offender's good character as a mitigating factor in sentencing only if it is relevant to the offender's prospects of rehabilitation or risk of reoffending. I note that for sexual offences against children under 16 the bill requires the court not to treat the offender's good character as a mitigating factor if it assisted the offender to commit the offence.

The final recommendation from the QSAC report that this bill addresses is with regard to victim impact statements. The bill will ensure the court does not draw any inference about the harm caused to a victim by an offender if a victim impact statement is not submitted to the court. This is essential as it supports a victim's right to choose whether or not to give a victim impact statement and their right to privacy. Many submitters supported this amendment, including the Victims' Commissioner as well as Bravehearts, who stated that there are a variety of deeply personal, psychological, legal and social reasons for sexual abuse victims to choose not to provide an impact statement.

Importantly, each of these four changes to sentencing of sexual offenders will apply to sentencing proceedings on or after commencement of the bill regardless of when the offence occurred. Figures from the 2023-24 year revealed that there were almost 75 rape or attempted rape offences recorded every week. It is concerning that the provisions in the bill will only commence on 1 November 2025, almost a year since QSAC handed down its report, even though there is bipartisan support for the changes in this bill.

The opposition welcomes the measures contained in this bill which strengthen the law's ability to respond to sexual offences. However, delaying commencement of the provisions contained in this bill until November leaves victim-survivors without these protections for a further two months. As the Attorney-General mentioned in the House this morning, justice delayed is justice denied, and this is a case in point. Setting a commencement date some months in the future rather than on the assent of this bill is not an academic exercise; it has real-world effects. Real people already carrying immense trauma are being told to wait for these urgent reforms.

Queenslanders deserve a justice system that treats sexual offences with the seriousness these dreadful offences deserve, supports victims from the moment they report through to the conclusion of their matter, and implements necessary reform when it is needed. Delaying the commencement of this bill by another two months denies victim-survivors access to a justice system that is more responsive to their experience, a justice system which takes the offences committed against them seriously and reflects this appropriately in sentencing. I would urge the government to bring forward the commencement date for this legislation and deliver the protections victim-survivors deserve as soon as possible.