



Speech By
Hon. Brent Mickelberg

MEMBER FOR BUDERIM

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PENALTIES AND SENTENCES (SEXUAL OFFENCES) AND OTHER LEGISLATION AMENDMENT BILL 2025

Second Reading

 **Hon. BA MICKELBERG** (Buderim—LNP) (Minister for Transport and Main Roads) (7.53 pm): I rise to address the Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Bill 2025. At the outset, I acknowledge the harm experienced by victims of the type of offending that this bill seeks to address. These are important reforms that will better protect Queenslanders. I acknowledge the work of the Attorney-General and the Queensland Sentencing Advisory Council.

The former chair of the Sentencing Advisory Council, Judge John Robertson, lives in Buderim. We frequently discuss the disparity that exists in relation to sentences for white-collar type crimes and sentences for sexual offending. Something that has vexed me for many years is that an individual may get 15 years for fraud, which may be justified, but frequently an individual will get a lesser penalty for offences of the nature that we are seeking to address in this bill. It is my view that sexual offences are the most heinous of crimes, particularly those against a child. I want to acknowledge that this bill seeks to improve the sentencing framework for those offenders who are found guilty of sexual assault and rape, in particular of children.

The new statutory aggravating factor is appropriate for sexual offending against a 16- or 17-year-old. They are children in the eyes of the law and they should be dealt with in that way. It is my view that sentences should be higher when these offences are committed against a child. My view is that they should be higher for all offending but most certainly when committed against a child. This bill seeks to address that.

The good-character or 'good bloke' defence has been dealt with extensively in the debate. I think the majority of the public would accept that good people do not rape people. Courts should not consider good-character evidence in relation to mitigating circumstances for offending but only, as is articulated in this bill, where it relates to an individual's risk of reoffending or chance of rehabilitation. Importantly, there is also provision within the proposed legislation for the court to choose not to mitigate the sentence even if there are mitigating circumstances in relation to character that relate to rehabilitation or risk. This reflects the fact that for far too long those defences have been used to lessen the sentences of those who seek to do the harm that this bill seeks to address.

Equally importantly, the bill recognises the harm caused to victims, and that will be considered in sentencing to a greater extent than previously. We know that this type of offending has lifelong impacts, particularly on children. In the past this House has heard harrowing stories from members in this place, and I am sure all members of parliament have had constituents come to them to tell their stories, as I certainly have. While I do not have personal experience, I can only imagine the impact that would have on an individual across their life.

Importantly, this bill clarifies that courts cannot infer from the lack of a victim statement that there was no harm or lesser harm. That will support victims in their right to choose whether or not they provide a victim impact statement. Courts should reasonably be able to recognise that fact. That is an important initiative.

In this debate we have heard considerable discourse from those opposite about how they wanted to fast-track their amendments. They brought in similar amendments that they tried to push through the House. There are shortfalls with those amendments. I acknowledge the calm, considered and methodical approach taken by the Attorney-General. Had the parliament supported the amendments proposed by those opposite, the good-character amendments to section 11 would have prevented courts from increasing a sentence because of a person's good character—for example, where an individual's standing in the community was used to facilitate the offending. I am confident that is a shortfall that communities do not want to see implemented.

Similarly, the proposed changes to section 9 would have been limited to only recognising the harm caused to any surviving victim of an offence. It would not have required or enabled a court to impose a sentence that expressly recognised the harm caused to a victim of unlawful killing by an offender, including harm caused to them immediately before their death. I think that is a fundamental failure. It talks to importance of the parliamentary process and taking a calm, considered and methodical approach to passing legislation in this place. The committee process does take some time, but it is an important process where the Queensland public can have their say. Perhaps more importantly, it allows us to contest the provisions that are proposed. Had we rushed through and supported the opposition's flawed legislation, we would have a lesser solution than will be implemented after this legislation is passed. To that end, I support this legislation.

The legislation also makes changes to the blue card system, as we have heard, and to the penalties for falsely representing a government agency. It is appropriate that an individual be sentenced for up to three years in prison for instances where they have falsely represented government agencies. It is important that our communities have confidence in government, and those who seek to misrepresent the fact that they are a government official puts that at risk. As others have noted, this legislation also makes changes to the Crimes at Sea Act 2001 to reflect consequential amendments as a result of changes to Commonwealth legislation.

This is a calm, considered and methodical bill, and I will be supporting it. I acknowledge the work of the Attorney, who is working proactively—as all ministers in the government are—to reduce the number of victims in Queensland.

Mr DEPUTY SPEAKER (Mr Kempton): Under the provisions of the order agreed to by the House, I call on the Attorney-General to reply to the second reading debate.