



Speech By
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MEMBER FOR HERVEY BAY

Record of Proceedings, 16 September 2025

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

Second Reading

 **Mr LEE** (Hervey Bay—LNP) (7.52 pm): I rise to contribute to the Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Bill 2025. This bill amends schedule 1 to the Criminal Code 1899, the Penalties and Sentences Act 1992, the Crimes at Sea Act 2001 and the Working With Children (Risk Management and Screening) Act 2000.

This bill is primarily about implementing four of the recommendations from the Queensland Sentencing Advisory Council's *The ripple effect* report. The Crisafulli government is taking a measured, consultative and methodical approach to the QSAC recommendations. This is in glaring contrast to Labor's botched, rushed and ultimately ineffective section 11 Making Queensland Safer Laws tranche 2 amendment that would have had catastrophic consequences for deceased victims' families and character evidence as an aggravating factor.

The objectives of this bill are to implement the four QSAC recommendations and introduce a new offence for falsely representing a government agency, realign the Queensland Crimes at Sea Act with relevant provisions of the Commonwealth Crimes At Sea Act and amend the Working with Children (Risk Management and Screening) Act 2000. The Penalties and Sentences Act will be amended to: implement a statutory aggravating factor for rape and sexual assault against children aged 16 or 17 years, recommendation 1; expand the sentencing purposes to include recognition of harm caused to a victim of an offence, recommendation 2; qualify the court's treatment of good character as a mitigating factor in sentencing persons convicted of offences of a sexual nature, recommendation 5; and clarify that no inference can be drawn from the absence of details of harm caused to a victim, recommendation 23.

This bill will introduce a new statutory aggravating factor to section 9 of the Penalties and Sentences Act. This will reinforce that sexual offences committed against children are more serious due to the high level of harm experienced by child victims and the greater culpability of perpetrators in targeting vulnerable child victims.

Clause 12, a new subsection 9BA of the bill, provides that the court must treat the age of the victim as an aggravating factor unless the court considers that it is not reasonable because of the exceptional circumstances of the case. Clause 12 of the bill furthermore introduces a new subsection 9BB which states—

... in deciding whether there are exceptional circumstances, the court may have regard to the closeness of age between the offender and the child.

Subsection 9(1) of the Penalties and Sentences Act provides five purposes for which a court may impose a sentence: punishment, rehabilitation, deterrence, denunciation and protection. According to the QSAC report, these sentencing purposes do not recognise and acknowledge the necessity to hold an offender accountable for the harm done to the victim-survivor.

This bill will expressly recognise in subsection 9(1) of the sentencing guidelines harm done by the offender to a victim of the offence. The term 'harm' will have its plain and ordinary meaning and is not confined to a particular type of harm. This amendment implements recommendation 2 of the QSAC report to expand the sentencing purpose to include the recognition of harm done to a victim by the offender.

Recommendation 5 in the QSAC report deals with reforms to the use of good-character evidence. Clause 12 of the bill will insert new subsections that displace the common law requirement to have regard to an offender's good character concerning offences of a sexual nature committed in relation to children under 16 years of age if the good character assisted the offender in committing the offence.

The Attorney-General, Deb Frecklington, in her introductory speech stated—

The amendments in the bill are considered and give direct effect to the council's recommendation to restrict the use of problematic types of good character evidence while retaining the sentencing court's discretion to consider this evidence in appropriate cases.

Clause 13 of the bill will provide a clarifying amendment to subsection 179K(5) of the Penalties and Sentences Act to implement recommendation 23 in the QSAC report. This amendment will ensure a court does not draw any inference about whether the offence had little or no harm caused to the victim-survivor from the fact that a victim impact statement was not given. It makes it unambiguously clear that the victim is not obligated to provide a victim impact statement. Replacing the wording in subsection 179K(5) will promote the victim's rights and remove any pressure to provide a victim impact statement.

Labor suddenly claim to care about victim-survivors of sexual assault, yet they are responsible for the devastating DNA forensic laboratory and enormous rape kit backlog debacles. Recent *Courier-Mail* articles have highlighted that Labor left a backlog of 18,000 DNA samples, resulting in a three-year delay for victim-survivors to access justice. Meanwhile, the Labor rabble spent the lion's share—\$19.5 million—of Forensic Science Queensland funds on building 'swanky offices'. It is literally a slap in the face for sexual assault victims. That is unconscionable. I table copies of the *Courier-Mail* articles.

Tabled paper: Article from the *Sunday Mail* (Qld), dated 10 August 2025, titled 'Slap in the face for the victims' [1252](#).

Tabled paper: Article from the *Sunday Mail* (Qld), dated 10 August 2025, titled "'Broken' forensic lab adds insult to injury" [1253](#).

Dr Kirsty Wright, in her *Review of operational matters at Forensic Science Queensland*, concluded—

The negative impact of this decision is still being felt today by victims, the police, and the courts.

This bill also introduces a new offence for falsely representing a government agency. Section 97 of the Criminal Code provides that it is an offence to impersonate a public officer. The offence is punishable by up to three years imprisonment. Clause 10 of this bill will amend the Criminal Code to include false representations in relation to government agencies. It will be an offence if a person makes a false representation that they are a government agency or are acting on behalf or with the authority of a government authority. This section is designed to address the risk to the Queensland public from government impersonation scams and protect the integrity of government communications. A reasonable excuse defence is provided under section 97A(2) that reverses the onus of proof.

Part 2 of the bill provides for amendments to realign the Queensland Crimes at Sea Act 2001 with the Commonwealth Crimes at Sea Act 2000. The Commonwealth Crimes at Sea Act and uniform crimes at sea legislation is enacted in all states and the Northern Territory. These amendments are largely of a technical nature.

Finally, after eight years of Queensland Labor's dithering, the Crisafulli government is decisively implementing the recommendations in the July 2017 Queensland Family and Child Commission's review into the blue card system. The bill will amend section 295 of the Working with Children (Risk Management and Screening) Act 2000 to retain the current list of offences for which the chief executive officer must suspend a person's working with children authority where a person is charged. This change is necessitated by the unintentional removal of some offences for which a suspension must be issued, and the bill rectifies this by restoring these offences. I commend the Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Bill 2025 to the House.