Speech By

Hon. Meaghan Scanlon

MEMBER FOR GAVEN

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

Second Reading

Hon. MAJ SCANLON (Gaven—ALP) (12.26 pm): I rise to speak on the Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Bill. This government says that it puts victims first, but the truth is that it puts press releases first, politics first and victim-survivors of rape and sexual assault last. Those opposite sat on a report that recommended these changes for six months and they only acted when Labor forced them to do so. They then copied our reforms and then delayed their own commencement for another 165 days, despite the fact that we said we were willing to work in good faith and pass their own bill. This means more than 1,600 victim-survivors could face court without these protections. Survivors have waited long enough. Labor will be moving an amendment to deliver justice now. I table a copy of that amendment along with the explanatory notes and a statement of compatibility with human rights.

Tabled paper: Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Bill 2025, amendment to be moved by Hon. Meaghan Scanlon 1239.

Tabled paper: Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Bill 2025, explanatory notes to Hon. Meaghan Scanlon's amendment 1240.

Tabled paper: Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Bill 2025, statement of compatibility with human rights contained in Hon. Meaghan Scanlon's amendment 1241.

If this government cannot do its job, it should get out of the way and let those who can do it. Rape and sexual assault devastates lives. The question before us is simple: will this parliament put survivors first or will it put the government's timetable first? I heard some of the comments by the Attorney-General about thanking committee members for the long and arduous process and for listening to the content submitted by victim-survivors. I ask her: why, when she thanks those committee members, is her response to victim-survivors that, even though they have experienced that harm, they need to wait until November? That is the decision this government is making.

What we have seen from the Crisafulli LNP government instead is delay, denial and deception. They talk tough and they hold press conferences, but when it comes to doing the work that actually helps victim-survivors they vanish. As I said, they sat on this report for half a year. For six months there was no timetable, no plan, no urgency; there was just silence from those opposite, who promised Queenslanders action. The opposition refused to accept that silence as the final word. We took the report seriously because survivors did. We set out practical amendments grounded in what the Sentencing Advisory Council recommended and in what the front line told us was needed. Only then, when Labor forced the issue, did the government scurry into this House with a bill that effectively mirrored the very reforms we flagged.

Let's be clear about what *The ripple effect* was. It was not a desk exercise, as the Attorney-General herself talked about. It went for 19 months. It was shaped by the voices of survivors, by the experience of frontline workers and by the evidence of judges and lawyers. The Sentencing Advisory Council did the methodical work of listening, analysing and testing. That report, unlike some of the other reports that those opposite have done, is publicly available for people to see. That influenced these reforms. It is interesting that those opposite want to rush some law reform and not disclose those so-called expert reports, but when we have a publicly available expert report here they say, 'Oh, well, we need to take our time.'

They handed down 20 key findings and 28 recommendations, not four—it was not a media grab. Those recommendations were a road map for change. What was the government's response to that road map? It was to park it, to leave it on the Attorney-General's desk until political pressure made inaction impossible. On average, in that period, almost 1,900 rapes or attempted rapes were reported in Queensland. That figure is not a statistic on a page; it is a measure of human pain. Every week that passed was another week the system was not as strong as it should have been because this LNP government chose delay over delivery.

When the government finally moved, they brought in a bill that lifted almost word for word the four reforms Labor had already put on the table. We wrote to the Attorney-General in good faith. We offered bipartisanship. The next day the government introduced their own bill, with conveniently the same four planks, and then insisted survivors needed to wait until November for these changes to commence. We even offered to declare the bill urgent so that survivors would not have to wait, but they refused that as well. That is not leadership; it is credit-taking. It is not putting victims first; it is putting politics first.

Let me state plainly that Labor supports this bill because victim-survivors deserve these changes. First, it makes rape or sexual assault against children an aggravating factor. That reflects community expectations and common sense. It also demands care when the offender themselves is a young person. That is precisely why the Sentencing Advisory Council recommended a comprehensive clean-up of section 9 of the Penalties and Sentences Act to give courts coherent broad guidance. That broader tidy-up has not been adopted by the government, and it should be. I heard some remarks from the Attorney-General that this is the first phase of reforms. That is the first time I have publicly heard any commentary about the fact that there will be other reforms. What the Attorney-General should outline is what the public timetable will be for those reforms because victim-survivors have waited long enough.

Second, it limits the use of good-character references to reduce sentences in sexual offence cases. In practice, the so-called 'good bloke' defence meant a parade of coaches, employers or community figures telling the court what a fine, upstanding citizen the offender was, as though social standing could somehow outweigh a survivor's trauma. Harrison James, the co-founder of the Your Reference Ain't Relevant campaign, put it simply: 'it hides the truth behind a polite façade'. Having listened directly to victim-survivors, the Sentencing Advisory Council heard how demeaning and distressing this was. This bill shuts that door.

Third, it requires explicit recognition of harm to the victim in sentencing. Too many survivors told the Sentencing Advisory Council they felt invisible in the courtroom—that the system treated their pain as peripheral. Recognising harm is not radical; it is basic justice. It tells survivors that the law sees them, hears them and believes their experience.

Fourth, it ensures that, if a victim impact statement is not filed, the court cannot infer that no harm was done. In their submission, the Gold Coast Centre Against Sexual Violence—an organisation that I have an enormous amount of respect for—said—

> ... sometimes victim/survivors may be fearful or too traumatized to write a victim impact statement, others do not want the offender to know the extent of the traumatic impact.

Not every survivor is able to relive their trauma in this way. No-one should be punished for protecting their mental health or their privacy. This reform ends that insult.

All of those reforms are good. All of them should be in place already. We offered to pass the bill months ago. We wanted these protections in place now, yet the government says, 'Wait until 1 November'—another 165 days, another 1,600-plus victim-survivors potentially walking into court without these laws. Timing is not a technicality; timing is justice. That is why Labor will move an amendment for these changes to commence on assent. We should not ask one more survivor to wait because a government needs to pad out its legislative program. Our amendment is simple and principled.

Mrs Frecklington: We are passing it tomorrow night. How is that padding?

Ms SCANLON: I take the interjection from the Attorney-General. We may be passing it tomorrow night, but it does not come into effect until November, so I suggest you look at your own laws or vote on Labor's amendment. We will bring forward commencement of part 4 amendments to assent.

Mrs Frecklington interjected.

Mr DEPUTY SPEAKER (Mr Lister): Member for Nanango, your interjections are not being taken.

Ms SCANLON: In practical terms, that means that the day this bill is passed by this House and assented to the protections would apply. It is the cleanest way to end the delay. Members opposite must now choose: do they vote for action or do they vote for another 5½ months of excuses? The government's inconsistency on urgency, frankly, is breathtaking. They have rammed through youth justice changes using urgency motions—some of those changes dealing with offences where the advice provided showed there had been no recorded proven offences over the past five years.

Mrs Frecklington: Once again not supporting victims of crime.

Ms SCANLON: I take the interjection from the Attorney-General. I ask her to withdraw that comment because I take personal offence.

Mr DEPUTY SPEAKER: Attorney-General?

Mrs FRECKLINGTON: I withdraw.

Mr DEPUTY SPEAKER: Thank you.

Ms SCANLON: They rushed the Trusts Act when it suited them. They rammed through changes for the Olympics but, when it comes to urgency for victim-survivors of rape and sexual assault, suddenly, apparently, the calendar fills up. Suddenly the brakes go on. What makes this delay even harder to justify is that the government's excuse was—

Government members interjected.

Mr DEPUTY SPEAKER: Order, members to my right!

Ms SCANLON:—the need for a full consultation process, yet that process, according to the Attorney-General's own comments just before, had already taken place—19 months QSAC took to consult on these reforms. Even their own members on the committee agreed. Frankly, if the Attorney-General or her staff wanted to somehow suggest to this House that we need to—

Mrs FRECKLINGTON: Mr Deputy Speaker, I rise to a point of order. I take personal offence at the shadow minister attacking my staff and I ask her to withdraw.

Mr DEPUTY SPEAKER: It is not an opportunity to debate the point. Member for Gaven, the Attorney-General has taken personal offence.

Ms Grace: You cannot take personal offence on behalf of staff.

Mrs FRECKLINGTON: You cannot reflect on my staff like that.

Mr DEPUTY SPEAKER: Attorney-General, you were personally offended by the remarks about your staff.

Mrs FRECKLINGTON: Correct.

Mr DEPUTY SPEAKER: It is not something that you can take personal offence to. In this case, there is no point of order.

Ms SCANLON: I want to be really clear: the Attorney-General should be the one who is held to account. If she could not figure out an amendment to demonstrate to the committee members why we needed to go through this long process, then that is a reflection on her politics, frankly. Surely, if she wanted to demonstrate—

Mrs FRECKLINGTON: Mr Deputy Speaker, I rise to a point of order. I take personal offence and I ask that the shadow minister withdraw.

Mr DEPUTY SPEAKER: The Attorney-General has taken personal offence. Will you withdraw?

Ms SCANLON: I withdraw, Mr Deputy Speaker. We went through this long process, and the only recommendation from the committee, which has a majority of LNP government MPs on it, was that the bill should be passed, proving that we could have done this some time ago. The truth is obvious: when politics calls, the government runs. When survivors call, the government stalls.

I want to touch on some of the submissions that were made during the committee process. I note the feedback from the Queensland Law Society and the Bar Association of Queensland about the retrospective application of some of these reforms. I appreciate their considered contributions, but I do not believe it is unreasonable that these changes apply to matters already before the courts. If a perpetrator of sexual violence committed such an act in the belief that they would later be able to rely on their community standing or so-called good-character references to reduce their sentence, I do not think that aligns with what Queenslanders expect of their justice system. That is why we will be supporting these reforms.

The Queensland Sentencing Advisory Council found there was not an insignificant number of matters where these references were given weight, and that reality points to a clear problem that needs to be addressed by these reforms. These reforms ensure that sentencing reflects the seriousness of the offending rather than the offender's reputation.

I note there were a range of submitters who wanted these reforms to go further. The Sentencing Advisory Council's terms of reference were obviously and deliberately focused on sentencing for rape and sexual assault. That focus delivered a report of real depth, but it does not place a fence around the voices we heard. If the Victims' Commissioner and groups like the 'your reference' network identify further problems, this government has the power and responsibility to keep listening and improving. The terms of reference are a floor, not a ceiling. No-one needs to wait for permission to listen. This is what our statement of reservation outlines, and we urge the government to consider this feedback from stakeholders and victim-survivors themselves.

As our statement of reservation outlines, there are still 24 recommendations left on the shelf. The Sentencing Advisory Council did not deliver a four-point checklist; it delivered 28 recommendations, and this bill delivers just four. That leaves 24 outstanding. They include the section 9 clean-up I mentioned earlier. They include measures to improve the consistency and transparency of sentencing. They include victim support improvements and system changes that would minimise retraumatising victims. None of that is beyond the government's capacity. What is required is attention and will.

No doubt we will hear excuses from those opposite—we have already heard some of them from the Attorney-General this afternoon—that courts need time; and that stakeholders need to be trained; and that systems need months to update. This parliament has seen this government move at lightning speed when the politics suited them. The same machinery that moved in days for other bills can move now for these survivors. The truth is that the bottleneck is not operational; it is political. In terms of the human impact, 'delay' is not a neutral word. When government says 'defer', what a survivor hears is 'endure'. When government says 'commence in November', what a survivor hears is 'come back later'. We cannot measure trauma in calendar quarters. We cannot ask someone who has reported rape to wait for a commencement date selected for political convenience. We should cut delay, not cut and paste excuses.

If the government accepts Labor's commencement amendment, the system can be ready. The courts are capable of adapting quickly when parliament speaks clearly. We have seen them do that before. Practice directions can be issued, bench books can be updated and prosecutors and defence counsel will know the new parameters around character references. The Attorney-General could do her job and make sure those things were delivered. The 'aggravating factor' change for offending against children can be reflected in submissions and reasons. We can do this cleanly and professionally and we should, because victim-survivors deserve no less.

Nothing in these reforms, commenced now, removes the careful balancing act judges undertake every day. What they do is clarify the framework, make the recognition of harm explicit, close the door to irrelevant character spruiking and identify that offences against children are, as the community expects, more serious. Judicial discretion remains, but it is exercised within a clearer, fairer statutory setting.

On this side of the House, we are on the side of victim-survivors; we are on the side of frontline workers, who said again and again that character references demean the process and compound harm; we are on the side of a justice system that faces the facts and names the harm rather than looks the other way; and, yes, we are on the side of police, who carry so much of this work, and we owe them a system that makes their efforts count.

Commencement on assent is not a slogan; it is the difference between an offender getting a discount because a community figure gave a testimonial and that discount being rightly unavailable. It is the difference between silence being mistaken for a lack of harm and the law recognising that silence is not the absence of pain. It is the practical expression of putting victims first.

When we pass this bill, and when and if these laws are brought into force on assent, we should not pack up and declare victory. There are 24 outstanding recommendations that still need attention. Tonight the government should commit to a public forward program that addresses them in consultation with the judiciary, the legal profession, victim-survivor advocates and support services. Some will ask, 'What difference does a few months make?' In the months that have passed it has made a difference for all those cases heard without these protections in place—hundreds of cases. It makes a difference whether a survivor hears their harm named and recognised. It makes a difference whether a court is—

Government members interjected.

Mr DEPUTY SPEAKER (Mr Lister): Members to my right, your interjections are not being taken.

Ms SCANLON: It makes a difference whether a court is misled by the absence of an impact statement. It makes a difference whether an offender collects a discount based on social standing. In other words, it makes a real difference to real lives.

In terms of consistency with Queensland values, Queenslanders believe in fairness. They believe the law should reflect the gravity of sexual violence and the dignity of those who survive it. They expect their parliament to do the right thing when the evidence in the case is clear. Commencing these reforms on assent is the Queensland thing to do—practical, no-nonsense and focused on outcomes, not optics.

I also note this bill contains a number of other provisions beyond the Sentencing Advisory Council related reforms, including technical amendments around crimes at sea, adjustments to the blue card framework, and the new Criminal Code offence for impersonating public officers or agencies. These are largely uncontroversial matters. The opposition does not oppose them, but let's be clear: they are not at the heart of this debate. At the heart of this debate is whether survivors of rape and sexual assault will be forced to wait further for protections that both sides of this House already support.

I say to the government: do not respond to this amendment with the politics of fear, claiming the sky will fall in if commencement is brought forward. We have heard some of that already this morning. The courts are capable; practitioners are capable; the system is capable. What it needs is a government that is willing to be capable of leadership. Please spare survivors the politics of spin—the suggestion that delay is somehow a virtue. Delay has a cost, and it is paid by those who have already paid enough.

Mr de BRENNI: Mr Deputy Speaker, I rise to a point of order. The standing orders, particularly standing order 251, outline the opportunities and obligations for members to speak. Under no circumstance is the conduct of the member for Maroochydore in particular consistent with those. I draw to your attention to her disorderly conduct, particularly given that you have cautioned her.

Mr DEPUTY SPEAKER: Manager of Opposition Business, I will control the House. I am aware of what has been going on. There have been interjections, some of which have been taken and some of which have not. I will continue to control the behaviour of the House.

Ms SCANLON: Law is not the only lever, but it is certainly a powerful one. When we change what is admissible, when we set statutory expectations around harm and when we clarify aggravating features, we send a message about what this community values. We tell survivors that we see them. We tell offenders that their standing in the community is not a shield. We tell the system that the days of minimising harm are over. Culture follows law when the law is clear.

To conclude, sexual violence ought to be a space for bipartisanship—not the choreography of blame but the choreography of progress. We all agree that these laws are good and we want them to be passed. That is why we offered urgency on the government's bill. We accept that they have more resources than we do to draft legislation. We accepted that we were prepared to put our amendments aside and go with the government's bill in good faith, but the government refused that offer of bipartisanship from the opposition. All the government needs to do is walk through the door that we opened to get this done.

This debate comes down to a simple test: compassion or credit-taking, action or delay, survivors or spin. Labor knows where we stand. We stand with survivors. We will move the amendment to bring these laws into effect immediately, because survivors deserve better than another 165 days of waiting.