



Speech By
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MEMBER FOR MACALISTER

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

Second Reading

 **Mrs McMAHON** (Macalister—ALP) (3.38 pm): I rise to make my contribution to the debate on the Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Bill. As a member of the Justice, Integrity and Community Safety Committee I sat through the public hearings. I had the privilege of working with committee members and those who gave evidence. We read through the submissions. Then obviously we go through this parliamentary process where we stand up and debate, put amendments forward, make sanctimonious contributions—blah, blah, blah. Victims do not want to hear these words: they want to see action.

There are members over there who stand up and say that for 10 years we did nothing for victims, but hang on. Back right up, because those of us who were on committees and did work and spoke to the victims sat through inquiry after inquiry and we actually made changes. We did things and we listened to victims and we passed laws, so anyone who wants to stand over there and say that for 10 years Labor did nothing in government should back up, because victims spoke to us, they told us what they wanted and we passed laws.

The government should listen to those committees and the work they did. These committees put victims through trauma—again and again. To say that we did nothing for victims is an absolute affront to victims of crime who have gone through this process. Believe me, I have tried to put trauma informed processes in place in this parliament to protect those who take the time to put in submissions just so we can talk and reference it in a debate. That is galling. Government members say that for 10 years we did nothing, but shall I stand here and rattle off all of the legislation we introduced and you all voted for? The government says that we did nothing, but please talk about what we can do for victims in this place.

Let us look at the bill. I want to lend a voice to the victims. We had people come forward and make submissions, and I thank the member for Capalaba for mentioning the Your Reference Ain't Relevant campaign and the work they do—tireless, independent, non-government funded work. Government members of the committee said to them in the inquiry, 'Isn't this amazing? Do you still welcome it as an important first step in the advocacy work?' but do you know what the response from Your Reference Ain't Relevant was? They said, 'No, because survivors are sick of first steps. The bill is a sort of half-measure and doesn't understand how abuse works.' I say to government members: how can you tell me you listen to victims but you just ignore that? We in this House have the ability to listen to victims.

These four recommendations came out of the QSAC report given to the government in December 2024. I looked forward to hearing the response to those recommendations, but it was silence—crickets. Apparently it went through cabinet, so there is the transparency that everyone asked for: 'Let's just shuffle it through cabinet so we don't have to talk about what our response is until prompted.' That is not listening to victims. We had an opportunity in December last year to put that road

map forward, but we are still waiting for the rest of the road map and the rest of the recommendations. This addresses four recommendations of 28, by the way, so tell me how we are listening to victims—only four of 28! I guess those other 24 that relate to victims of crime are not important and can be shunted a bit further down the line.

This delay has an impact on someone who finally has the courage to report what happened to them. Only a very small percentage of people actually ever do that, so let's stop and think about all of those victims who cannot or do not report for whatever reason. Then there are those who do report but are told by the DPP, 'There's not enough evidence. The court case won't stand up. There's not really a chance.' That victim is not supported in these laws. Let us talk about the two per cent—by the way, that is the two per cent of the reported, not two per cent of all victims of sexual assault—who get to this little thin wedge of the criminal justice system where someone is actually found guilty.

In all of the sexual assaults that are happening, statistically, today—this hour, this minute—these are people who are looking for protection. QSAC offered options in December. There was suggestion of a private member's bill put forward earlier this year, yet it is now September and no-one who has gone to court since December has had the protection of this bill, and that is a shame.

That is the shame of this, because we talk and we talk, we have inquiries and we go through our committee process for something that was already consulted on for years. Yes, we need to go through the lawyers to make sure it is all good; I understand that. We need to make sure it is right and fit for purpose, so we give it to an advisory body like QSAC and they come up with a recommendation and we are given that recommendation. Then there are crickets and we wait and we wait, and those victims wait and wait. Those victims who get to court, who have been retraumatised, wait and wait. They did not get the protection of this bill that could have been there.

There were a few urgent bills passed last year, but this could not have been one of them because, as I think I heard this morning, we need to give defence lawyers a chance to get their things sorted out—because that is really important in the criminal justice system, isn't it! Defence lawyers! We can change laws in a matter of days about a whole sentencing scheme and defence lawyers do not need any preparation, training or advisement for that and we do not need to give magistrates time for that, but for this we apparently need to give the magistrates and courts time to figure out good-character evidence and when it is to be used. As I said, the number of these cases that actually get to the point where someone is found guilty and convicted and we get to the sentencing is a tiny fraction of what our courts are dealing with at the moment.

We can say at the end of the day that we are just fiddling around the edges with some of the things in the Penalties and Sentences Act, but it is a small but major part of a victim getting through that court process—that small fraction of victims who actually can get to that end and can get justice. I am not going to reiterate how devastating good-character evidence is.

This is absolutely needed and I support this bill and the objectives of the bill, but I would also like to say what many of the victims advocacy groups that gave evidence believe. They are in court with victim-survivors more than anyone in this room will ever be, so I will take their word for it when they say that they do not think this will change anything. That is the really sad part. We are all going to yell at each other and we are going to call it political hypocrisy—rah, rah, rah—but those who are in the space have said that this is not going to change anything because lawyers are good at words so they will provide good-character evidence but just cover it under rehabilitation prospects. Let us not think that lawyers are not smart enough to do that. That is what they do: they find loopholes and they use them. Let us not get morally outraged and give sanctimonious contributions because we are doing one thing. Let us do it now. Let us get it in place.