



Speech By
Peter Russo
MEMBER FOR TOOHEY

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

Second Reading

 **Mr RUSSO** (Toohey—ALP) (3.20 pm): I rise to speak to the Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Bill 2025. Let me start with some context. In May 2023, under the former Labor government, the Queensland Sentencing Advisory Council was asked to review the sentencing practices for sexual assault and rape offences. This was not a superficial exercise; it involved extensive consultation with legal stakeholders, experts in trauma informed practice, frontline service providers and, most importantly, victim-survivors themselves. These voices shaped the detailed, evidence-based report that was delivered on 16 December 2024.

The report made 20 findings and 28 recommendations, laying out a comprehensive blueprint for reform. Not all of those recommendations require legislation but four do, and it is these four that are the focus of this bill. They are (1) that sexual offences against children be explicitly treated as an aggravating factor in sentencing; (2) that the courts be required to consider the harm to victims as a core purpose of sentencing; (3) that the courts be limited in the way they can accept good-character evidence in sentencing for sexual offences, especially where that 'good character' was used to facilitate the offending; and (4) that a victim's decision not to provide an impact statement must not be interpreted as an indication that harm did not occur.

These are modest, targeted and long-overdue reforms. They are grounded in the lived experience of victim-survivors and backed by the expertise of legal professionals. They also reflect a growing community consensus that our justice system must do more to centre the voices of those impacted by sexual violence. What did the Crisafulli LNP government do when it received this important report? It did nothing—nothing for five months. There was no public response, no commitment to implement the recommendations and no plan to act. The silence was not just disappointing; it was telling. What happened next was that the Queensland Labor opposition took the lead.

On 18 May 2025, the opposition publicly committed to implementing the four key recommendations as a priority. We recognised the urgency and the community expectation that reform would not be left to gather dust on a shelf. On 19 May, just one day later, the shadow attorney-general wrote to the Attorney-General enclosing our draft amendments and offering bipartisan support to pass them without delay. Rather than take that offer in good faith, the government scrambled to reassert control of the narrative. On 20 May—two days after our announcement—the LNP government introduced this bill, reflecting the very same four Queensland Sentencing Advisory Council recommendations we had called for.

I welcome the fact that the government has finally taken action, but the timing makes one thing very clear: without pressure from the opposition, these reforms would still be sitting idle. The government was content to delay; the opposition acted. Even now the government continues to stall

because, despite the urgency, despite the clear public interest, despite having had the Queensland Sentencing Advisory Council report since December last year, the government has included in this bill a delayed commencement date for its most critical part—part 4, the section that amends the sentencing principles. Instead of taking effect immediately, these changes will be delayed until 1 November 2025. That is more than five months away. Between now and then, thousands of victim-survivors will come before the courts without the full protection and recognition these reforms would provide.

Let's talk about what that means. In 2023-24, there were reportedly 3,898 rape and attempted rape offences recorded in Queensland. That is more than 10 every single day. If that trend continues—and, tragically, there is no reason to believe it will not—by the time these sentencing reforms come into effect in November more than 1,600 additional victims of rape or attempted rape will have gone through our criminal justice system under the old framework. More than 1,600 victims may still hear their perpetrator described as a man of good character. More than 1,600 victims may feel erased if they choose not to relive their trauma through a victim impact statement. There will be more than 1,600 victims whose harm may not be appropriately weighed in sentencing. This delay is not just a matter of legislative process; it is a matter of justice. That is why the Queensland Labor opposition will move an amendment to bring forward the commencement of part 4. We believe these changes should take effect immediately.

The government has had the report for more than half a year and it has had our proposed amendments since May. There is simply no excuse to drag this out any longer. Stakeholders agree. The Queensland Law Society in its submission on this bill reinforced the importance of grounding reforms in evidence. While acknowledging the work of the Queensland Sentencing Advisory Council and the validity of the report's recommendation, the society also raised legitimate concerns about the risk of undermining judicial discretion. It emphasised that Queensland judges are already guided by established sentencing principles and are well placed to weigh character evidence appropriately. In serious cases, such evidence may rightly carry no mitigating weight at all. Judicial officers are highly trained to consider the context and the impact of offending and to apply sentencing in a way that upholds community expectations and protects victims. The Law Society warned that repeated legislative intervention risks creating rigidity where flexibility is needed.

I support the intent of these amendments, but I also recognise the importance of allowing courts to retain the discretion needed to deal with the complexity of individual cases. That balance must be respected. That said, these recommendations were not plucked from thin air. They came from an expert body after deep consultation and reflect the views of victim-survivors who told their stories in the hope of driving change. We owe it to them to act.

Let me make this clear: the Queensland Labor opposition supports this bill, we support the four Queensland Sentencing Advisory Council recommendations that underpin it, and we support the implementation of sentencing reform that recognises the gravity of sexual violence and the long-term harm it causes, but we do not support delay. We will not stand by while Queenslanders are subjected to a system that allows outdated principles to shape sentencing outcomes in sexual offence cases. We call on the government to go further and respond in full to the remaining recommendations of *The ripple effect* report and commit to a clear, transparent plan for implementation. Victim-survivors have waited long enough.