



Speech By

Russell Field

MEMBER FOR CAPALABA

Record of Proceedings, 16 September 2025

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

Second Reading

 **Mr FIELD** (Capalaba—LNP) (3.12 pm): I rise to offer my support to the Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Bill 2025. The bill was referred to the Justice, Integrity and Community Safety Committee on 20 May 2025 and received 197 submissions from relevant stakeholders. On top of those written submissions, over 200 individuals also made a submission in support of the Your Reference Ain't Relevant campaign. Co-founders Harrison James and Jarad Grice created the campaign, utilising their own experiences as survivors of child sexual abuse, to advocate for meaningful change in the use of good-character references in sentencing decisions. The courage that Harrison and Jarad have shown in driving change through this campaign is truly commendable. Following consideration of the submissions, the committee made a single recommendation—that is, that the bill be passed.

This bill amends a range of key areas within the portfolio of the Attorney-General and Minister for Justice. I thank the Attorney for her work in bringing this bill before the House. Among its objectives is the implementation of four recommendations from the Queensland Sentencing Advisory Council's report *Sentencing of sexual assault and rape: the ripple effect*. The bill introduces a new offence for false representations relating to government agencies. Additionally, the bill also seeks to ensure that the blue card system operates as intended and brings the Queensland Crimes at Sea Act 2001 into line with the Commonwealth act.

I am pleased that the bill enjoys bipartisan support. I would also like to acknowledge the advocacy of members from both sides of the House on behalf of their communities. It is important for Queenslanders to see a mature and sensible approach from their elected representatives to sensitive issues such as sentencing for offences of a sexual nature.

The QSAC report into sexual offences sentencing sought to ensure that sentences under the Penalties and Sentences Act 1992 adequately reflect community views. One key recommendation relates to the limiting of what is sometimes referred to as the 'good bloke' offence. The term is used in cases where good-character references for an alleged rapist are used as a mitigating factor in sentencing, even when that character assessment is not relevant to the offender's prospects of rehabilitation or the risk of reoffending. It can also be the case that an offender's good character can assist them in committing an offence, particularly with a vulnerable victim such as a child under the age of 16.

Another recommendation of the report was to include harm done by the offender to the victim as a sentencing purpose. Previously, there were five purposes for which a court may impose a sentence under the act: punishment, rehabilitation, deterrence, denunciation and protection. This amendment will work towards meaningfully recognising the harm that victims have suffered and allow for a more

consistent approach across the state in taking victim harm into account. Victim-survivors of sexual assault and rape, among other stakeholders in the state, have made it clear that the sentencing process for offenders was not working as it should and that change is needed.

The bill also amends section 9 of the Penalties and Sentences Act to introduce a new statutory aggravating factor. In determining sentences for offenders convicted of rape or sexual assault against a child aged 16 or 17, the court must now treat the age of the victim as an aggravating factor, unless the court considers it unreasonable due to the exceptional circumstances of a particular case. This will again look to adequately reflect the particular severity of harm that is done to the victim-survivors in the early stages of their development.

Following QSAC's advice, the ways in which a character reference may be used in sexual offence cases will be restricted to only if good character will improve their chance of rehabilitation and decrease the risk of reoffending. It also gives the court the ability to decide not to treat an offender's good character as a mitigating factor, with consideration given to the nature and seriousness of the offence. These amendments, acting on the advice of the Sentencing Advisory Council, will bring sentencing more into line with the expectations of Queenslanders. They will also assist in making the hugely distressing situation of sexual assault or rape court proceedings more equitable for the victim.

As well as acting on QSAC's recommendations, new section 97A is being inserted into the Criminal Code establishing a new offence for making false representations relating to a government agency. This includes a person making false representations that they are a government agency or are acting on behalf of or with the authority of a government agency. The legislation also provides that a person does not commit a false representation offence if they have a reasonable excuse.

The Queensland Crimes at Sea Act 2001 is being amended, with certain definitions being amended or removed, so that it aligns more closely with the Commonwealth act. This will also allow for smoother cooperation between state and federal governments relating to crimes committed in Australian waters.

Lastly, ensuring that our blue card system is robust and able to safeguard children in our communities must be a priority of any government. That is why we have also amended the working with children act to restore offences for which a suspension of a blue card must be issued. These offences were unintentionally removed from section 295 by the working with children amendment act. Further amendments have also been made to sections 609, 304B and 304C of the working with children act to update terminology and to improve clarity.

This bill is an important and necessary step to improving efficiency, effectiveness and fairness across the responsibilities of the Attorney-General and the Minister for Justice. The Crisafulli government has said consistently that we will put the rights of victims ahead of the rights of offenders, and we will continue to do that. Passing this legislation will ensure that experiences of victims and the harms that are caused by sexual assault and rape are properly acknowledged in court proceedings. Standing on the side of victims is something I will always commit to. I commend the bill to the House.