



Speech By
Hon. Shannon Fentiman

MEMBER FOR WATERFORD

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

Second Reading



Hon. SM FENTIMAN (Waterford—ALP) (4.40 pm): Clearly, the member for Barron River is a huge advocate, which is very pleasing to see. Therefore, I hope she will vote in accordance with the amendment circulated by the member for Gaven and shadow attorney-general to allow these tremendous reforms to commence as soon as possible, rather than victims having to wait any longer for them. At the outset I want to be clear that, of course, the Queensland Labor opposition supports this bill, but we will not let the government simply pat themselves on the back and say, 'Job done,' while victim-survivors are told that they have to wait even longer for protections that have already been agreed to and, can I say, were agreed to months ago by both sides of the House. It is a shame that we are still here debating this nearly 10 months after the report landed on the desk of the Attorney-General and four months after I stood in this place, as did many members on this side of the House, urging the Attorney-General to put ego and politics aside. Instead of declaring these reforms urgent and working together to get it done for victim-survivors, those opposite have delayed debate on these reforms for 119 days.

I start by acknowledging the extraordinary courage of the victim-survivors who have shared their experiences throughout this process. Their voices have driven this reform. To every survivor who has advocated, spoken up or written submissions to the Queensland Sentencing Advisory Council: thank you. Members will recall that in 2023, when I was the attorney-general, I asked the Queensland Sentencing Advisory Council to undertake a major review of how sexual assault and rape offences are sentenced in this state. QSAC engaged in 18 months of extensive consultation. They received 28 preliminary submissions and a further 35 responses to their consultation paper. They held four consultation events, two in person and two online. They interviewed 26 legal stakeholders and eight frontline workers, and they sat down with victim-survivors themselves. Victim-survivors were interviewed, each of them sharing deeply personal experiences in the hope that it would lead to change. It was thorough, it was evidence-based and it was built on the voices of those most affected. This reform has been tested, it has been consulted on and it has the support of both sides of politics.

The result of that consultation was the *Sentencing of sexual assault and rape: the ripple effect* report, which was handed to the Attorney-General in December last year. It contained 28 detailed, evidence-based recommendations to improve sentencing practices and strengthen justice for victims. I want to thank the members of QSAC for their report and their hard work. The recommendations included limiting good-character references. In fact, QSAC stated that good-character evidence attracted the most submissions to their review from victim-survivor support and advocacy organisations calling for reform. Overwhelmingly, those submissions made it clear that justice will never be delivered if victims have to sit and listen to their perpetrator or abuser be called 'a good bloke', 'a great dad' or 'an outstanding community member'.

The ripple effect report could not have been clearer. It found that courts were placing too much emphasis on the type of penetrative conduct when assessing the seriousness of the offence rather than the harm to the victim or the culpability of the offender. When discussing whether she thought the court had understood the harm to her daughter, the mother of a victim-survivor told QSAC—

I felt like we were the ones being sentenced, not him...It was quickly mentioned that it has done harm to my daughter and her family... But not really acknowledging how it has changed our life forever.

QSAC found that sentencing for the rape of children did not reflect community views or the seriousness of the crime. Perhaps most shocking, in 91 per cent of rape and sexual assault cases good-character evidence was raised. In nearly one-third of cases it was given significant weight in sentencing. Too often this meant that offenders were described as being otherwise of good character or that their offending was out of character. Those excuses minimised the crime and retraumatised survivors. That is why this bill matters and it is why any further delay is unacceptable.

One quote from a victim-survivor in the QSAC report stuck with me. After hearing the good-character reference at sentence, a victim of the crime of intercourse of a child under 13 said—

I think it was all bull-

expletive; use your own imagination—

Because I don't care what he's doing now and how he's fixing himself. I want to hear about how the court is going to punish him for what he did. What he did, not what he's doing.

To those who came forward with courage, sometimes reliving the most traumatic moments of their lives: your voices have changed the law. You have made this parliament listen. The courage of those victim-survivors demands action, not delay. In the past this government have used urgency motions when it suited them politically, but when it comes to reforms for victim-survivors of sexual assault and rape, how is this not urgent? How do we not just get this done right now? We can have these provisions commence right now. It makes the government's inaction on this issue so hard to understand. If the LNP government truly believed in putting victims first, they would have acted months ago when this came before the parliament. They would have acted to have this dealt with urgently. They would have acted to have these provisions commence immediately.

Those opposite are asking victims to wait. They tell them to be patient. However, if the very culture within the ministerial office responsible for victims is one of chaos and disrespect, how can anyone believe that victims are truly their priority? Even now, as this bill finally comes to debate, the commencement date of these provisions is 1 November 2025. That is 165 days after Labor first offered bipartisan support to deliver these changes immediately.

Can we talk for just a minute about what these delays mean in the real world. Last year alone, there were nearly 3,900 recorded offences of rape and attempted rape in Queensland, which is more than 10 every day. Every day of delay is another day when survivors will be let down by a system that is not delivering justice. The ABS tells us that in Australia one in five women—that is, 2.2 million women—have experienced sexual assault. Young women aged 18 to 24 face the highest risk. Two-thirds of women who experience sexual assault live with anxiety and fear well after the attack. These are not abstract statistics; these are our colleagues, our neighbours, our friends. They are women working in our offices, women in every community and, in fact, women sitting in this very chamber. Despite who they are to others, first and foremost they are women who deserve to be safe, respected and heard. Queensland women deserve a system that listens and acts without delay.

I am proud to have been the attorney-general who, as part of a Labor government, commissioned this review and began this work. Again, I am proud that it is Labor in opposition that is pushing to see it delivered in a timely way, which victims deserve. Today I say: we support this bill but we do not support any further delays. Victim-survivors deserve better. They deserve action, not excuses. That is why I am proud that the shadow attorney-general will move an amendment to ensure that part 4 of this bill—important reforms to limit the use of good-character references in sexual assault and rape cases—commences immediately and not months down the track. Victims should not be asked to wait one more day for these changes, let alone until the end of the year.

I again thank every victim-survivor who has spoken out, who has advocated, who has shared their story and who has carried the heavy burden of turning their pain into change. This reform belongs to them, and I urge the House to support the opposition's amendment to bring part 4 into effect immediately and finally deliver on reforms that survivors have waited far too long for. Protecting victims is not a partisan issue, and neither is justice and dignity. Survivors should not have to wait when both sides of the House agree on this much needed reform.