QUEENSLAND PARLIAMENT
COMMITTEES

Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Bill 2025

Justice, Integrity and Community Safety Committee

Report No. 11

58th Parliament, July 2025

Justice, Integrity and Community Safety Committee

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Acknowledgements

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Chair's Foreword

This report presents a summary of the Justice, Integrity and Community Safety's inquiry into the Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Bill 2025.

The committee's task was to consider the policy to be achieved by the legislation and the application of fundamental legislative principles – that is, to consider whether the Bill has sufficient regard to the rights and liberties of individuals, and to the institution of Parliament. The committee also examined the Bill for compatibility with human rights in accordance with the *Human Rights Act 2019*.

The Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Bill 2025 was introduced to Parliament to implement four recommendations from the Queensland Sentencing Advisory Council report, *Sentencing of Sexual Assault and Rape: The Ripple Effect* (QSAC recommendations). The Bill also introduces a new offence of falsely representing a government agency, amends the Queensland *Crimes at Sea Act 2001* to realign relevant provisions with the Commonwealth *Crimes at Sea Act 2000*, and amends the *Working with Children (Risk Management and Screening) Act 2000* in response to recommendations made in the Queensland Family and Child Commission report, *Keeping Queensland's children more than safe: review of the blue card system.*

The committee held a public hearing and departmental briefing in Brisbane on 18 June 2025 and heard important evidence from victims of crime, advocates and peak bodies. The committee received 197 written submissions which were valuable to test the Bill and the QSAC recommendations in order to prepare this report to Parliament.

I'm proud to be part of a Government that took a thorough and measured response to the QSAC recommendations and allowed key stakeholders to have their say on those recommendations and the Bill.

On behalf of the committee, I thank those individuals and organisations who made written submissions and appeared at the public hearing, many of whom would have had to relive trauma to ensure their voices were heard. I also thank our Parliamentary Service staff and the Department of Justice for assisting us in the inquiry.

I commend this report to the House.

Marty Hunt MP

Chair

Executive Summary

On 20 May 2025, the Honourable Deborah (Deb) Frecklington MP, Attorney-General and Minister for Justice and Minister for Integrity, introduced the Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Bill 2025 (Bill) into the Legislative Assembly. The Bill was referred to the Justice, Integrity and Community Safety Committee (committee) for detailed consideration.

The objectives of the Bill are to:

- implement four recommendations from the Queensland Sentencing Advisory Council report, *Sentencing of Sexual Assault and Rape: The Ripple Effect* which involve:
  - introducing a statutory aggravating factor for rape and sexual assault against children aged 16 or 17 years
  - expanding the sentencing purposes to include recognition of harm caused to a victim of an offence
  - qualifying the court's treatment of good character as a mitigating factor in sentencing persons convicted of offences of a sexual nature, and
  - clarifying that no inference may be drawn from the absence of details of harm caused to a victim.
- introduce a new offence for falsely representing a government agency
- realign the Queensland *Crimes at Sea Act 2001* (Qld) with relevant provisions of the Commonwealth *Crimes at Sea Act 2000* (Cth)
- amend the *Working with Children (Risk Management and Screening) Act 2000* to implement recommendations made in the Queensland Family and Child Commission report, *Keeping Queensland's children more than safe: review of the blue card system*.

The committee received and considered the following evidence:

- 197 written submissions from stakeholders
- a written briefing provided by the Department of Justice (DoJ) on 27 May 2025
- evidence provided at a public hearing in Brisbane on 18 June 2025, and
- a public briefing provided by the DoJ in Brisbane on 18 June 2025.

The committee is satisfied that the Bill gives sufficient regard to the rights and liberties of individuals and the institution of Parliament as required by the *Legislative Standards Act 1992*. The committee found that the Bill is compatible with human rights as defined in the *Human Rights Act 2019*.

The committee made one recommendation—that the Bill be passed—found at page vi.

Recommendations

Glossary

2017 Review	The review of the blue card system by the Queensland Family and Child Commission conducted in 2017
Attorney-General	Honourable Deborah (Deb) Frecklington MP, Attorney-General and Minister for Justice and Minister for Integrity
Bill	Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Bill 2025
Committee	Justice, Integrity and Community Safety Committee
Criminal Code	*Criminal Code Act 1899*, Schedule 1
Department/DoJ	Department of Justice
FACAA	Fights Against Child Abuse Australia
GCCASV	Gold Coast Centre Against Sexual Violence Inc
HRA	*Human Rights Act 2019*
LAQ	Legal Aid Queensland
LSA	*Legislative Standards Act 1992*
NAPCAN	National Association for the Prevention of Child Abuse and Neglect
NQWLS	North Queensland Women's Legal Service
NYSO	National Youth Speak Out
PS Act	*Penalties and Sentences Act 1992*
QFCC	Queensland Family and Child Commission
QLS	Queensland Law Society
QSAC	Queensland Sentencing Advisory Council
QSAC Report	Queensland Sentencing Advisory Council report, *Sentencing of Sexual Assault and Rape: The Ripple Effect*
QSAN	Queensland Sexual Assault Network
QCOSS	Queensland Council of Social Service
RSARA	Rape and Sexual Assault Research and Advocacy
WWC Act	*Working with Children (Risk Management and Screening) Act 2000*
WWC Amendment Act	*Working with Children (Risk Management and Screening) and Other Legislation Act 2024*
YRAR	Your Reference Ain't Relevant

1. Overview of the Bill

On 20 May 2025, the Honourable Deborah (Deb) Frecklington MP, Attorney-General and Minister for Justice and Minister for Integrity (Attorney-General), introduced the Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Bill 2025 (Bill) into the Legislative Assembly. The Bill was referred to the Justice, Integrity and Community Safety Committee (committee) for detailed consideration.

1.1. Aims of the Bill

The objectives of the Bill are to:

- implement four recommendations from the Queensland Sentencing Advisory Council (QSAC) report, *Sentencing of Sexual Assault and Rape: The Ripple Effect* (QSAC Report) which involve:
  - introducing a statutory aggravating factor for rape and sexual assault against children aged 16 or 17 years
  - expanding the sentencing purposes to include recognition of harm caused to a victim of an offence
  - qualifying the court's treatment of good character as a mitigating factor in sentencing persons convicted of offences of a sexual nature, and
  - clarifying that no inference may be drawn from the absence of details of harm caused to a victim.[1]
- introduce a new offence for falsely representing a government agency
- realign the Queensland *Crimes at Sea Act 2001* (Qld) with relevant provisions of the Commonwealth *Crimes at Sea Act 2000* (Cth)
- amend the *Working with Children (Risk Management and Screening) Act 2000* (WWC Act) to implement recommendations made in the Queensland Family and Child Commission (QFCC) report, *Keeping Queensland's children more than safe: review of the blue card system*.

1.2. Inquiry process

The committee received and considered the following evidence:

- 197 written submissions from stakeholders
- a written briefing provided by the Department of Justice (DoJ) on 27 May 2025
- evidence provided at a public hearing in Brisbane on 18 June 2025, and
- a public briefing provided by the DoJ in Brisbane on 18 June 2025.

In addition to the 197 submissions received by the committee, over 200 individuals made a submission in support of the Your Reference Ain't Relevant (YRAR) campaign. The

[1] Explanatory notes, p 1.

YRAR campaign was co-founded by Harrison James and Jarad Grice—both survivors of child sexual abuse—and seeks to eliminate all good character references in the sentencing of convicted child sex offenders, rapists, and perpetrators of domestic violence.[2] Submissions containing the wording suggested by the YRAR campaign were accepted as one form submission, with submitter names listed.[3]

1.3. Consultation

The explanatory notes state that the nature of the amendments in the Bill, which stem from the four QSAC Report recommendations to amend the *Penalties and Sentences Act 1992* (PS Act), were informed by stakeholder consultation undertaken by QSAC. The details of this stakeholder consultation are set out in Appendix 3 of the QSAC Report.[4]

The drafting of the amendments to the PS Act, *Criminal Code Act 1899*, Schedule 1 (Criminal Code) and the *Crimes at Sea Act 2001* (Qld) was undertaken with 'legal stakeholders, victim support and advocacy services, and other relevant stakeholders'. The explanatory notes also state that '[f]eedback received during the consultation process was taken into account in finalising the amendments to these Acts in the Bill'.[5]

1.4. Legislative compliance

The committee's deliberations included assessing whether the Bill complies with the requirements for legislation as contained in the *Parliament of Queensland Act 2001*, the *Legislative Standards Act 1992* (the LSA), and the *Human Rights Act 2019* (the HRA).

1.4.1. Legislative Standards Act 1992

Assessment of the Bill's compliance with the LSA identified the following issues which are discussed in Section 2—whether:

- the retrospective application of the new statutory aggravating factor and the good character amendments is justified
- the penalty for the new offence of false representation is relevant and proportionate, and
- there is a reversal of the onus of proof in relation to the new offence of false representation without adequate justification.

The committee is satisfied that the explanatory notes tabled with the Bill comply with the requirements of Part 4 of the LSA. The explanatory notes contain a sufficient level of information, background and commentary to facilitate understanding of the Bill's aims and origins.

[2] YRAR campaign, submission 7, p. 1.
[3] See submission 193 (Form A or variation of Form A).
[4] Explanatory notes, p 8.
[5] Explanatory notes, p 8.

1.4.2. Human Rights Act 2019

Assessment of the Bill's compatibility with the HRA identified the following issues, which are discussed in Section 2:

- the right to freedom of expression (section 21 of the HRA)
- the right to liberty and security of person (section 29 of the HRA)
- the right to a fair hearing (section 31 of the HRA)
- rights in criminal proceedings (section 32 of the HRA), and
- right to protection against retrospective criminal laws (section 35 of the HRA).

The committee found that the Bill is compatible with human rights in accordance with the HRA.

A statement of compatibility was tabled with the introduction of the Bill as required by section 38 of the HRA. The statement contained a sufficient level of information to facilitate understanding of the Bill in relation to its compatibility with human rights.

1.5. Should the Bill be passed?

The committee is required to determine whether or not to recommend that the Bill be passed.

Recommendation 1

The committee recommends that the Bill be passed.

2. Examination of the Bill

This section discusses the four key objectives of the Bill.

2.1. QSAC Report recommendations

In May 2023, the then Attorney-General requested QSAC to review how sexual assault and rape offences are sentenced in Queensland and if there is a need for any change. On 16 December 2024, QSAC delivered its report, which contained 28 recommendations to improve sentencing for sexual assault and rape in Queensland.[6]

The Bill proposes to implement four recommendations of the QSAC Report which relate to amending the PS Act–to:

- introduce a statutory aggravating factor for rape and sexual assault against children aged 16 or 17 years (recommendation 1)
- expand the sentencing purposes to include recognition of harm caused to a victim of an offence (recommendation 2)
- qualify the court's treatment of good character as a mitigating factor in sentencing persons convicted of offences of a sexual nature (recommendation 5), and
- clarify that no inference may be drawn from the absence of details of harm caused to a victim (recommendation 23).[7]

2.1.1. Statutory aggravating factor

Current law

Under section 9(2)(g) of the PS Act, the court is required to have regard to any aggravating factors in determining the appropriate sentence for an offender. The term 'aggravating factors' refers to 'facts or details about the offence, victim, and/or offender that tend to increase the seriousness of the offence and the offender's culpability'.[8] DoJ explains:

> *The presence of an aggravating factor may result in a more punitive sentence being imposed; however, the court must consider all of the circumstances of the case, and weigh all relevant factors in determining the sentence.*[9]

Section 9 of the PS Act specifically prescribes certain matters as aggravating factors, such as previous convictions[10] or a domestic violence offence.[11] There are also additional aggravating factors under common law such as the offence being premeditated or the victim being particularly vulnerable due to their age.[12]

[6] QSAC website, Sentencing of Sexual Assault and Rape: The Ripple Effect.
[7] Explanatory notes, p 1.
[8] DoJ, written briefing, 27 May 2025, p 2.
[9] DoJ, written briefing, 27 May 2025, p 2.
[10] Section 9 (10) of the PS Act.
[11] Section 9 (10A) of the PS Act.
[12] DoJ, written briefing, 27 May 2025, p 3.

QSAC Report

The QSAC Report asserts that the sentences currently imposed for rape and sexual assault are not adequate as they fail to reflect the seriousness of the offending, particularly in relation to offences against children. Consequently, QSAC recommended that a new statutory aggravating factor be introduced to increase sentences for rape and sexual assault committed against children:[13]

> ***Recommendation 1 - Sentencing guidance reforms – new aggravating factor for offences against children under 18 years***
>
> *The Attorney-General and Minister for Justice progress amendments to section 9 of the Penalties and Sentences Act 1992 (Qld) to require a court to treat the fact an offence of rape or sexual assault was committed in relation to a child as aggravating. Such amendments should be progressed in the context of a broader review of section 9.*[14]

The rationale for this recommendation is that it will 'reinforce that sexual offences committed against children are more serious due to the higher level of harm experienced by child victims and greater culpability of perpetrators targeting vulnerable victims'.[15]

Bill amendments

The Bill introduces a new statutory aggravating factor to section 9 of the PS Act based on recommendation 1 of the QSAC Report.[16] The Bill provides that in determining a sentence for an offender convicted of an offence of rape or sexual assault[17] against a child aged 16 or 17 years, the court must treat the age of the victim as an aggravating factor, unless the court considers it is not reasonable because of the exceptional circumstances of the case.[18]

In deciding whether there are 'exceptional circumstances', the court may have regard to the closeness in age between the offender and victim. Regarding the statutory aggravating factor, it is immaterial that the offender did not know the victim's age or believed that they were of a different age.[19]

Stakeholder Submissions and Department Advice

i. Stakeholder submissions

A significant number of submitters support the amendment.[20] For example, Melissa Halliday contends that this proposal addresses a 'significant gap' in the sentencing legislation, and '[b]y codifying the aggravating factor, Queensland's sentencing framework would better reflect the real-world dynamics of sexual offending against older adolescents,

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13 QSAC Report, pp 136-8 (recommendation 1).
14 QSAC Report, p 39.
15 DoJ, written briefing, 27 May 2025, p 3.
16 Clause 12(6) of the Bill.
17 Criminal Code, ss 349 and 352.
18 Explanatory notes, p 3.
19 Explanatory notes, p 3.
20 GCCASV, submission 1, p 4, QSAN, submission 2, p 3, Fighters Against Child Abuse Australia, submission 5, p 1, Victims' Commissioner, submission 8, p 12, Bravehearts, submission 14, p 1,

while reinforcing the community's commitment to protecting all children'.[21]

However, while generally supportive of the amendment, the Victims' Commissioner raised concerns about the policy justification for distinguishing between different types of sexual offending and identifies other offences of a sexual nature to which the proposed aggravating factor should apply—such as abuse of persons with an impairment of the mind, distributing intimate images, observations or recordings in breach of privacy, threats to distribute intimate image or prohibited visual recording.[22] At the public hearing, the Victims' Commissioner spoke to this issue:

> *In particular, I note that the proposed amendments require a court to treat a child's age as an aggravating factor when sentencing an offender for rape or sexual violence committed against a child aged 16 or 17. However, the vulnerability of older child victims and the enduring harm they will face across their lifespan because of sexual offending committed against them is not confined to offences of rape and sexual assault. It is not even confined to sexual offences involved in physical contact. In this instance, I think we must recognise harm experienced by child victims aged 16 and 17. That is why I have recommended that the committee consider other sexual offences primarily within that context and that they should also be subject to the proposed aggravating factor.*[23]

The National Association for the Prevention of Child Abuse and Neglect (NAPCAN) and National Youth Speak Out (NYSO) also support the introduction of a statutory aggravating factor, but recommend that the definition of aggravating circumstances be expanded to recognise offenders who are in a position of authority, such as teachers and sports coaches, to better allow courts to determine whether consent was valid and voluntary.[24]

The Queensland Law Society (QLS) submitted that it is not clear whether new section 9(9BB) is intended to be an exception to the requirement to treat age as an aggravating factor or whether it is intended to provide guidance as to what constitutes exceptional circumstances.[25]

ii. Department advice

The DoJ notes the general support for the amendment to introduce a new statutory aggravating factor for sexual offences against children aged 16 and 17 years.[26]

In response to the Victims' Commissioner's comments suggesting the scope of the aggravating factor be expanded to other offences, DoJ advised the offences to which the statutory aggravating factor applies—rape and sexual assault—is consistent with recommendation 1 of the QSAC Report.[27]

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21 Melissa Halliday, submission 135, p 6.
22 Victims' Commissioner, submission 8, pp 12-13.
23 Public hearing transcript, Brisbane, 18 June 2025, p 7.
24 NAPCAN, submission 11, pp 3-4.
25 QLS 12, p 3.
26 DoJ, correspondence, 12 June 2025, attachment (response to submissions), pp 5-6.
27 DoJ, correspondence, 12 June 2025, attachment (response to submissions), p 6.

In response to the recommendation from NAPCAN and NYSO to expand the definition of aggravating circumstances to better allow courts to determine if consent was valid and voluntary, DoJ notes that the aggravating factor applies only to sentencing after a person has been convicted. A decision about whether consent was valid and voluntary is not relevant to the sentencing process; such a determination would have been made to convict the person.[28]

In response to the recommendation from NAPCAN and NYSO to establish clear guidelines for exceptional circumstances, DoJ explains that 'exceptional circumstances' is currently in the PS Act. It is a matter the court often determines, and given the inherent nature of the term, it is not practical to detail circumstances that are exceptional.[29]

In response to QLS' concerns regarding the purpose of new section 9(9BB), DoJ advised that the subsection provides guidance to the court 'in deciding whether there are exceptional circumstances'. In this regard, DoJ noted that the drafting of section 9(9BB) is consistent with the drafting of current section 9(5).[30]

Committee comment

The committee is satisfied that the amendments in the Bill suitably reflect recommendation 1 of the QSAC Report to introduce a statutory aggravating factor for rape and sexual assault against children aged 16 or 17 years.

2.1.2. Inclusion of recognition of harm done to victims as a sentencing purpose

Current law

When imposing a sentence, a court must meet one or more sentencing purposes defined by the PS Act.[31] The five purposes for which a court may impose a sentence include punishment, rehabilitation, deterrence, denunciation and protection.[32]

QSAC Report

A key finding of the QSAC Report is that current sentencing purposes under section 9(1) of the PS Act, 'while broad, do not adequately recognise the need to hold the perpetrator accountable for harm done to the victim survivor and to promote in the perpetrator a sense of responsibility for, and acknowledgement of, that harm as an important aspect of sentencing'.[33]

In QSAC's view, making recognition of victim harm an express sentencing purpose will enhance visibility for both the judiciary and community, and respond to concerns of victims

[28] DoJ, correspondence, 12 June 2025, attachment (response to submissions), p 6.
[29] DoJ, correspondence, 12 June 2025, attachment (response to submissions), p 6.
[30] DoJ, correspondence, 12 June 2025, attachment (response to submissions), p 1.
[31] Section 9(1) of the PS Act.
[32] DoJ, written briefing, 27 May 2025, p 3.
[33] QSAC Report, p 251.

that harm is not sufficiently acknowledged in the sentencing process.[34] Accordingly, the QSAC Report made the following recommendation:

> ***Recommendation 2 - Recognition of victim harm in the sentencing purposes***
>
> *The Attorney-General and Minister for Justice progress amendments to section 9(1) of the Penalties and Sentences Act 1992 (Qld) to include recognition of the harm done to victim survivors.*[35]

Bill amendments

The Bill seeks to address recommendation 2 of the QSAC Report by amending section 9(1) of the PS Act to include 'recognition of the harm done by the offender to a victim of an offence as a sentencing purpose'.[36] The explanatory notes provide:

> *Including harm to a victim as an express sentencing purpose aims to enhance visibility of the recognition of the harm to victims in the sentencing process and acknowledge the need to hold offenders accountable for the harm done to victims.*[37]

In its written briefing, DoJ explains that this amendment 'enables recognising harm to a victim to be the reason, or one of the reasons, the court imposes a sentence' and 'enhances the court's focus on harm done to victims'.[38]

This amendment will apply retrospectively to sentencing proceedings occurring on or after the commencement of the provision, irrespective of whether the offence for which the person is being sentenced, or conviction for that offence, occurred before, on, or after commencement of the provision.[39]

Stakeholder Submissions and Department Advice

i. Stakeholder submissions

A substantial number of submissions support the proposed amendments.[40] During the public hearing, the Queensland Sexual Assault Network (QSAN) outlined why it is important to include recognition of victim harm as a sentencing purpose:

> *The whole reason that investigation was done by QSAC was around the issue of how victim-survivors felt about the sentencing process. Many of them felt really disconnected from it. Often the focus of the sentencing process itself can be on safety, but often that is community safety and it does not take into account the particular harm that has been done to the individual. Obviously different judges can take a different approach, but by putting this into the*

[34] QSAC Report, p 252.
[35] QSAC Report, p 39.
[36] Explanatory notes, p 2.
[37] Explanatory notes, p 2.
[38] DoJ, written briefing, 27 May 2025, p 8.
[39] Explanatory notes, p 2.
[40] GCCASV, submission 1, p 4, QSAN, submission 2, p 3, Voice for Victims, submission 3, p 1, QFCC, submission 4, p 5, Victims' Commissioner, submission 8, p 9, NQWLS, submission 10, p 2.

> *legislation it really directs the court and gets consistency across the state in relation to taking victim harm into account.*[41]

North Queensland Women's Legal Service (NQWLS) agrees with the introduction of the proposed new section 9(1)(ca) of the PS Act. It further submitted that:

- the new subsection be elevated to be first in the list of purposes
- 'harm' be expanded to the 'physical, mental, emotional and other harm' done by the offender to the victim
- section 9(1)(a) be amended to make a specific reference to the idea that a 'just' sentence is not only what is just for an offender, but for the victim.[42]

Melissa Halliday welcomed the proposed amendment but suggested that its effectiveness will depend on judicial training and interpretation, how harm is defined and assessed, and whether the courts meaningfully apply the principle or treat it as symbolic.[43]

Legal Aid Queensland (LAQ) strongly opposes the change to the sentencing purposes submitting that the amendment is unnecessary given that section 9(2)(c)(i) already provides that 'a court *must* have regard to any physical, mental, or emotional harm done to a victim'. LAQ further argues it is important to ensure a judicial officer imposing a sentence maintains a broad-ranging discretion to reflect the unique features of the case.[44] QLS made a similar submission in this regard.[45]

ii. Department advice

In response to comments from the NQWLS about elevating the new purpose, DoJ advised that the purposes are not listed in order of priority and that the court may impose a sentence for any of the purposes or combination of purposes. In relation to NQWLS' comments about expanding 'harm', DoJ explains 'harm' is not confined to a particular type of harm and as the term is not defined for the purpose of section 9(1), it will have its plain and ordinary meaning. DoJ stated that the amendment to section 9(1)(a) suggested by NQWLS regarding a 'just' sentence for an offender and victim is outside the scope of the Bill.[46]

DoJ notes the views of LAQ and QLS that the amendment concerning the sentencing purposes is unnecessary, however advised the proposed amendment 'implements recommendation 2 of the QSAC Report to expand the sentencing purpose to include the recognition of the harm done to a victim by the offender'.[47]

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41 Public hearing transcript, Brisbane, 18 June 2025, p 2.
42 NQWLS, submission 10, p 2.
43 Melissa Halliday, submission 135, p 4.
44 LAQ, submission 15, pp 2-3.
45 QLS, submission 12, p 2.
46 DoJ, correspondence, 12 June 2025, attachment (response to submissions), p 4.
47 DoJ, correspondence, 12 June 2025, attachment (response to submissions), p 4; DoJ, correspondence, 13 June 2015, attachment (supplementary response to submissions), p 1.

Committee comment

The committee is satisfied that the amendment in the Bill suitably reflects recommendation 2 of the QSAC Report to expand the sentencing purposes to include recognition of harm caused to a victim of an offence.

2.1.3. Good character evidence

Current law

When determining the appropriate sentence for an offender, section 9(2)(f) of the PS Act requires the court to have regard to the offender's character. Section 11(1) of the PS Act sets out the matters the court may consider in determining an offender's character including:

- the number, seriousness, date, relevance and nature of any previous convictions of the offender
- the history of domestic violence orders made or issued against the offender, other than orders made or issued when the offender was a child
- any significant contributions made to the community by the offender, and
- such other matters as the court considers are relevant.

Section 9(2)(g) of the PS Act provides that a court when sentencing an offender must have regard to the presence of any aggravating or mitigating factors. Under common law, a person's good character is an established mitigating factor.[48,49]

QSAC Report

The QSAC Report found that there is 'no doubt the proper use and relevance of "good character" evidence in the context of sentencing for sexual offences is contentious and divisive'. QSAC observed 'numerous examples of problematic language being used, particularly when referring to character references' and acknowledged that this 'can be deeply distressing and retraumatising for victim survivors'.[50]

QSAC concluded that problems arise in relation to the following three types of good character evidence:

- evidence in the form of a character reference that contains subjective and a non-professional opinion about a sentenced person's personality traits
- evidence of a person's standing in the community, and

[48] DoJ, written briefing, 27 May 2025, p 5.

[49] However, the PS Act displaces this common law requirement to have regard to an offender's good character concerning offences of a sexual nature committed in relation to a child under 16 years and child exploitation material offences if the good character assisted the offender in committing the offence (see sub-sections 9 (6A) and (7AA) of the PS Act).

[50] QSAC Report, p 304.

- evidence of contributions to the community.[51]

QSAC did not recommend a 'blanket prohibition' on these types of character evidence. Rather, it recommended permitting their use as being relevant to the prospects of rehabilitation and the risk of reoffending.[52] Accordingly, recommendation 5 of the QSAC Report provides for the following amendments:

> ***Recommendation 5 - Reforms to the use of 'good character' evidence***
>
> *The Attorney-General and Minister for Justice progress amendments to the Penalties and Sentences Act 1992 (Qld) to qualify the current position under the Act as to the treatment of 'good character' evidence.*
>
> *Amendments should provide that, despite section 11 of the Penalties and Sentences Act 1992 (Qld), in determining the character of an offender being sentenced for a sexual offence committed by an adult and where section 9(6A) does not apply, a court must not take into account:*
>
> - *evidence in the form of character references;*
> - *evidence of a person's standing in the community; or*
> - *evidence of significant contributions made to the community by the offender*
>
> *unless such evidence is relevant to assessing the person's prospects of rehabilitation or risks of reoffending (which is of direct relevance to sentencing purposes and factors listed under section 9(1) of the Penalties and Sentences Act 1992 (Qld)).*
>
> *In addition, courts should be provided with an express legislative discretion not to mitigate the sentence for the person's 'otherwise good character' based on character references, standing or contributions to the community. This discretion should be exercised having regard to the nature and seriousness of the offence, including the physical, mental or emotional harm done to a victim and the vulnerability of the victim.* [53]

Bill amendments

The Bill amends the PS Act to qualify the court's treatment of good character in sentencing offenders convicted of sexual offences to take into account recommendation 5 of the QSAC Report. Under these amendments, the Bill provides that if the court determines the offender is of good character based on one or more restricted types of character evidence—being a character reference, standing in the community, or contributions to the community—the court may treat their good character, to the extent it was established by those types of evidence, as a mitigating factor only if the good character is relevant to their prospects of rehabilitation or risk of reoffending.[54]

However, the court may decide not to treat an offender's good character as a mitigating factor where the good character has been established through a restricted form of character evidence and is relevant to rehabilitation or reoffending, 'due to the nature and

[51] QSAC Report, p 304.
[52] QSAC Report, pp 304-7 (recommendation 5).
[53] QSAC Report, p 40.
[54] DoJ, written briefing, 27 May 2025, p 8; explanatory notes, pp 2-3.

seriousness of the offending'.[55] In this regard, in deciding whether to treat the good character as a mitigating factor, the court must have regard to the nature and seriousness of the offence, including:

- any physical, mental or emotional harm to the victim, and
- the vulnerability of the victim.[56]

In relation to sexual offences committed against a child under 16, the explanatory notes provide that:

> *The new qualifications on the court's treatment of good character apply subject to the requirement that the court must not treat an offender's good character as a mitigating factor if it assisted them to commit the offence.*[57]

Regarding the amendments concerning 'good character evidence', the Attorney-General explained that:

> *The amendments give direct effect to the council's recommendation to restrict the use of problematic types of good character evidence while retaining the sentencing court's discretion to consider this evidence in appropriate cases.*[58]

This amendment will apply retrospectively to sentencing proceedings occurring on or after the commencement of the provision, irrespective of whether the offence for which the person is being sentenced, or conviction for that offence, occurred before, on, or after commencement of the provision.[59]

Stakeholder Submissions and Department Advice

i. Stakeholder submissions

The proposed reforms limiting the use of good character evidence generated the largest response from stakeholders and was discussed in depth during the public hearing. For example, QSAN stated:

> *The use of good character evidence is highly traumatic and offensive to victim-survivors. It demeans, dismisses and minimises their experience of sexual violence. That has lifelong impacts. … There is better and more informed evidence a court can rely on to obtain this evidence than from the uninformed opinions of family and friends of convicted offenders.*[60]

Further, Rape and Sexual Assault Research and Advocacy (RSARA) asserted:

> *Rape and sexual assault are never acceptable. Good character evidence suggests that committing these offences is more acceptable where an offender can establish unrelated, supposedly redeeming qualities that failed to prevent the offending in the first place.*[61]

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55 DoJ, written briefing, 27 May 2025, p 8; explanatory notes, pp 2-3.
56 DoJ, written briefing, 27 May 2025, p 8.
57 DoJ, written briefing, 27 May 2025, p 8; explanatory notes, pp 2-3.
58 Record of Proceedings, 20 May 2025, p 1208.
59 Explanatory notes, p 3.
60 Public hearing transcript, Brisbane, 18 June 2025, p 2.
61 Public hearing transcript, Brisbane, 18 June 2025, p 3.

While some submitters support the proposed reforms as presented in the Bill,[62] a larger number suggest that they do not go far enough in addressing concerns[63] and advocate for the removal of all character references for the sentencing of:

- sexual offenders[64]
- sexual offenders (including child sex offenders) and domestic violence offenders[65]
- serious domestic violence offences and serious drug offences[66]
- child sex offenders,[67] or
- all offences.[68]

The YRAR campaign called for the 'complete abolition of good character references in sentencing for sexual offences without exceptions' and argued that the Bill 'would still allow some offenders to exploit good character references, leaving a very dangerous loophole'. Mr James added:

> …*the bill's partial approach, which only restricts references in certain circumstances, would still permit convicted offenders who abuse non-institutional relationships—like a family member, neighbour or step-parent—to invoke good character at sentencing, effectively giving them a discount for the very trait that enabled their crime.*[69]

Mr James highlighted that the New South Wales Sentencing Council is currently reviewing the use of good character evidence and called on the Queensland Parliament to defer finalising the Bill until that report is released.[70]

Other views expressed by stakeholders include:

- QSAN considers that the amendments will not limit the use of good character references much, if at all, and the references will continue to be used in the usual way.[71]
- Gold Coast Centre Against Sexual Violence Inc (GCCASV) submits that the impact of decisions that required good character to be considered should be reversed.[72]

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62 For example, see QFCC, submission 4, pp 5-6.
63 For example, see GCCASV, submission 1, p 2.
64 For example, see RSARA, submission 6, p 1, QSAN, submission 2, p 2, Kelly Humphries, submission 16, p 3.
65 For example, see YRAR campaign, submission 7, pp 1-4, NAPCAN and NYSO, submission, 11, p 2, Tayler Porteiro, submission 192, p 1.
66 NQWLS, submission 10, p 2.
67 For example, see FACAA, submission 5, p 1, Bravehearts, submission 14, p 3, Christina Damos, submission 19, p 1.
68 For example, see Victims Commissioner, submission 8, p 12.
69 Public hearing transcript, Brisbane, 18 June 2025, p 15.
70 YRAR campaign, submission 7, p 4.
71 QSAN, submission 2, p 3.
72 GCCASV, submission 1, pp 2-3.

- Queensland Council of Social Service (QCOSS) recommends that requirements for a statutory review be included in the Bill.[73]

LAQ argued that no changes are necessary to how 'good character evidence' can be considered by courts in relation to sexual offences. LAQ submitted that '[p]rotective measures are enshrined in the legislation to the effect that, if an offender's good character assisted the offender in committing an offence against a child under 16, the court must not take the good character into account'.[74]

Similarly, QLS does not support the amendments to good character evidence in the Bill.[75] QLS observed that removing character evidence, except in particular circumstances, would limit the courts' access to information that may be vital in formulating a sentence that balances all relevant features and is tailored to the individual circumstances of a case.[76] QLS suggested that the Bill be amended to replace new sections 9(3A)-(3C) with:

> *In sentencing an offender for an offence of a sexual nature, good character evidence will not be considered to be a mitigating factor on sentence unless it is of assistance to the court in considering the matters to which it must have regard under section 9.*[77]

While QLS does not support the amendments, it did concede that the approach taken in the Bill with respect to restricted character evidence is preferred to the complete abolishment of good character evidence in its entirety. QLS told the committee:

> *Yes, it is preferred over the abolishment of good character evidence, but the QLS support judicial discretion being available in all circumstances to achieve individualised justice for the immeasurable number of different scenarios that come before the courts every day. We would strongly prefer that there not be that limitation, but it is preferable to an abolishment of it altogether, yes.*[78]

During the hearing, QSAN responded to the alternative position put forward by LAQ and QLS that no changes are necessary. It argued:

> *The risk of reoffending and rehabilitation of convicted sex offenders is for experts. The court can get an expert opinion. It is not for the uninformed, biased, subjective opinion of family and friends of the convicted rapist. It is actually quite unbelievable that we are even discussing this and that it is actually allowed. You can imagine a victim-survivor in court, having gone through the entire process where they have had to prove everything to the highest standard possible—under two per cent of matters of sexual violence are ever convicted; they have gone against all the odds—and then easily the defence can just hand up this information that has such an influence over the sentencing outcome. No wonder they are distressed and traumatised by that process when they see that occur.*[79]

[73] QCOSS, submission 9, p 10.
[74] LAQ, submission 15, p 3.
[75] QLS, submission 12, p 2.
[76] QLS, submission 12, p 2.
[77] QLS, submission 12, p 3.
[78] Public hearing transcript, Brisbane, 18 June 2025, p 22.
[79] Public hearing transcript, Brisbane, 18 June 2025, pp 2-3.

This sentiment—that the risk of reoffending and the potential for rehabilitation are issues that should be dealt with through expert evidence rather than lay evidence—was echoed by Mr Harrison James from YRAR:

> *We are talking about stripping the ability for someone's mate to come into a courtroom after they have been found guilty of sexually abusing a child and have these letters to say they are a good bloke. When I sit in the courtroom with victim-survivors and they have to hear that the offender who abused them for six years is a champion of young people because that is what his friend wrote in a letter—that is utterly disgraceful. Those things…are already demonstrated throughout the trial—prospects of rehabilitation.* [80]

ii. Department advice

At the public briefing, DoJ acknowledged that 'stakeholders who made written submissions to the committee had divergent views about the amendments to good character evidence proposed in the Bill'.[81] Specifically, DoJ said:

> *Some stakeholders … supported the amendments, while others advocated for greater restrictions on the use of good character evidence. A large number of submissions advocated for a complete prohibition on the sentencing court considering good character evidence or good character references specifically in relation to these particular types of offences. The department acknowledges that a number of these submissions were made by victims of crime and recognises that victims can find the use of good character evidence distressing.*[82]

DoJ noted the suggestions from submitters that the qualification on the use of good character evidence does not go far enough.[83] It advised that the amendments are based on recommendation 5 of the QSAC Report, stating:

> *QSAC concluded in its report that evidence of good character can have a legitimate role in the sentencing process and that sentencing courts should be informed by the best available evidence. QSAC did not identify a problem with the use of good character evidence generally, rather it found there is a problem with certain types of good character evidence, including character references, it did not recommend a blanket prohibition on the use of these types of good character evidence, as it considered it is impossible to disentangle the problematic elements from other elements that serve a legitimate and important purpose in sentencing.*[84]

At the public briefing, DoJ responded to the concern expressed by submitters, such as QSAN,[85] that good character evidence will most likely continue to be presented in support of good prospects for rehabilitation and low risk of reoffending. It explained:

> *The focus of the amendments are really to restrict that, and to restrict the use of good character evidence. One of the focuses of QSAC was the generalised use of good character evidence. Even though it may have been considered by*

[80] Public hearing transcript, Brisbane, 18 June 2025, p 17.
[81] Public briefing transcript, Brisbane, 18 June 2025, p 2.
[82] Public briefing transcript, Brisbane, 18 June 2025, p 2.
[83] DoJ, correspondence, 12 June 2025, attachment (response to submissions), p 7.
[84] DoJ, correspondence, 12 June 2025, attachment (response to submissions), p 7.
[85] QSAN, submission 2, p 3.

> *the court for determining whether there was a risk of reoffending, the bill will prohibit its use for any other purpose. It is not just that it 'could be' used for that but it can 'only' be used for that. So while some of the evidence that is currently presented and that may be permitted under the amendments that are proposed in the bill, it will need to be more targeted and specific. It is those general sweeping statements such as 'He's a good bloke' that will need to be specifically linked to why that is relevant to their prospect of rehabilitation or their risk of reoffending.*[86]

DoJ also responded to the contention made by witnesses that ultimately, rehabilitative prospects and the risk of reoffending, are questions for expert evidence. It stated:

> *If every sentencing proceeding needed expert evidence in order to inform prospects of rehabilitation or reoffending that could have an adverse impact for victims in terms of significantly delaying sentencing proceedings and the conclusion to their involvement in the criminal justice system. While there are ideal forms of evidence and an expert, professional or psychiatrist opinion may be more validated in those respects, it is getting the balance right between putting the evidence before the court and allowing them to consider it all and how it can be used in the sentencing proceeding.*[87]

DoJ noted that the suggested amendments by the QLS are 'inconsistent with QSAC's recommendation that the evidence only be considered for assessing the offender's prospects of rehabilitation and risk of reoffending'.[88]

Committee comment

The committee is satisfied that the amendments in the Bill suitably reflect the recommendation by QSAC to qualify the court's treatment of good character as a mitigating factor in sentencing persons convicted of offences of a sexual nature. This approach strikes the correct balance between providing the court with sufficient discretion to receive evidence which may be relevant to an offender's risk of reoffending or prospects of rehabilitation and reducing the negative impact of certain types of good character evidence, such as good character references, that are problematic and distressing for victims of crime.

2.1.4. Absence of details of harm to the victim

Current law

Section 179K of the PS Act provides that the victim of a relevant offence, including rape or sexual assault, may give the prosecutor details of any harm caused by the offence for the purpose of the prosecutor informing the sentencing court. If details of harm are given to the prosecutor, the prosecutor must give the appropriate details to the sentencing court

[86] Public briefing transcript, Brisbane, 18 June 2025, p 7.
[87] Public briefing transcript, Brisbane, 18 June 2025, p 8.
[88] DoJ, correspondence, 13 June 2025, attachment (supplementary response to submissions), p 2.

(the prosecutor may redact inflammatory, inappropriate, or inadmissible information).

Details of victim harm may be given to the prosecutor in the form of a victim impact statement. Victim impact statements play an important role in sentencing hearings as '[t]hey provide a voice to victims of crimes and their families and offer a personal perspective for courts that may assist the court in determining the appropriate sentence'.[89]

DoJ advised that it is not compulsory for a victim to provide a victim impact statement. A victim may wish to keep such information confidential or not wish to be further distressed by preparing such a document. Additionally, on occasions the prosecutor may choose not to request a victim impact statement if it is in the interests of justice to do so, such as it may unreasonably delay the sentencing.[90]

Relevantly, section 179K(5) of the PS Act provides that the fact that details of harm caused to a victim are absent at the sentencing does not, of itself, give rise to an inference that the offence caused little or no harm to the victim.[91]

QSAC Report

In QSAC's view, the current wording of section 179K(5) may place pressure on a victim to provide a victim impact statement.[92] Accordingly, QSAC recommended the following:

> ***Recommendation 23 - Amendment to section 179K(5) of the Penalties and Sentences Act 1992 (Qld)***
>
> *The Queensland Government amend section 179K(5) of the Penalties and Sentences Act 1992 (Qld) to ensure a court does not draw any inference about whether the offence had little or no harm caused to the victim survivor from the fact that a victim impact statement was not given.*[93]

QSAC concluded that strengthening the wording of section 179K(5) to prohibit a court from drawing 'any inference' about whether the offence caused harm from the fact that a victim impact statement was not given will promote victims' rights to be treated with respect and dignity, protect their personal information and remove any pressure to provide a victim impact statement.[94]

Bill amendments

The amendments to section 179K(5) respond to the QSAC Report findings that there was a perception from some victims that they were obligated or should make a victim impact statement.[95] The Bill amends the PS Act by omitting and replacing section 179K(5) to clarify that 'the absence at sentencing of a victim impact statement or other details of harm caused to a victim, does not give rise to any inference that the offence caused little or no

[89] DoJ, written briefing, 27 May 2025, p 9.
[90] DoJ, written briefing, 27 May 2025, p 7.
[91] DoJ, written briefing, 27 May 2025, p 7.
[92] QSAC Report, p 588.
[93] QSAC Report, p 46.
[94] QSAC Report, p 589.
[95] DoJ, public briefing transcript, Wednesday 18 June 2025, p 9.

harm to the victim'.[96]

DoJ's written briefing explains:

> *The amendment removes any ambiguity that may be placing pressure on victims to provide a victim impact statement. Clarifying that a victim choosing not to provide a victim impact statement may not be interpreted by the court as meaning that the victim has not experienced harm, promotes victims' right to self-determination (to choose whether or not to give a victim impact statement) and right to privacy (to not disclose personal and sensitive information).*[97]

Stakeholder Submissions and Department Advice

i. Stakeholder submissions

Many stakeholders support the amendment to section 179K(5), identifying a range of reasons a victim may not provide a victim impact statement.[98] For example, Bravehearts argued that there are a 'variety of deeply personal, psychological, legal and social reasons' for sexual abuse victims choosing not to provide a victim impact statement.[99] The Victims' Commissioner makes a similar point and also stresses the importance of a victim's choice:

> *It is really important, given that it is such a principal opportunity and the only opportunity to participate in sentencing considerations, that it is not inferred by a court that there not be any harm or that the harm is minimised or that there is not extraordinary impact for a victim-survivor if they make the choice in their own best interests not to provide a victim impact statement.*[100]

While supporting the amendment to section 179K and acknowledging the Bill represents 'important steps towards prioritising the rights and needs of victims', the Victims' Commissioner also recommends progressing other recommendations of the QSAC Report, including recommendations 21 and 22.[101] These recommendations relate to undertaking a comprehensive review of the victim impact statement regime, and clarifying the roles and responsibilities of agencies involved in preparing victim impact statements.[102]

Conversely, LAQ does not support the amendment to 179K and submitted that the current provision is sufficient to cover the concerns raised as the purpose behind the amendment. LAQ argued that 'the courts are unlikely to infer that little or no harm has been caused to the victim as a result of the absence of a victim impact statement'. Further, section 179K(6) 'makes clear that providing details of harm caused to a victim is not mandatory'.[103]

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96 Cl 13 of the Bill; explanatory notes, p 3.
97 DoJ, written briefing, 27 May 2025, p 9.
98 GCCASV, submission 1, p 4, QSAN, submission 2, p. 3, Voice for Victims, submission 3, p. 1. QFCC, submission 4, p 6, Victims Commissioner, submission 8, pp 13-14, NQWLS, submission 10, p. 2, NAPCAN and NYSO, submission 11, p. 4, and QIFVLS, submission 13, p. 6, Melissa Halliday, submission 135, p. 7.
99 Bravehearts, submission 14, p. 4.
100 Public hearing transcript, Brisbane, 18 June 2025, p 5.
101 Public briefing transcript, Brisbane, 18 June 2025, p 7.
102 Victims' Commissioner, submission 8, p. 14.
103 LAQ, submission 15, p. 2.

LAQ also observed that the proposed amendment goes beyond the scope of matters canvassed in the QSAC Report as section 179K applies to all criminal sentencing matters. It suggested that the concerns raised in the QSAC Report would be more appropriately addressed by an increase in education and support to victims of crime about their rights and options.[104]

ii. Department advice

In its written response, DoJ notes stakeholder support for the amendment, and echoes the statement made by the Attorney-General in introducing the Bill; that the recommendations of the QSAC Report are being assessed in a staged manner. It further explained at the public briefing that section 179K is intended to be voluntary and does set out that it is not mandatory for a victim to provide an impact statement. The amendment is therefore a 'clarifying provision to put it beyond any doubt' that a victim is not obligated to provide a victim impact statement and that such a decision will not lead to any adverse inference drawn by the court.[105]

Committee comment

The committee is satisfied that the amendment in the Bill suitably reflects the recommendation by QSAC to clarify that no inference may be drawn from the absence of details of harm caused to a victim.

The committee acknowledges the additional recommendations made by the Victims' Commissioner in relation to victim impact statements and welcomes the announcement by the Attorney-General in introducing the Bill that the next stage of addressing the QSAC recommendations will include a holistic review of section 9 of the *Penalties and Sentences Act* and the victim impact statement regime.[106]

2.1.5. Consistency with fundamental legislative principles

Retrospectivity

In considering whether legislation has sufficient regard to the rights and liberties of individuals, a matter to be taken into account is whether the legislation adversely affects rights or liberties retrospectively.[107] Strong justification is required for retrospective provisions in legislation.[108]

Under the Bill, the issue of retrospectivity arises in relation to the following two amendments to section 9 of the PS Act:

[104] LAQ, submission 15, p. 3.
[105] Public briefing transcript, Brisbane, 18 June 2025, p 9.
[106] Record of Proceedings, 20 May 2025, p 1208.
[107] LSA, s 4(3)(g).
[108] Office of the Queensland Parliamentary Counsel, *Fundamental legislative principles: the OQPC Notebook*, p 56.

- to introduce a new statutory aggravating factor which requires a court to treat the age of a victim of rape or sexual assault who is a child of 16 or 17 years as an aggravating factor in sentencing[109] (unless the court considers it is not reasonable due to the exceptional circumstances of the case).[110]
- to provide that a court may treat an offender's good character, to the extent it is established by 3 particular forms of evidence,[111] as a mitigating factor in sentencing an offender convicted of a sexual offence, only if it is relevant to the offender's prospects of rehabilitation or risk of reoffending.[112] The Bill also provides that the court may, despite character evidence being relevant to an offender's prospects of rehabilitation or risk of re-offending, decide not to treat it as a mitigating factor in sentencing, having regard to the nature and seriousness of the offence.[113]

Both of these amendments would apply to the sentencing of an offender, after commencement of the Bill, whether the offence or conviction happened before or after commencement of the Bill.[114]

As stated in the explanatory notes, the new statutory aggravating factor and the good character amendments do not change criminal liability or alter what constitutes an offence or increase maximum penalties for an offence.[115] They do however change the specific factors considered by a court in determining a sentence and could result in a person receiving a longer sentence.[116] Indeed, this is one of the purposes of the Bill as a whole—to ensure sentences appropriately reflect the seriousness of offending behaviour and offender culpability.[117]

Given the amendments apply to the sentencing of an offender after commencement of the Bill (even if the offence was committed before commencement), they would affect some persons retrospectively.[118] The explanatory notes consider that any departure from fundamental legislative principles is 'moderated by the scope of the amendments',[119] and it is likely that, because of the limited scope of the amendments, only a small cohort of offenders would be impacted by the retrospective operation of the relevant provisions.

[109] Bill, cl 12 (PS Act, new s 9 (9BA)); explanatory notes, pp 3, 5-6.
[110] Bill, cl 12 (PS Act, new s 9 (9BB)).
[111] See Bill, cl 12 (PS Act, new s 9(3A)(b)).
[112] Bill, cl 12 (PS Act, new s 9(3A) and (3B)); explanatory notes, pp 2-3, 5-6.
[113] See Bill, cl 12 (PS Act, new s 9(3C)).
[114] Bill, cl 14 (PS Act, new s 264 (transitional provision)); explanatory notes, pp 3, 6.
[115] Explanatory notes, p 6.
[116] Explanatory notes, p 6; statement of compatibility, p 3.
[117] Statement of compatibility, p 3.
[118] Explanatory notes, p 6; statement of compatibility, p 3.
[119] Explanatory notes, p 6.

Committee comment

The committee's view is that the retrospective application of the new statutory aggravating factor and the good character amendments is justified in the circumstances as any retrospective operation of these amendments is ameliorated by the scope of the amendments.

While the committee acknowledges that these amendments may result in longer periods of imprisonment for offenders, the committee is cognisant of the fact that it is the intention of the Bill to ensure sentences appropriately reflect the seriousness of offending behaviour and offender culpability.

2.1.6. Compatibility with human rights under the HRA

The provisions regarding a new statutory aggravating factor and the qualified treatment of good character evidence potentially limit the following human rights:

- the right to liberty and security of persons (section 29 of the HRA), and
- the right to protection against retrospective criminal laws (section 35 of the HRA).

Right to liberty and security

The proposed introduction of an aggravating factor is limited to instances where the court is sentencing offenders convicted of rape or sexual assault against a child aged 16 or 17 years. There is strong public interest in ensuring that offences of this nature are treated with an appropriate level of seriousness and that offenders are held to account for their actions, such as through harsher sentences. [120]

In relation to the right to liberty and security under section 29 of the HRA, the proposed amendments may result in the court imposing a term of imprisonment, or a longer term of imprisonment, when sentencing offenders.[121] The Bill would do this by altering the court's consideration of specific factors in the determination of a sentence.[122]

The statement of compatibility asserts that the proposed amendments seek to 'ensure sentences appropriately reflect the seriousness of the offending behaviour and offender culpability'.[123] Further, that the provisions would allow the court to 'impose sentences at the higher end of the sentencing range for offences of a sexual nature, whilst preserving the court's general discretion in sentencing'.[124]

Although the proposed amendments may result in a more severe sentence for an offender, the sentence would remain within the sentencing range and would not exceed the maximum prescribed for the relevant offences. The limitation on human rights is balanced against the court's retention of discretion to not treat the age of the victim as an

[120] Statement of compatibility, p 3.
[121] Statement of compatibility, p 3.
[122] Statement of compatibility, p 3.
[123] Statement of compatibility, p 3.
[124] Statement of compatibility, p 3.

aggravating factor where it considers it is not reasonable to do so due to the exceptional circumstances of the case.[125]

The amendments seeking to qualify the court's treatment of good character in sentencing offenders share a range of similar justifications as the proposed aggravating factor, such as, being limited to offences of a sexual nature, reflecting community expectations, and ensuring that offences of this nature are treated with an appropriate level of seriousness. The limitation on human rights is balanced against the court's retention of discretion to treat good character (established by a restricted form of character evidence) as a mitigating factor, if it is relevant to assessing the offender's prospects of rehabilitation or risks of reoffending.

Right to protection against retrospective criminal laws

The amendments in the Bill which qualify the court's treatment of an offender's good character and introduce a statutory aggravating factor will operate retrospectively to the extent it will apply to sentencing proceedings occurring on or after commencement irrespective of whether the offence or conviction occurred before or after commencement of the relevant provisions.

Committee comment

Regarding the human rights aspects which arise in relation to the proposed introduction of a new 'statutory aggravating factor' and the proposed new limits on the use of 'good character evidence', it is the committee's view that the Bill achieves a 'fair balance' between the purpose of the limitations and the limitations on human rights, such that the Bill is compatible with human rights, both in terms of the right to liberty and security and the right to protection against retrospective criminal laws.

2.2. New offence for falsely representing a government agency

2.2.1. Context and current law

The Australian Competition and Consumer Commission reported that scams that impersonate government agencies are becoming increasingly common in Australia.[126] DoJ observed that:

> *The authority and trust associated with government agencies means people may be more vulnerable to scams involving the impersonation of a government agency and may be more susceptible to disclosing personal information if they believe the request is being made by someone acting on behalf, or with the authority, of a government agency. … This may be particularly problematic if*

[125] Statement of compatibility, p 3.
[126] DoJ, written briefing, 27 May 2025, p 9; see also Australian Government: ScamWatch. https://www.scamwatch.gov.au/.

> *misinformation is disseminated about precautions or advice in natural disasters or participation in important public events such as elections.*[127]

Currently, to protect public confidence in the conduct of public officers, it is an offence in Queensland under section 97 of the Criminal Code to impersonate a public officer. Under this provision, a person commits an offence, punishable by up to three years imprisonment, if they:

- impersonate a public officer in circumstances when the officer is required or authorised to do an act or attend a place by virtue of the office, or
- falsely represents themself to be a public officer, and assumes to do an act or to attend a place for the purpose of doing an act by virtue of being that officer.

DoJ advised, however, that there:

> *… is no specific offence in Queensland for impersonating a government agency or purporting to act on behalf, or with the authority, of a government agency in circumstances not involving the impersonation of a public officer.* [128]

There is no data on how often government agencies are being falsely represented. DoJ explained that 'it is not necessarily an active issue; it is more of a preventative mechanism to ensure there is not a gap in the legislative framework' if it occurs.[129]

2.2.2. Bill amendments

The Bill proposes to amend the Criminal Code to insert new section 97A which establishes a new offence for false representations in relation to government agencies. Specifically, the Bill provides that a person:

- will commit an offence if they make a false representation that they are a government agency or are acting on behalf, or with the authority, of a government agency, and
- does not commit the false representation offence if they have a reasonable excuse.[130]

The offence is a misdemeanour punishable by up to three years imprisonment.[131]

2.2.3. Stakeholder Submissions and Department Advice

Stakeholder submissions

Very few submitters provided evidence on the proposed introduction of this new offence. Voice for Victims and Fighters Against Child Abuse Australia (FACAA) support the amendment. Melissa Halliday recommended that a new statutory offence be introduced

[127] DoJ, written briefing, 27 May 2025, p 9.
[128] DoJ, written briefing, 27 May 2025, p 10.
[129] Public briefing transcript, Brisbane, 18 June 2025, p 7.
[130] Bill, explanatory notes, p 4.
[131] Bill, explanatory notes, p 4.

for 'knowingly making false representations to government agencies in connection with child welfare, domestic and family violence or legal proceedings'.[132]

Department advice

DoJ noted submitters' support for these amendments and considered the recommendation by Ms Halliday outside the scope of the Bill.

2.2.4. Consistency with fundamental legislative principles

The following fundamental legislative principles arise in relation to the proposed new offence:

- that the legislation has sufficient regard to the rights and liberties of individuals such that the consequences of the legislation is relevant and proportionate,[133] and
- that the legislation does not reverse the onus of proof in criminal proceedings without adequate justification.[134]

Right to liberty and proportionality of offences

To have sufficient regard for the rights and liberties of individuals, the consequences of legislation should be relevant and proportionate. In line with this, a penalty should be proportionate to the offence, and penalties within legislation should be consistent with each other.[135]

The Bill amends the Criminal Code to introduce a new offence for falsely representing a government agency.[136] Under these proposed amendments, a person who makes a false representation that they are a government agency, or acting on behalf of, or with the authority of, a government agency, commits a misdemeanour and is liable for a maximum penalty of 3 years imprisonment.[137] This new offence is designed to address the risk to the Queensland public from government impersonation scams and ensure that legitimate government communications are not undermined.[138]

Similar offences exist in the Criminal Code in relation to a person who assumes to act as a justice or as someone who is authorised under law to administer an oath;[139] or to someone who personates a public officer.[140] These offences are also classed as misdemeanours and the maximum penalties are 3 years imprisonment. A similar offence exists in the Commonwealth Criminal Code in relation to a person making false representations in relation to a Commonwealth body.[141]

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[132] Melissa Halliday, submission 135, p. 7.
[133] LSA, s (2)(a).
[134] LSA, s 4(3)(d).
[135] LSA, s 4(2)(a).
[136] Bill, cl 10 (Criminal Code, new s 97A).
[137] A person does not commit an offence against this section if they have a reasonable excuse. Bill, cl 10 (Criminal Code, new s 97A(2)).
[138] Record of Proceedings, 20 May 2025, p 1210; explanatory notes, p 1.
[139] Criminal Code, s 96.
[140] Criminal Code, s 97.
[141] *Criminal Code Act 1995* (Cth), s 150.1. Note the penalty for this offence is 2 years imprisonment.

The explanatory notes justify the impact on fundamental legislative principles on the basis that the penalty reflects the seriousness of offending, recognises the impacts of the criminal conduct and demonstrates that such behaviour is unacceptable.[142] Although 3 years imprisonment is not an insignificant penalty, the explanatory notes emphasise that the court will retain discretion to determine the appropriate sentence in the circumstances of each case.[143] It is also relevant that a person will not commit an offence if they have a reasonable excuse.[144]

Reversal of onus of proof

To have sufficient regard for the rights and liberties of individuals, the legislation must not reverse the onus of proof in criminal proceedings without adequate justification.[145]

The proposed new offence under clause 10 of the Bill contains a reasonable excuse provision which is considered to reverse the onus of proof as it shifts the burden of proving the reasonable excuse from the prosecution to the defendant. While this may be a departure from fundamental legislative principles, provisions of this nature 'may be justified if the relevant fact is inherently impractical to establish by alternative evidential means and the defendant is particularly well positioned to disprove guilt'.[146]

Committee comment

The committee's view is that the penalty for the new offence of false representation is relevant and proportionate, noting that it is consistent with similar offence provisions in the Criminal Code and designed to ensure the public can trust legitimate communication from government.

In terms of the potential for the proposed amendments to have the effect of reversing the onus of proof in criminal proceedings, it is the committee's view that there is adequate justification for any such interpretation.

2.2.5. Compatibility with human rights under the HRA

The following human rights issues arise in connection with the proposed new offence:

- Right to freedom of expression (section 21 of the HRA)
- Right to liberty and security of person (section 29 of the HRA)
- Right to a fair hearing (section 31 of the HRA), and
- Rights in criminal proceedings (section 32 of the HRA).

[142] Explanatory notes, p 7.
[143] Explanatory notes, p 7.
[144] Bill, cl 9 (Criminal Code, new s 97A(2)).
[145] LSA, s4(3)(d).
[146] Explanatory notes, p 7.

Right to freedom of expression

In relation to the right to freedom of expression under section 21 of the HRA, the statement of compatibility states:

> *Clause 10 of the Bill will limit the right to freedom of expression to the extent that an individual will be prohibited from imparting information or ideas in circumstances where that person makes a false representation that they are a government agency or are acting on behalf or with the authority of a government agency.*[147]

However, the statement of compatibility further provides that the limitation of the right to freedom of expression is appropriate to protect Queenslanders from false statements and misrepresentations purportedly made by or on behalf of a government agency for the following reasons:

> *The extent of the limitation is ameliorated by the scope of the offence, which restricts only the expression of information in a way that falsely represents that the person is a government agency or is acting on behalf or with the authority of a government agency. Individuals will continue to be able to disseminate information or ideas in ways that do not involve false representations.*[148]

Right to liberty and security of person

In relation to the right to liberty and security of person under section 29 of the HRA, the statement of compatibility states:

> *Clause 10 of the Bill will limit the right to liberty and security to the extent a person convicted of the new offence is liable to up to three years imprisonment.*[149]

However, the statement of compatibility further provides that the limitation 'is appropriate to ensure sentences imposed for the offence appropriately reflect the seriousness of the offence and the impacts of the criminal conduct'. In addition, it explains:

> *The offence provision is reasonably adapted to ameliorate the impacts on human rights as much as possible, by imposing a maximum term of three years imprisonment for the most serious form of offending behaviour. The court retains discretion to determine the appropriate sentence up to the maximum penalty considering all relevant circumstances of the offence.* [150]

Right to a fair hearing and rights in criminal proceedings

In relation to the right to a fair hearing and rights in criminal proceedings under section 29 of the HRA, the statement of compatibility states:

> *Clause 10 of the Bill limits these rights as the new offence contains a reasonable excuse provision, which is generally considered to reverse the onus of proof. A reversal of the onus of proof shifts the burden of proof from the prosecution to the defendant.*[151]

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[147] Statement of Compatibility, p 5.
[148] Statement of Compatibility, p 7.
[149] Statement of Compatibility, p 5.
[150] Statement of Compatibility, p 5.
[151] Statement of Compatibility, p 5.

However, the statement of compatibility further provides that the limitation is appropriate given that 'the offence does not apply in circumstances where the individual has a reasonable excuse'.[152] Additionally:

> *The limitation acknowledges the substance of a reasonable excuse is likely within the particular knowledge of the defendant, rather than the prosecution, and the evidential onus is therefore justifiably placed on the defendant.*[153]

Committee comment

The committee has considered the various human rights aspects of the new offence and takes the view that ensuring the authenticity and integrity of official government agency communications and protecting the community, on balance, outweighs the associated limitations on human rights posed by the new offence.

2.3. Crimes at sea

2.3.1. Background

Various consequential amendments have been made to the Commonwealth *Crimes at Sea Act 2001* due to a series of changes to maritime arrangements and Commonwealth legislation in recent years.[154]

The Attorney-General explains:

> *The exercise of the Australian criminal jurisdiction for crimes at sea is dealt with under a national cooperative scheme. This scheme is given effect by the Commonwealth Crimes at Sea Act 2000 and uniform crimes at sea legislation enacted in all states and the Northern Territory. A series of amendments have been made to the Commonwealth Crimes at Sea Act that have not been reflected in the Queensland Crimes at Sea Act. This has resulted in the Queensland legislation being out of step with the national scheme legislation. The amendments to the Queensland Crimes at Sea Act realign the Queensland legislation with the relevant provisions of the Commonwealth legislation.*[155]

2.3.2. Bill amendments

The purpose of the amendments in Part 2 of the Bill are to realign the Queensland *Crimes at Sea Act 2001* (Qld) with relevant provisions of the amended Commonwealth *Crimes at Sea Act 2000* (Cth).[156] The amendments are described as being 'largely technical in nature'.[157]

The main changes under the Bill in Part 2 involve:

[152] Statement of Compatibility, p 5.
[153] Statement of Compatibility, p 6.
[154] DoJ, written briefing, 27 May 2025, p 11.
[155] Record of Proceedings, 20 May 2025, p 1210.
[156] Explanatory notes, p 4.
[157] Record of Proceedings, 20 May 2025, p 1210.

- omitting references to Area A of the Zone of Cooperation from the *Crimes at Sea Act 2001* (Qld), and
- amending the definitions of adjacent areas for Western Australia and the NT, to replace references to provisions of the repealed *Petroleum (Submerged Lands) Act 1967* (Cth) with references to relevant provisions of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (Cth).[158]

2.3.3. Stakeholder Submissions and Department Advice

Stakeholder submissions

Little evidence was received on the proposed crimes at sea provisions. Voice for Victims supports the amendments noting that aligning Queensland and Commonwealth provisions 'is important for maintaining consistency and providing a clear legal framework for addressing crimes at sea'.[159] Similarly, Melissa Halliday observes that the amendments ensure 'the legislation remains harmonised and effective across all relevant maritime zones'.[160]

Department advice

DoJ acknowledged the submitters' support for the amendments.

2.4. Blue card system

2.4.1. Bill amendments

The Bill includes amendments to ensure the blue card system operates as intended. On its commencement on 20 September 2025, the *Working with Children (Risk Management and Screening) and Other Legislation Amendment Act 2024* (WWC Amendment Act), will amend the *Working with Children (Risk Management and Screening) Act 2000* (WWC Act) to implement recommendations made in the QFCC report, *Keeping Queensland's children more than safe: review of the blue card system*. This report identified several amendments to the WWC Act which are necessary to support the intended operation of the reforms to the blue card system made by the WWC Amendment Act.[161]

The explanatory notes provide that '[t]he amendments restore the offences for which a suspension must be issued that were unintentionally removed from section 295 by the WWC Amendment Act'. Consequential amendments are also made to the legislation mentioned in schedule 1 of the Bill.

The Bill also amends several sections of the WWC Act to 'update terminology, enhance clarity and correct several cross-references'.[162]

[158] Explanatory notes, p 4.
[159] Voice for Victims, submission 3, p. 2.
[160] Melissa Halliday, submission 135, p. 8.
[161] Record of Proceedings, 20 May 2025, p 1210.
[162] Bill, explanatory notes, p 4.

2.4.2. Stakeholder Submissions and Department Advice

Stakeholder submissions

Only a small number of stakeholders commented on the amendments to the WWC Act.[163] The QFCC told the committee that it supports the proposed changes to the WWC Act, noting that these amendments will implement recommendations made in its 2017 review of the blue card system (2017 Review).[164]

In its submission, the QFCC describes the Bill as 'a significant step forward in enhancing Queensland's working with children check framework'.[165] The QFCC advised the committee that restoring the chief executive's power to issue suspension notices for certain prescribed offences[166] 'ensures that individuals charged with serious offences can be immediately removed from child-related environments'.[167] Noting the more technical amendments proposed by the Bill, it states that those changes 'while procedural in nature, are vital for legal clarity and operational consistency'.[168]

At the public hearing, Luke Twyford, the QFCC's Principal Commissioner, told the committee that while he was 'pleased to see' the Bill implement recommendations made by the QFCC in 2017, and said 'it is important that government responses to a review are timely'.[169] Mr Twyford explained:

> *Sitting here being prepared to speak to a report that the institution I now lead conducted in 2017 represents a very significant timeframe for a government response to act on recommendations.*[170]

Re-iterating the QFCC's support for the proposed changes to the blue card system, Mr Twyford also emphasised the need to further strengthen Queensland's child protection system by moving towards a risk-based assessment scheme:

> *I continue to think we need a whole-of-system or whole-of-ecosystem approach to prevent some of the matters that are attempting to be dealt with in this bill. We need to ensure that Queensland effectively introduces and operates a reportable conduct scheme which is connected to the blue card scheme so that … there is proactive information sharing, there is proactive risk assessment occurring not only in government but also in organisations and the whole community is engaged in greater awareness of the exploitation and abuse of Queensland children and what we can do to not only identify where risk is but prevent that risk from emerging* [171]

Other submitters indicated support for the proposed changes to the WWC Act. Voice for Victims expressed the view that these changes 'will allow for better identification of

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[163] Including Voice for Victims, submission 3; QFCC, submission 4; FACAA, submission 5; NAPCAN, submission 11; and Archdiocese of Brisbane, submission 196.
[164] QFCC, Keeping Queensland's children more than safe: Review of the blue card system, 2017. https://www.gfcc.gld.gov.au/sites/default/files/2022-08/Review%20of%20the%20blue%20card%20system.pdf
[165] QFCC, submission 4, covering letter.
[166] Bill, cl 16.
[167] QFCC, submission 4, p 7.
[168] QFCC, submission 4, p 8.
[169] Public hearing transcript, Brisbane, 18 June 2025, p 12.
[170] Public hearing transcript, Brisbane, 18 June 2025, p 12.
[171] Public hearing transcript, Brisbane, 18 June 2025, p 12.

potential risks, helping to prevent further victimisation of vulnerable children'.[172] Similarly, NAPCAN told the committee it supports the proposed changes to the WWC Act, stating that it strongly supports efforts to strengthen Queensland's Blue Card system'. However, it urged the government to commit to the full implementation of the remaining recommendations from the 2017 Review.[173]

Several submitters suggested that additional changes to the blue card system are necessary to ensure it is effective.[174] For example, the Archdiocese of Brisbane proposed the introduction of real-time compliance monitoring for all blue-card holders in place of the current system of periodic checks.[175]

At the public hearing, the Archdiocese of Brisbane elaborated on this proposal, advising the committee that the blue card system 'continues to have a systemic blind spot' because some serious offences, such as mid-range drink driving, are not included in schedules 2 to 5 of the WWC Act.[176] As a result, employers are not notified when blue card holders are charged with such offences. The Archdiocese of Brisbane explained how this impacts them as one of Queensland's largest providers of child-related services:

> *At the moment we are not notified for certain things so we do not have the ability to risk-manage certain situations. If the blue card system adopted a real-time monitoring position where some of those particular offences were known to the employer then we would have the ability to self-manage those particular risks to add an extra layer of protection.*[177]

Department advice

DoJ advised that the proposed changes to the WWC Act will improve the effectiveness of the blue card system by ensuring that reforms made by the WWC Amendment Act operate as intended. This includes by:

- reinstating the status quo, so that the chief executive maintains their power to suspend a blue card no matter the age of a person when they committed a disqualifying offence
- distinguishing between the separate processes of approving an application to cancel a negative notice and the issuing of a working with children authority, so that it is clear this is a two-step process
- making technical changes to ensure the law reflects how the chief executive's power to issue a blue card where a person has applied to cancel a negative notice is used in practice.[178]

[172] Voice for Victims, submission 3, p 2.
[173] NAPCAN, submission 11, p 5.
[174] FACAA, submission 5, p 2; Archdiocese of Brisbane, submission 196, pp 6-10; Melissa Halliday, submission 135, p 9.
[175] Archdiocese of Brisbane, submission 196, p 8.
[176] Public hearing transcript, Brisbane, 18 June 2025, p 9.
[177] Public hearing transcript, Brisbane, 18 June 2025, p 10.
[178] Public briefing transcript, Brisbane, 18 June 2025, pp 5-6.

DoJ notes submitters' support for the proposed amendments to the WWC Act.[179]

With regard to the proposal made by the Archdiocese of Brisbane to introduce real-time monitoring of blue card compliance, DoJ advised that 'blue card holders and applicants are monitored on a daily basis through an electronic interface with the Queensland Police Service for changes in their Queensland police information'.[180] It considered the recommendations made by several submitters for further changes to the blue card scheme are outside the scope of the Bill.[181]

Committee comment

The committee welcomes the support of several submitters for the proposed changes to the WWC Act. The amendments will help to implement changes recommended by the QFCC in its 2017 Review, and the committee is satisfied that these changes will contribute to the effective operation of the blue card system.

Several stakeholders, including both the QFCC and Archdiocese of Brisbane made suggestions about how Queensland's child protection system, including the blue card system, could be further strengthened. Broadly speaking, they proposed a shift towards a more proactive, risk-based assessment scheme, arguing that this would be more effective at preventing harm to children.

The committee acknowledges the current review being undertaken by the Child Death Review Board into the system responses to child sexual abuse. The review will make recommendations for any improvements needed to the laws, policies and procedures across the early childhood education and care, police and blue card systems. The report of the review is expected to be delivered to government by the end of 2025.

[179] DoJ, correspondence, 12 June 2025, attachment (response to submissions), p 16; DoJ, correspondence, 13 June 2025, attachment (supplementary response to submissions), p 4.
[180] DoJ, correspondence, 13 June 2025, attachment (supplementary response to submissions), p 4.
[181] DoJ, correspondence, 12 June 2025, p 16; DoJ, correspondence, 13 June 2025, attachment (supplementary response to submissions), p 4.

Appendix A – Submitters

Sub No.	Name / Organisation
1	Gold Coast Centre Against Sexual Violence Inc
2	Queensland Sexual Assault Network
3	Voice for Victims
4	Queensland Family and Child Commission
5	Fighters Against Child Abuse Australia
6	Rape and Sexual Assault Research and Advocacy
7	#Your Reference Ain't Relevant Campaign
8	Beck O'Connor, Victims' Commissioner
9	Queensland Council of Social Service
10	North Queensland Women's Legal Service
11	National Association for the Prevention of Child Abuse and Neglect
12	Queensland Law Society
13	Queensland Indigenous Family Violence Legal Service
14	Bravehearts
15	Legal Aid Queensland
16	Kelly-Anne Humphries
17	Katherine Luxmoore
18	Marianne Loew
19	Christina Damos
20	Chanelle Mak
21	Name withheld
22	Name withheld
23	Confidential
24	Sof Forrest
25	Amy Mackenzie
26	Name withheld
27	Confidential
28	Name withheld

29	Name withheld
30	Rebekah Ferdinands
31	Caitlyn Wooster
32	Lacey Burns
33	Nicole Reardon
34	Liam Oliver
35	Kristy Petrie
36	Name withheld
37	Name withheld
38	Emma Austin
39	Jessica Eland
40	Name withheld
41	Name withheld
42	Diane Payne
43	Scarlett Swanson
44	Liam Vosu
45	Renae Belton
46	Confidential
47	Name withheld
48	Sarah Nattrass
49	Nicole King
50	Bronnie Fahey
51	Jessica Skinner
52	Confidential
53	Holly Hohn
54	Confidential
55	Talia Mann
56	Name withheld
57	Veronica Gromer
58	Name withheld

59	Sandra Anaphiri
60	Name withheld
61	Name withheld
62	Rebecca Egan
63	Lilly Kitto
64	Confidential
65	Name withheld
66	Name withheld
67	Zhana Yussof
68	Name withheld
69	Natalie Bird
70	Kristina Redwood
71	Andria Rose
72	Name withheld
73	Name withheld
74	Name withheld
75	Robyn Childerhouse
76	Krystena Prazner
77	Amy Johnson
78	Emily Cousins
79	Confidential
80	Name withheld
81	Confidential
82	Donna Roberts
83	Kate Moyle
84	Name withheld
85	Yasmine Laycock
86	Name withheld
87	Nicola Sloan
88	Name withheld

89	Confidential
90	Zoe Macourt
91	Name withheld
92	Name withheld
93	Name withheld
94	Name withheld
95	Name withheld
96	Casey Payne
97	Name withheld
98	Charles Harvey
99	Name withheld
100	Iris Marginean
101	Allison Broughton
102	Amy Cadd
103	Name withheld
104	Jake Maison
105	Daniel Watson
106	Confidential
107	Confidential
108	Name withheld
109	Lia Power
110	Terrence Murphy
111	Pietra Pizzino
112	Name withheld
113	Confidential
114	Alison Quigley
115	Mark Porter
116	Donna Cameron
117	Name withheld
118	Amy Burgess

119	Name withheld
120	Name withheld
121	Confidential
122	Name withheld
123	Amelia Almeida
124	Name withheld
125	Confidential
126	Jemma Gallagher
127	Not allocated
128	Rosie Heckes
129	Holly Soden
130	Brooke Maddox
131	Roma Rosette
132	Jasmine Barron
133	Millie Tizzard
134	Indigo Farmer
135	Melissa Halliday
136	Name withheld
137	Saskia Klok
138	Alee Wong
139	Confidential
140	Confidential
141	Confidential
142	Seren Owen
143	Name withheld
144	Mary Pwtrus
145	Confidential
146	Name withheld
147	Rochelle Barclay
148	Maya Chee

149	Alana Anderson
150	Madeleine Hoban
151	Name withheld
152	Rachael Blackwood
153	Name withheld
154	Clare Sharpe
155	Kathryn Law
156	Meisha Robinson
157	Hannah Roovers
158	Amie Huntley
159	Amy Kraatz
160	Mitchell Robinson
161	Kate Toyer
162	Name withheld
163	Janice Levi
164	Kai Binns
165	Name withheld
166	Name withheld
167	Name withheld
168	Katie Robertson
169	Kara Parton
170	Name withheld
171	Name withheld
172	Rachel Chow
173	Name withheld
174	Elizabeth Brown
175	Genevieve Mortimer
176	Name withheld
177	Name withheld
178	Name withheld

179	Jessica Duran
180	Name withheld
181	Jess Grinter
182	Name withheld
183	Libby Payne
184	Stephanie Wilson
185	Grace Harrison
186	Confidential
187	Name withheld
188	Confidential
189	Confidential
190	Casey Curran
191	Patrick Doolan
192	Tayler Porteiro
193	Form A or variation of Form A
194	Vicki Blackburn
195	Name withheld
196	Archdiocese of Brisbane
197	Full Stop Australia

Appendix B – Witnesses at Public Briefing, 18 June 2025

Department of Justice

Leanne Robertson	Assistant Director-General, Strategic Policy and Legislation
Sally McCone	Acting Director, Strategic Policy and Legislation
Jo Hughes	Director, Strategic Policy and Legislation
Trudy Struber	Principal Legal Officer, Strategic Policy and Legislation

Appendix C – Witnesses at Public Hearing, 18 June 2025

Organisations

Queensland Sexual Assault Network

Angela Lynch	Executive Officer
Katherine Hills-Vink	Management Committee Member

Rape and Sexual Assault Research and Advocacy

Dr Rachael Burgin	Chief Executive Officer

Office of the Victims' Commissioner

Beck O'Connor	Victims' Commissioner

Archdiocese of Brisbane

Will Redmond	Policy and Submissions Manager
James OBrien	Safeguarding Advisor
Andrew Lees	Assistant Director, People and Culture

#YourReferenceAintRelevant Campaign

Harrison James	Co-Founder

Queensland Family and Child Commission

Luke Twyford	Principal Commissioner
Tammy Walker	Manager, Government Relations and Performance

Queensland Law Society

Bridget Cook	Senior Policy Officer
Kristy Bell	Chair of the Queensland Law Society Criminal Law Committee

Statement of Reservation

STATEMENT OF RESERVATION
PENALTIES AND SENTENCES (SEXUAL OFFENCES) AND
OTHER LEGISLATION AMENDMENT BILL 2025

The Queensland Labor Opposition will always work to ensure our justice system reflects modern values and the lived experience of victim-survivors.

In May 2023, the former Labor Government commissioned the Queensland Sentencing Advisory Council (QSAC) to review sentencing of sexual assault and rape offences in Queensland and to consider if any changes need to be made.

Following extensive research and significant engagement with victim-survivors, support organisations and legal experts, QSAC developed 20 key findings and 28 recommendations to improve sentencing for sexual assault and rape in Queensland. Four recommendations made were for specific legislative amendments to the *Penalties and Sentences Act 1992*.

On 16 December 2024, QSAC provided the *Sentencing of Sexual Assault and Rape: The Ripple Effect - Final Report* (the report) to Crisafulli LNP Government and made the report available to the public.

Five months after these recommendations were handed to the Attorney-General and Minister for Justice and Minister for Integrity, Queenslanders had heard nothing publicly from the Crisafulli LNP Government– no government response to the report, no implementation plan for the recommendations, and no acknowledgement of the important work that had been done.

After such inaction from the Crisafulli LNP Government and to ensure there were no further delays to improved support and protections for victims and victim survivors, on 18 May 2025, the Queensland Labor Opposition publicly signalled intentions to progress key recommendations from the Report.

These included limiting the court's ability to consider good character evidence, including acts of sexual assault against children as an aggravating offence, including the recognition of harm done to a victim in the sentencing purposes and ensuring that a court cannot diminish harm caused to victim-survivors when a victim impact statement is not given.

In good faith, a copy of the proposed amendments to be moved by the Shadow Attorney-General and Shadow Minister for Justice in the Legislative Assembly of the Queensland Parliament that week were provided in correspondence to the Attorney-General and Minister for Justice and Minister for Integrity on 19 May 2025, with the Queensland Labor Opposition calling on the Crisafulli LNP Government to take a bipartisan approach to the amendments and to address the other recommendations within the report.

On 20 May 2025, the Attorney-General and Minister for Justice and Minister for Integrity introduced the *Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Bill* (the Bill) 2025 into the Queensland Parliament, coincidentally responding to just the same four recommendations identified by the Queensland Labor Opposition in the days prior.

While the Queensland Labor Opposition has continued to set the agenda on delivering much-needed reforms for these victim-survivors, the Queensland Labor Opposition will also hold the Crisafulli LNP Government to account for their inaction in delivering these recommendations sooner.

In 2023-24, a total of 3,898 rape and attempted rape offences were recorded in Queensland.[1] That is almost 75 offences a week, or ten each day. Importantly, those statistics do not just represent numbers. They represent people - victims whose lives have been completely changed. These numbers represent only two offence charges of a sexual nature.

When those victims have the courage to report their experience, the justice system should be properly equipped to deal with that. That means victims of sexual assault should not be subjected to hearing about how good of a person their perpetrator is. It means that sexual assault of children is treated as an aggravating factor, in line with community expectations It also means that if a victim does not make an impact statement, the court cannot draw any inference about a lack of harm.

[1] Crime Report, Queensland, 2023-24 - Queensland Government Statistician's Office

STATEMENT OF RESERVATION
PENALTIES AND SENTENCES (SEXUAL OFFENCES) AND
OTHER LEGISLATION AMENDMENT BILL 2025

To avoid any further delays to increased protections and support for victims and victim-survivors, and noting the rigorous consultation process undertaken by QSAC, the Queensland Labor Opposition wrote to the Attorney-General and Minister for Justice and Minister for Integrity on the day this Bill was introduced, offering bipartisan support for the Bill to be declared urgent and passed within that same sitting week.

These recommendations had already been subject to an extensive and rigorous consultation process, with stakeholders, victims, and the broader community able to make submissions to inform the important work undertaken by QSAC.

Yet even though the Crisafulli LNP Government has used urgency motions to rush through youth justice sentencing changes in this parliament, despite some changed offences not having a single proven offence in the last five years, the Crisafulli LNP Government have not kept the same sense of urgency when it comes to delivering reforms for victim-survivors of sexual assault and rape.

Instead, the Crisafulli LNP Government chose not to work with the Queensland Labor Opposition to pass the Crisafulli LNP Government's own Bill, sooner, delaying improvements to our justice system for victims and victim-survivors of sexual assault.

As detailed in Clause 2(2), the Bill proposes that Part 4 amendments commence from 1 November 2025 - 165 days after the Queensland Labor Opposition offered support to pass the laws with immediate effect. As a result, potentially more than 1,600 additional victims of rape and attempted rape offences may face their perpetrators in court without these protections, when the Government could have intervened. When considering the victims of other sexual offences, the number of victims potentially impacted is even higher.

The Queensland Labor Opposition stands with victim-survivors who are calling for this reform. These changes cannot be delayed any further. That is why the Queensland Labor Opposition will seek to change the commencement date of Part 4 amendments, to ensure these laws commence sooner than later. The Crisafulli LNP Government has had ample time to prepare for the new laws, and the courts could have been preparing for the new laws already. They must be passed and implemented without delay.

The Queensland Labor Opposition calls on the Crisafulli LNP Government to support these amendments to deliver these protections sooner and reiterates the need for the Crisafulli LNP Government to address, in full, the remaining recommendations from the *Sentencing of Sexual Assault and Rape: The Ripple Effect - Final Report.*

The Queensland Opposition reserves its right to articulate further views through the second reading debate of the Bill, when it comes on for debate in the Legislative Assembly of the Queensland Parliament.

PETER RUSSO MP
MEMBER FOR TOOHEY
DEPUTY CHAIR OF THE COMMITTEE
SHADOW ASSISTANT MINISTER FOR JUSTICE

MELISSA MCMAHON MP
MEMBER FOR MACALISTER
COMMITTEE MEMBER