

ANNUAL REPORT 2016–17



Queensland Sentencing
Advisory Council
Inform. Engage. Advise.

Queensland Sentencing Advisory Council annual report 2016–17

The annual report provides detailed information about the Queensland Sentencing Advisory Council's non-financial performance for 2016–17.

It has been prepared in accordance with the *Annual report requirements for Queensland Government agencies*.

The report aligns to the Council's *Strategic plan 2017–2019*.

The report has been prepared for the Council to submit to the Attorney-General. It has also been prepared to meet the needs of stakeholders, including the criminal justice system, government agencies, and members of the community, media and employees.

Information about the Council's financial performance is available in the Department of Justice and Attorney-General's annual report 2016–17 available via www.justice.qld.gov.au

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Queensland Sentencing Advisory Council annual report
2016–17



Interpreter service statement

We are committed to providing accessible services to Queenslanders from all culturally and linguistically diverse backgrounds. If you need an interpreter, contact the Translating and Interpreting Service (TIS) on 13 14 50 and tell them our name — Queensland Sentencing Advisory Council — and our telephone number — (07) 3224 7375. TIS will arrange an interpreter so you can talk with us. This is a free service.

More information

Contact the Queensland Sentencing Advisory Council:
GPO Box 2360, Brisbane QLD 4001
(07) 3224 7375

info@sentencingcouncil.qld.gov.au

www.sentencingcouncil.qld.gov.au

An electronic version of this document is available at www.sentencingcouncil.qld.gov.au
Open Data reporting for additional information is available at www.data.qld.gov.au

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LETTER OF COMPLIANCE



30 September 2017

The Honourable Yvette D'Ath
Attorney-General and Minister for Justice and Minister for Training and Skills
GPO Box 149
Brisbane QLD 4001

Dear Attorney-General

I am pleased to submit for presentation to the Parliament the annual report 2016–17 for the Queensland Sentencing Advisory Council, noting the Council came into effect on 11 November 2016.

I certify this annual report complies with the requirements set out in the *Annual report requirements for Queensland Government agencies*.

A checklist outlining the annual reporting requirements can be found on page 27 of this annual report.

Yours sincerely

A handwritten signature in black ink that reads "E. Marchetti".

Professor Elena Marchetti
Acting Chair
Queensland Sentencing Advisory Council

CHAIR'S REPORT



The Council is proud to report its achievements for this first part-year in its establishment. Not only have we managed to deliver on our first terms of reference from the Attorney-General and Minister for Justice on the classification of child exploitation material for sentencing purposes, but we have also delivered a broad range of initiatives to give life to the Council's functions under the *Penalties and Sentences Act 1992*.

One of the most important of these functions is to engage the community in discussion about sentencing in Queensland. This is not just a one-way conversation — it is an opportunity to enter a dialogue with people, provide information about sentencing and how it is done, raise awareness about the complexity and challenges that our judicial officers face, and listen to the very broad views of the community about different aspects of the criminal justice system.

The Council contributes to the Queensland Government's efforts to ensure an accessible and effective justice system, and it does so by building public confidence in our sentencing courts. In Queensland, we have a robust system of sentencing that is guided not only by legislation, but also by case law that has developed and evolved over time.

The Queensland Court of Appeal reviews only a very small percentage of sentencing decisions each year, and only a small number of these result in the original sentencing decision being overturned. This is something we all need to be proud of, and is one indicator that our courts are effective.

The Council is passionate about its role in this context. It is a great privilege for each of us to contribute in this way, to provide advice to the Attorney-General and the Queensland Government, to listen to and voice the views of the community as part of that advice, and to build an evidence base for sentencing reform. Of central focus to the Council, and in strong pursuit of the Queensland Government's objective to ensure an accessible justice system, the Council has articulated that the over-representation of Aboriginal and Torres Strait Islander people in the criminal justice system is an area of particular interest. While the Council is aware of the vast amount of work already being undertaken in Queensland, in other Australian jurisdictions and at the Commonwealth level to address this problem, we hope that we can make a meaningful contribution to ultimately reduce the numbers of Aboriginal and Torres Strait Islander people at all levels of the criminal justice system.

I thank my fellow Council members for the energy, commitment and aptitude they have demonstrated in our first year and the members of the Secretariat for their support, hard work and dedication. Together we make a great team. I look forward to reporting on our progress next year.

A handwritten signature in black ink that reads "E. Marchetti".

Professor Elena Marchetti
Acting Chair
Queensland Sentencing Advisory Council

DIRECTOR'S REPORT



It has been a very productive start for the newly established Queensland Sentencing Advisory Council and its Secretariat.

After recruiting and inducting 11 Secretariat staff members and welcoming our newly appointed Council, we quickly got down to business. The Council and Secretariat attended a strategic planning day in January 2017 which gave us the opportunity to outline the work program for the Council's first term. An ambitious set of initiatives was decided on, in addition to the Council's first reference from the Attorney-General on the classification of child exploitation material for sentencing purposes.

A number of administrative systems have been established to ensure the Council operates with efficiency and accountability. These include:

- Operating guidelines, which provide guidance to Council members on their roles and responsibilities
- Risk register
- Records management system
- Project management framework
- Research policy
- Code of Conduct for Council members (the Secretariat is subject to the whole-of-government Code of Conduct)
- Media response protocol
- Performance management system.

In addition, the Council and Secretariat worked together to put in place a series of statements aimed to set out its work program and the approach the Council intends to take. Together with the Council's *Strategic plan 2017–19*, the following documents will guide the Council's work over its first three-year term:

- Research agenda
- Community engagement strategy
- Social media strategy
- Aboriginal and Torres Strait Islander people engagement strategy.

The Secretariat is subject to the human resources and financial systems of the Department of Justice and Attorney-General (DJAG), and complies with all reporting requirements in place for other DJAG business units.

During the year in review, the Secretariat supported the Council to develop *Judge for Yourself*, which will be a key plank in the Council's community engagement strategy. The Council is keen to see *Judge for Yourself* being used broadly across Queensland in schools, universities and with community groups to raise public awareness about how our courts operate, and to demonstrate the role of judges and magistrates in sentencing.

The Council's *Sentencing Seminar Series*, the *Sentencing Spotlight* publications, the *Research to Practice* forums, the *Sentencing Matters* podcast series, the *National Sentencing Network*, and a fact sheet on penalties and sentences in Queensland were also developed and delivered in the Council's first year.

The work that has been produced in 2016–17 could not have been achieved without the skill, dedication and passion of my colleagues in the Secretariat. I am proud to be celebrating this first year of operation with this group of professionals.

A handwritten signature in black ink that reads "Anne Edwards".

Anne Edwards

Director

Queensland Sentencing Advisory Council Secretariat

Queensland Sentencing Advisory Council — official launch



Pictured:

Back row left to right: John Allen QC, Kathleen Payne, Dan Rogers, Warren Strange, Police Commissioner Ian Stewart and Helen Watkins.

Front row left to right: Michael Cowen QC, Professor Elena Marchetti, Debbie Kilroy, the Honourable Yvette D'Ath MP, Attorney-General and Minister for Justice and Minister for Training and Skills and James Morton.

Absent: Tracy Linford.

YEAR IN REVIEW



Attorney-General appointed
10 COUNCIL MEMBERS
on 11 November 2016



Recruited and inducted
**SECRETARIAT
STAFF**



**DELIVERED A REPORT
TO THE ATTORNEY-GENERAL**
on the classification of child exploitation
material for sentencing purposes

HOSTED A LAW STUDENT
as part of DJAG's Justice Journeys program



**ESTABLISHED
DATA AGREEMENTS**
with Queensland Police Service,
Queensland Courts and
Queensland Corrective Services



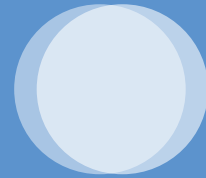
HOSTED TWO SENTENCING SEMINARS

Evidence-based sentencing with former Californian Supreme Court Judge Peggy Hora; *Shaping the sentencing agenda* with Chair of the Victorian and Tasmanian Sentencing Advisory Councils Emeritus Professor Arie Freiberg



LAUNCHED THE SENTENCING MATTERS PODCAST SERIES

releasing three episodes:
What is sentencing?;
Evidence-based sentencing;
The role of sentencing advisory councils in policy debate and development



RELEASED THREE SENTENCING SPOTLIGHTS

murder, manslaughter and child exploitation material offences



LAUNCHED OUR SOCIAL MEDIA PLATFORMS

Twitter: @qldsac
Facebook: #judgeforyourselfqld



LAUNCHED OUR INTERACTIVE WEBSITE

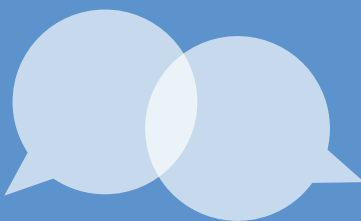
Judge for Yourself

enabling the community to walk in the shoes of a judge or magistrate to sentence offenders in real-life court cases
www.qld.gov.au/judgeforyourself



HELD FACE-TO-FACE MEETINGS

with key stakeholders explaining our role and responsibilities



CONDUCTED CONSULTATION

for our review into the classification of child exploitation materials for sentencing purposes, including releasing a public consultation discussion paper



ESTABLISHED THE NATIONAL SENTENCING NETWORK

providing a discussion forum for professional practitioners and academics across Australia concerned with sentencing issues

Held two internal RESEARCH TO PRACTICE FORUMS

led by Judge Peggy Hora and Rutgers University Professor Todd Clear



ABOUT US

The Queensland Sentencing Advisory Council provides independent research and advice, seeks public views and promotes community understanding of sentencing matters.

The Council was established by amendment to the *Penalties and Sentences Act 1992* in May 2016, and members were appointed on 11 November 2016.

An implementation team of two temporary Department of Justice and Attorney-General (DJAG) officers were appointed to establish the Council early in 2016. The Secretariat of 11 DJAG employees was recruited in the period September 2016 to January 2017.

The Council held its first meeting on 25 November 2016 with monthly meetings being held since.

Our vision

We are integral to Queensland's criminal justice system and have an authoritative and independent voice.

Our mission

To provide independent research and advice, seek public views and promote community understanding of sentencing matters.

Our role

The Council's role is to:

- inform the community about sentencing in Queensland through research and education
- engage with Queenslanders to gather their views on sentencing
- advise on sentencing matters.

Our functions

The functions of the Council are:

- if asked by the Court of Appeal, to give the court the Council's views, in writing, about the giving or reviewing of a guideline judgment
- if asked by the Attorney-General, to advise the Attorney-General on matters relating to sentencing
- to give information to the community to enhance knowledge and understanding of matters relating to sentencing
- to publish information about sentencing
- to research matters about sentencing and publish the outcomes of the research
- to obtain the community's views on sentencing and sentencing matters.

Our location

Level 7, State Law Building, 50 Ann Street, Brisbane, Queensland

Our operating environment, strategic challenges and opportunities

Through an analysis of the Council's operating environment, the following factors have been assessed that may impact its operations.

Access to data

The Council does not generate its own data, or have any direct access or control over how sentencing data and information is collected and maintained. Therefore, the Council relies on other agencies to provide relevant data to enable it to undertake its statutory functions.

The Council has established strong relationships with key data sources — Queensland Courts Service, Queensland Police Service and Queensland Corrective Services.

However, the ability of these agencies to respond to the Council's data requests is limited due to resource constraints. This challenge is compounded by the need to recruit skilled and knowledgeable data analysts with a strong understanding of the strengths and limitations of the criminal justice system's administrative data.

Attitudes to sentencing

The Council's responsibility to enhance community knowledge and understanding of sentencing is conducted within an environment where the mainstream media tend to focus on particular themes or views on criminal justice matters. The Council strives to ensure high quality and engaging information is developed to challenge some of the myths of sentencing that are promoted by elements of the media. This includes, 'judges do not meet community expectations when it comes to sentencing', 'judges are out of touch', 'dangerous criminals are walking free without adequate punishment'.

Geographical scale

With Queensland being such a large state, the Council is conscious it serves all of Queensland, not just the south-east corner. Given the limited resources for travel, the Council is keen to develop a range of different ways of engaging with the community that does not solely rely on having them physically present. The Council's website is a principle means of providing rich and detailed information on sentencing. In addition, the Council has established Twitter and Facebook accounts, an online educational resource *Judge for Yourself*, and provides live web streaming for its seminars. The Council intends to continue exploring innovative approaches to community engagement, such as partnering with local organisations and exploring the use of web conferencing, to have a higher degree of reach into rural and remote locations in Queensland.

Council membership

One of the key challenges facing individual Council members is the time pressures associated with their involvement on the Council. All Council members are high-profile individuals with full professional lives outside of their role on the Council. Their personal challenge is to find enough time to thoroughly review outputs and discuss and debate sentencing issues. Technological solutions are being explored to support Council members to fulfil their functions in a cost-effective and time-effective manner.

Our customers and stakeholders

In addition to members of the Queensland community, the Council is committed to forming strong relationships with key stakeholders drawn from government, the legal profession, advocacy groups and tertiary institutions.

State government agencies

- Crime and Corruption Commission
- Department of Aboriginal and Torres Strait Islander Partnerships
- Department of the Premier and Cabinet
- DJAG
- Queensland Police Service

Legal profession

- Aboriginal and Torres Strait Islander Legal Service (ATSILS)
- Bar Association of Queensland
- Community Legal Centres Queensland
- Heads of jurisdiction
- Legal Aid Queensland
- Queensland Law Society
- Supreme Court Library

Community advocacy groups for:

- Aboriginal and Torres Strait Islander people
- Community safety
- Offenders
- Victims of crime

Aboriginal and Torres Strait Islander groups

- Community Justice Groups
- Youth Justice First Nations Action Board

Education sector

- High schools
- Research institutions
- Tertiary sector

Sentencing advisory councils

- England and Wales
- New South Wales
- South Australia
- Tasmania
- Victoria

Matters of interest to stakeholders

Classification of child exploitation material for sentencing purposes

In addition to the many stakeholders listed above, the Council conducted wide-ranging consultation with national and international government and non-government organisations when responding to the Terms of Reference for the classification of child exploitation material (CEM) for sentencing purposes. This included:

- Australian Criminal Intelligence Commission
- Australian Federal Police
- Bravehearts
- Crown Prosecution Service, England and Wales
- Department of Internal Affairs, New Zealand (facilitated through New Zealand Crown Law)
- Department of Justice and Regulation, Victoria
- Director of Public Prosecutions (Queensland) and counterparts in all other Australian jurisdictions
- Heads of Queensland court jurisdictions
- Her Majesty's Chief Inspector of Constabulary, UK
- INTERPOL
- New South Wales Police
- Office of the Children's eSafety Commissioner, Australian Government
- Protect All Children Today
- Project VIC
- South Australia Police

OUR PERFORMANCE

The Council's *Strategic plan 2017–19* has set out a principal focus and three strategic objectives.

Principal focus

We will contribute to efforts to understand and address the drivers of over-representation of Aboriginal and Torres Strait Islander people in Queensland's criminal justice system. How Aboriginal and Torres Strait Islander people are affected by system responses and what improvements can be recommended to address these effects will be embedded across our work agenda.

The Attorney-General:

- appointed James Morton, a criminal barrister from the Torres Strait Islands, as inaugural chair in compliance with the *Penalties and Sentences Act 1992* requirement that at least one member of the Council is an Aboriginal or Torres Strait Islander person — he resigned on 4 May 2017 on his appointment as a magistrate.

As of 30 June 2017, the Council is awaiting the appointment of a replacement Aboriginal or Torres Strait Islander member.

The Council:

- recognised the experiences of Aboriginal and Torres Strait Islander people — in particular regional and remote Aboriginal and Torres Strait Islander communities — required special attention
- developed an Aboriginal and Torres Strait Islander people engagement strategy to strengthen its focus on culturally appropriate and proactive consultation, which includes a decision to establish an Aboriginal and Torres Strait Islander Advisory Group
- visited community groups in Aurukun and Weipa speaking to community leaders and local people of influence about how sentencing operates in their communities
- met with members of Community Justice Groups from across Cape York gaining insight into perceived sentencing issues
- invited an Elder and member of the Murri Court to open the Council's first *Sentencing Seminar* providing an insight into his personal experiences in the criminal justice system.

Engage effectively with the community about sentencing

Develop and deliver an inclusive community engagement strategy

The Council:

- developed a community engagement strategy
- built a website as a key avenue to provide information to the community to enhance knowledge and understanding of matters relating to sentencing
- launched social media platforms on Twitter (@qldsac) and Facebook (#judgeforyourselfqld)
- received widespread media attention, featuring in a range of television, radio, print and online outlets
- provided a community feedback mechanism through interactive website *Judge for Yourself*, digital media campaign and face-to-face community sessions.

Identify, engage and sustain stakeholder networks to consult on historical, current and emerging issues

The Council:

- conducted consultations with statewide, national and international subject matter experts on sentencing CEM offenders
- launched the free *Sentencing Seminar Series* giving attendees the opportunity to learn from national and international experts about sentencing, either in-person or via live web stream
- held two *Sentencing Seminars* at the Banco Court in the Queensland Elizabeth II Courts of Law complex — one featured former California Supreme Court Judge Peggy Hora, the other featured the Chair of the Victorian and Tasmanian Sentencing Advisory Councils' Emeritus Professor Arie Freiberg
- attended the Applied Research in Crime and Justice Conference 2017 (Bureau of Crime Statistics and Research), and the Second International Conference on Non-Adversarial Justice: Integrating Theory and Practice, and Youth Technology and Virtual Communities Conference 2017.

Engage in a dialogue on sentencing with communities on areas of mutual interest and concern

The Council:

- held community sessions, giving members of the public the opportunity to voice their opinions on sentencing, in Beenleigh, Cairns, Thursday Island, Ipswich, Mackay, Maroochydore, Maryborough, Toowoomba, Southport, Townsville, Redcliffe and Weipa
- attended a meeting of Community Justice Groups in Cairns.

Establish the Council as a trusted and responsive professional body

Respond effectively and professionally to all Terms of Reference

The Council:

- received Terms of Reference (TOR) from the Attorney-General in November 2016 to review the classification of child exploitation material (CEM) for sentencing purposes (CEM TOR) — a report was provided to the Attorney-General on 31 May 2017
- was not asked by the Court of Appeal to give its views about the giving or reviewing of a guideline judgment.

Provide authoritative, influential and independent products

The Council:

- developed *Judge for Yourself*, an education and awareness website providing Queenslanders with information about the court system, the sentencing process, and the considerations that judicial officers are required to take into account when sentencing
- published three episodes in the *Sentencing Matters* podcast series: Episode 1 — What is sentencing?; Episode 2 — Evidence-based sentencing; Episode 3 — The role of sentencing advisory councils in policy debate and development.

Deliver excellence in sentencing research, policy and reform

The Council:

- delivered CEMTOR consultation paper and report
- held two internal *Research to Practice* forums for policy makers in the criminal justice system to learn from the latest academic research: former Californian Judge Peggy Hora led a discussion on translating research into policy; Professor Todd Clear led a discussion on the American experience of reducing prison numbers.

Position the Council as a thought leader on sentencing issues

Develop and deliver a research agenda that tackles high value sentencing issues

The Council:

- launched the *Sentencing Spotlight* publications providing detailed statistical information about sentencing outcomes for specific offences, as well as demographic information about sentenced offenders
- researched and published three *Sentencing Spotlights* on murder, manslaughter and CEM offences.

Develop a National Sentencing Network

The Council:

- launched the *National Sentencing Network* at the Applied Research in Crime and Justice Conference, February 2017
- finalised TOR and held regular meetings with the network's leadership group, which comprises representatives of other Australian jurisdictions
- opened the network to membership
- established a closed online discussion group for network members.

Collaborate with and leverage key partners

The Council:

- consulted broadly on CEM TOR posing 10 questions to guide individuals and organisations in responding to a call for submissions
- sought community views on more general sentencing topics
- held initial meetings with key stakeholders in the legal profession: the heads of Queensland's court jurisdictions, ATSILS, Director of Public Prosecutions, Queensland Law Society, Bar Association of Queensland, Legal Aid Queensland, and Queensland Corrective Services
- liaised closely with the Queensland Supreme Court Library to find ways to collaborate in the areas of education and data analysis.

CASE STUDY



Classification of child exploitation material for sentencing purposes

A review of the classification of CEM for sentencing purposes was referred to the Council by the Attorney-General on 22 November 2016, with the final report due by 31 May 2017.

The Council addressed the TOR by:

- obtaining and analysing data from Queensland Police Service, Queensland Court Services and Queensland Corrective Services
- undertaking public and targeted consultation with content experts and stakeholders in Queensland, all Australian jurisdictions and internationally
- conducting a literature review and sentencing remark analyses.

The Council released a consultation paper on 13 March 2017 seeking submissions from the public. The Council conducted face-to-face meetings and engaged in written consultation with stakeholders.

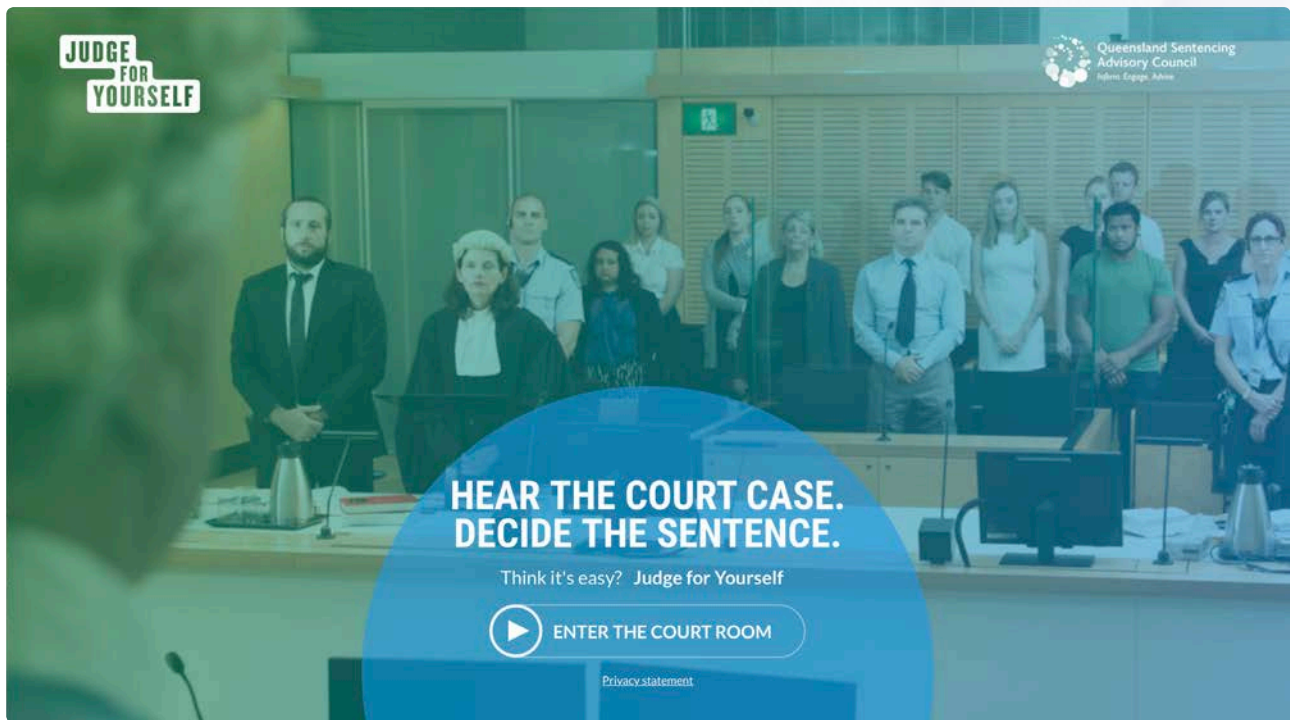
On 28 April 2017, the Council held a roundtable with representatives from state and federal law enforcement agencies, prosecution bodies, government policy makers and the legal sector to test the review's draft recommendations. This was the first time all of these content experts and practitioners had been brought together at the same time to discuss the issue. Participants discussed matters which cause tension due to the sometimes competing roles and resource priorities of stakeholders. This interactive approach built on meetings held with individual stakeholders in the lead up to the roundtable which confirmed the issues in contention.

This participative process was of great assistance to the Council, allowing for frank and immediate exchange of views among the various stakeholders and an open discussion about their respective expertise, experience and roles. Further crucial issues were identified, leading to additional consultation. These issues may not have been identified without the roundtable, which, coupled with the lead-in consultation process, proved to be most valuable. The Council intends to use this approach in future projects.

The Council reported to the Attorney-General on 31 May 2017.

(The report is available at: www.sentencingcouncil.qld.gov.au/research/child-exploitation-material).

CASE STUDY



Judge for Yourself

To support community understanding of the sentencing process, the Council created the *Judge for Yourself* interactive website. It gives the community the chance to step into the judge or magistrate's shoes and to appreciate that there is more to sentencing than a headline. *Judge for Yourself* helps participants think about the whole sentencing process — beyond the headlines.

The *Judge for Yourself* site — www.qld.gov.au/judgeforyourself — provides Queenslanders with the chance to hear the facts of three different court cases, based on real-life events. A Magistrates Court hears about a young mother who unlawfully takes goods from a corner store; the District Court hears how a driver caused the death of a young girl; and the Supreme Court hears of a drug dealer caught in an undercover police operation. After selecting a case, users see a news bulletin before being asked to sentence the offender. After that, users review the evidence, including dramatised footage from the scene of the offence and the courtroom, before being asked to pass sentence again with their newfound knowledge. The sentence imposed by the user is then compared to the actual sentence that was delivered in the case.

As they make their way through the interactive site, participants get hints and guidance on the things judges and magistrates are required to consider by law when they pass a sentence. The initiative aims to provide users with a clearer understanding of the broader aims of sentencing. Participants are also given the opportunity to provide feedback, enabling the Council to gauge public opinion on sentencing.

Launched in Law Week on 18 May 2017, *Judge for Yourself* is being used as the basis for face-to-face community sessions on sentencing.

“This is by far one of the best tools I have seen the Queensland Government as a whole, use. It was clear, precise, evidence based and provoked questioning of how I would react to such a proceeding in a realistic scenario. I am impressed. Well done.”

“This is an amazing program and should be shown to high school children to encourage interest and understanding of the legal field beyond the Americanised, sensationalised TV programs that most are exposed to.”

“This is a great tool to educate the public and very professionally presented — well done!”

Our performance indicators

INDICATOR	RESULT
Operational	
TOR delivery—% of projects delivered on time	CEM TOR: Report delivered to Attorney-General on 31 May 2017.
Quality of outputs—quality and usefulness as measured by product feedback survey, % of sentencing recommendations adopted	<p><i>Judge for Yourself</i> community session feedback: 96% of attendees reported they increased their understanding of sentencing by attending the session.</p> <hr/> <p>Recommendations arising from the CEM TOR were still under consideration by the Attorney-General in the 2016–17 reporting period.</p>
Financial	
Expense budget	<p>\$1,822,000 (allocated budget)</p> <hr/> <p>\$1,518,000 (actual expenditure)</p>
Engagement	
Brand awareness—% stakeholder population	The Council met with all key stakeholders during the reporting period. In conjunction with media coverage of key QSAC activities, this has led to brand awareness among all key legal stakeholders.
Number of products/publications	Three <i>Sentencing Matters</i> podcasts; three <i>Sentencing Spotlights</i> ; major online educational program (<i>Judge for Yourself</i>); one consultation paper; one report.
Engagement activity—number of meetings and consultations held	The Council attended 58 meetings with stakeholders through the reporting period, held numerous consultation sessions in relation to the CEM TOR, coordinated and ran two <i>Sentencing Seminars</i> and convened 17 <i>Judge for Yourself</i> community sessions.
Website and social media metrics	<p>www.sentencingcouncil.qld.gov.au (10 November 2016–30 June 2017) Sessions: 18,275 Users: 13,876 Page views: 31,995 Average session duration: 4.42 minutes <i>Judge for Yourself</i> page views (launched 18 May 2017): 1,019</p> <hr/> <p>Twitter (@qldsac launched 9 March 2017) Followers: 125 Tweets: 48 Retweets: 137</p> <hr/> <p>Facebook (#judgeforyourselfqld launched 18 May 2016) Likes: 216 Engagements: 36,175 Impressions: 3,535,419</p>
People	
Permanent full time equivalent staff	9.5 budgeted (11 actual)
Number of attendances at professional development opportunities	123

Non-financial performance

Government objectives for the community

The Council supported the Queensland Government's objectives for the community by supporting disadvantaged Queenslanders and ensuring an accessible and effective justice system.

We contributed to two of the four objectives:

- delivering quality frontline services
- building safe, caring and connected communities

Details of how we contributed to these objectives are included under *Our performance* section on page 11.

Whole-of-government plans and initiatives

The Council did not specifically contribute to any whole-of-government plans or initiatives.

Australian Government — agreements and partnerships

The Council did not have any national agreements or national partnership agreements with the Australian Government during 2016–17.

Service standards

The Council did not have any service delivery statements to report against.

Financial performance

The Council is not a statutory body for the purposes of the *Statutory Bodies Act 1982* or the *Financial Accountability Act 2009*.

Funding for the Secretariat is appropriated as part of the appropriation for DJAG, with the Director-General of DJAG being the accountable officer pursuant to the *Financial Accountability Act*.

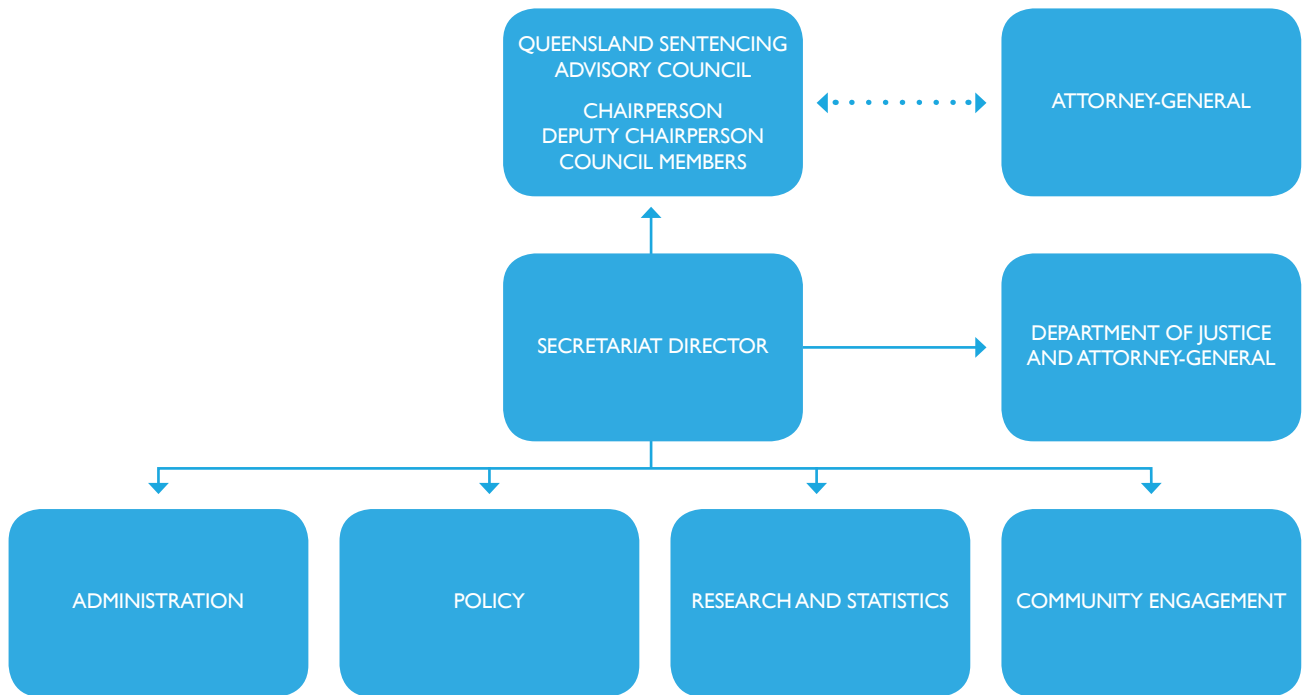
Comprehensive financial details relating to its operations are reported in the DJAG annual report.

Consultancies, overseas travel and Queensland Language Services Policy

The Council operates within DJAG's open data platform. The Council has not engaged any consultants or undertaken any overseas travel.

OUR PEOPLE

Organisational chart



The Council

The Council comprises up to 12 independent members, appointed by the Governor in Council on recommendation by the Attorney-General. As outlined in the *Penalties and Sentences Act 1992* at least one member of the Council must be an Aboriginal person or Torres Strait Islander and members must have expertise or experience relevant to the functions of the Council in relation to the following:

- victims of crime
- justice matters relating to Aboriginal people or Torres Strait Islanders
- justice matters relating to domestic and family violence
- vulnerable persons facing the criminal justice system
- law enforcement
- crime prevention
- criminal prosecutions
- criminal defence representation
- civil liberties
- corrective services, including offender rehabilitation
- juvenile justice matters
- criminal justice policy
- criminal law, including sentencing
- criminology.

Council members have been appointed in their private capacity based on their experience and expertise, following an open, merit-based process. Their term of appointment is for three years — 11 November 2016–10 November 2019.

Meetings and remuneration

During 2016–17, there were seven ordinary Council meetings and one extraordinary Council meeting.

Council members are remunerated in accordance with the *Remuneration procedures for part-time chairs, and members of government bodies*. Those who are public sector employees (denoted with a *) are not paid fees except where this is approved by the government.

Name	Attendance	Approved annual fee	Actual fees received	Out of pocket expenses
James Morton (Chair)	6	\$6,240.00	\$3,434.24	\$434.42
Elena Marchetti (Deputy/Acting Chair)	6	\$4,800.00	\$3,296.63	\$420.60
Dan Rogers	6	\$4,800.00	\$3,296.63	
Debbie Kilroy	7	\$4,800.00	\$3,296.63	
Helen Watkins	8	\$4,800.00	\$3,296.63	\$ 1,454.65
John Allen QC*	6			
Kathleen Payne	6	\$4,800.00	\$3,296.63	\$97.00
Michael Cowen QC*	7			\$199.65
Tracy Linford*	4			
Warren Strange	7	\$4,800.00	\$3,296.63	\$341.00
TOTALS		\$35,040.00	\$23,214.02	\$2,947.32



James Morton

Chair (11 November 2016 to 4 May 2017)

While James was serving as the Council's Chair he was a defence barrister, practising mostly in regional and remote areas of Queensland and the Northern Territory with Aboriginal and Torres Strait Islander clients. He was also a lecturer at Queensland University of Technology, focusing on criminal law, principles of sentencing and evidence law. In addition, James is doing a postgraduate research project looking at the over-representation of Torres Strait Islander offenders within the criminal justice system. Previously, James was a senior lawyer at the North Australian Aboriginal Justice Agency and a lawyer for ATSILS in Townsville. James has also worked as a prosecutor and crown prosecutor in both Queensland and New South Wales. He resigned from the Council on his appointment as a magistrate.



Elena Marchetti

Deputy Chair/Acting Chair

Elena is a Professor of Law at Griffith University, where she researches in the areas of criminal law, Aboriginal and Torres Strait Islander people in the justice system and domestic and family violence. Elena has received two large Australian Research Council Fellowship grants to conduct research into Aboriginal and Torres Strait Islander peoples sentencing courts and partner violence, and more appropriate ways to evaluate Indigenous-focused criminal justice processes. She is a peer assessor for Australia's National Research Organisation for Women's Safety and is on the editorial board of the Australian and New Zealand Journal of Criminology.



John Allen QC

John is the Public Defender with Legal Aid Queensland where he regularly advises on the merit of appeals against sentence. Previously, he spent more than 20 years in private practice, mainly in criminal law, working with clients being sentenced and appealing against sentences in the Magistrates, District and Supreme Courts. He was appointed Queen's Counsel in 2014. John was on the previous Sentencing Advisory Council.



Michael Cowen QC

Michael is based in Townsville and has been a crown prosecutor for the past 20 years. His areas of interest include homicide, youth crime and rehabilitation, remote communities and domestic and family violence. He has extensive experience dealing with victims and defendants who have mental health issues and/or drug addiction. Michael has also worked with victims of sexual abuse and violence. Much of Michael's work has been in relation to the criminal justice system in remote communities. He is a Judge-Advocate and Defence Force Magistrate within the Australia Defence Force Court Martial disciplinary system. He was appointed Queen's Counsel in 2014.



Debbie Kilroy

Debbie is one of the founders and CEO of Sisters Inside, which advocates for the human rights of women and girls in the criminal justice system. Debbie is the first person with a criminal record to have been admitted to the Supreme Court of Queensland. She is currently principal criminal defence lawyer with Kilroy & Callaghan Lawyers and was a social worker prior to entering the legal profession. Debbie has won many awards in recognition of her commitment to crime prevention and work with women and girl prisoners (and their children), including an Order of Australia Medal.



Tracy Linford

Tracy is Assistant Commissioner in the Queensland Police Service leading the intelligence, counter-terrorism and major events command. Previously she was the Assistant Commissioner at Victoria Police providing expert intelligence and covert services. As a detective, she has more than 30 years' experience in investigations, intelligence and countering serious organised crime. In Victoria, she worked on the formation and implementation of the Major Crime Management Model, which was brought about following a series of gangland murders. Tracy was awarded an Australian Police Medal in the Australia Day Honours in 2014.



Kathleen Payne

Kathleen is a defence barrister specialising in criminal law, domestic and family violence, and institutional child sexual and other abuse. She has wide-ranging experience as a crown prosecutor in the UK and Australia. Kathleen has had extensive involvement in issues relating to the Royal Commission into Institutional Responses to Child Sexual Abuse. Recently, Kathleen has been a member of the Central and Northern Queensland, and Southern Queensland Regional Parole Boards. Kathleen gained a Master of Philosophy (Criminology) at Cambridge University, UK. The focus of her thesis was mandatory sentencing.



Dan Rogers

Dan is a Legal Director of private criminal firm Robertson O'Gorman. He is a Queensland Law Society accredited criminal law specialist and represents clients as a solicitor-advocate in all court levels across Queensland. He is published in various legal texts and journals on criminal law. For the past decade, Dan has been voluntary secretary of the Caxton Community Legal Centre, an organisation that supports vulnerable people facing the criminal justice system. Dan is a member of the Queensland Law Society Ethics Committee and the current chair of the Queensland Law Society Human Rights Working Group.



Warren Strange

Warren is the Executive Officer of knowmore—a national community legal service assisting people engaging with the Royal Commission into Institutional Responses to Child Sexual Abuse. Over one-fifth of knowmore's clients identify as Aboriginal or Torres Strait Islander people. In this and other previous roles, including as the Director of Criminal Law at Legal Aid Queensland from 2004 to 2010, Warren has considerable experience working with vulnerable and disadvantaged client groups, including youth and homeless people. Prior to joining knowmore Warren was the Assistant Commissioner, Misconduct at the Crime and Misconduct Commission (as it was then known).



Helen Watkins

Helen is a criminologist and psychologist dedicated to excellence in forensic and clinical assessment and treatment. She is a member of the Parole Board Queensland, and was a member of the former Queensland Regional Parole Boards and the Mental Health Review Tribunal. Helen operates a private practice offering criminological and psychological services in Australia and internationally. Helen previously worked as a psychologist in maximum and high-security correctional centres in South East Queensland where she conducted intensive risk assessment and treatment of offenders in custody.

The Secretariat

The Council is supported by a Secretariat of 11 full-time equivalent staff, employed by DJAG.



Administration

The administration team is responsible for providing administration and secretarial support services to the Secretariat in the areas of human resources, finance and budget, facilities, records management, information technology and the general day-to-day running of the office. The team provides administrative support to Council members and assists with matters relating to remuneration, travel bookings, allowances, meeting logistics and other administrative processes.



Policy

The policy team's role is to support the Council by undertaking legal research and policy analysis across all areas of the Council's work program, including in response to Terms of Reference issued by the Attorney-General. The team monitors and analyses sentencing-related policy issues and assumes a key role in liaising and consulting with the legal profession about sentencing policy. The team adds value to the suite of publications produced through targeted analyses about the legal and policy frameworks directly and indirectly impacting sentencing within Queensland. Through established networks, the team monitors sentencing-related policy environments across other jurisdictions, examining potential implications for Queensland.



Research and statistics

The research and statistics team comprises experienced researchers in the areas of criminology, law, criminal justice, data analysis and interpretation. As part of its role in building on evidence relating to sentencing in Queensland, the team engages with local, interstate and international researchers and bodies undertaking sentencing and related research. The team supports the Council's commitment to consultation and informed public debate relating to sentencing through the publication of quality research deliverables. The team also proactively monitors the broader criminal justice, legal and sentencing research environments to identify areas of current and/or emerging public or professional interest and specific research topics of interest to the Council.



Community engagement

The community engagement team comprises communication specialists in media, stakeholder engagement, marketing and digital services. The team's role is to create accessible tools and educational materials to support community understanding of the sentencing process. This includes factsheets, eAlerts, graphics, web content, video, quizzes and curriculum support. The team advises community consultation and engagement programs for Council projects, using engagement channels such as online surveys, presentations, video conferencing and workshops. It also manages proactive and reactive media, social media and speech writing on behalf of the Council.

Workforce planning

The Council does not have any organisational changes to report.

As the department with administrative responsibility for the Council, DJAG has a number of strategies in place to attract and retain the right people, in the right roles, at the right time. DJAG encourages flexible, healthy ways of working for Secretariat staff, and uses a wide-ranging recruitment net. The 11 Secretariat employees have access to accrued leave time, part-time employment and telecommuting arrangements.

Council members and Secretariat employees were inducted with a one-day strategic planning day, with new employees attending a DJAG induction session and completing mandatory online training. DJAG is committed to developing the performance of Secretariat staff at the individual and team level. Employees are encouraged to take up professional development opportunities, and performance and development plans are in place and reviewed regularly. Misconduct, conflicts of interest and other such matters are dealt with through DJAG.

A range of programs were offered in 2016–17 to equip Council members and Secretariat employees with the necessary skills and knowledge to fulfil the Council's statutory obligations including:

- attendance at relevant conferences
- attendance at internal and external professional development courses in communication, media, cultural awareness, ethics, finance, data and research
- management training programs
- support to staff undertaking under-graduate and post-graduate study.

The following areas were not applicable to the Council in 2016–17:

- Working for Queensland survey
- early retirement, redundancy and retrenchment.

OUR GOVERNANCE

The Council has developed operating guidelines outlining the roles of the Chair and members, responsibilities of members and an overview of support services provided by the Secretariat.

Public sector values



CUSTOMERS FIRST

The behaviour and practices of the Secretariat are guided by the five public service values.

In addition, the Council and Secretariat are guided by the following values:

- collaboration
- innovation and creativity
- professionalism and efficiency
- respect
- collective responsibility and accountability
- cultural competence.



IDEAS INTO ACTION

Public sector ethics

Secretariat

As employees of DJAG, Secretariat employees are required to adhere to the Code of Conduct for the Queensland Public Service (Code of Conduct), prescribed by the *Public Sector Ethics Act 1994*. Employees can access the Code of Conduct and a range of supporting resources, through the DJAG intranet site. New employees are required to complete an online induction program to ensure they are aware of expected workplace behaviour and that their performance and behaviour complies with the Code of Conduct.



UNLEASH POTENTIAL

Council members

As part of the induction process for Council members undertaken at its first meeting in November 2016, the Council decided to adopt the whole-of-government Code of Conduct. However, it has since developed its own Code of Conduct. The Council approved the Code of Conduct on 26 June 2017 and it was provided to the Attorney-General for her approval.



BE COURAGEOUS



EMPOWER PEOPLE

Accountability, integrity and risk management

In compliance with the DJAG risk management framework, the Council has developed a risk register which is reviewed and updated quarterly. The Council has not established a risk management committee.

The Council has adopted a PRINCE2 approach to project planning and management ensuring project risks are identified, documented and mitigated as an integral part of the project initiation phase. In addition, project closure processes enable the Council to document whether project risks were correctly identified and treated, also ensuring continuous improvement. During 2016–17, project plans were developed for three projects. Project closure reports were due to the Council in July and August 2017.

The Council established a research policy to guide the operation of the Council's research activities and ensure all research is conducted in compliance with the National Health and Medical Research Council guidelines. It also established a 2017 research strategy that identified three areas for research attention.

Internal audit

The Council complies with DJAG's internal audit policy.

External scrutiny

The Council falls under DJAG processes for external scrutiny. During 2016–17, no Queensland Audit Office or other external reviews required action by the Council.

Information systems

The Council uses the online record management system eDOCS to manage electronic and physical documents and follows DJAG policies and processes for record keeping.

All new employees received eDOCS training.

The Council's recordkeeping practices adhere to Information Standard (Recordkeeping), Information Standard (Retention and Disposal of Public Records) and the *Public Records Act 2002*.

Right to information and information privacy

The Council did not receive any right to information applications or information privacy applications during 2016–17.

Major audits and reviews

The Council was not subject to any major audits or reviews during 2016–17.

OUR FUTURE DIRECTION

The 2017–18 financial year will see the Council further develop programs to fulfil its principal focus and objectives.

Principal focus

The Council will embark on a program of work designed to respond to the over-representation of Aboriginal and Torres Strait Islander people in the criminal justice system. While its legislative functions are focused on sentencing, the Council acknowledges sentencing is the end in a continuum that begins when a person first comes to the attention of police. This much longer process, which the Council is not expected to provide advice on, is nevertheless relevant when considering how to change the impact of sentencing decisions on individual Aboriginal and Torres Strait Islander people and their communities.

Engage effectively with the community about sentencing

The Council intends to further develop *Judge for Yourself*. A new case will be added to the existing three cases, which will focus on sentencing of young offenders. This will demonstrate how the Childrens Court deals with offences committed by young people, and the different sentencing options that can be imposed on young offenders.

Additionally, the Council will seek to deliver *Judge for Yourself* to schools and universities, ensuring the next generation of Queenslanders have high-quality information about how the criminal courts operate to determine sentences. The Council intends to offer free face-to-face *Judge for Yourself* sessions to schools and universities within a two-hour radius of Brisbane, and to other locations in Queensland when the opportunity arises, as well as via webinar. Resources will be developed for teachers to use in designing and delivering the legal studies curriculum and civics subjects in senior years at secondary schools.

Establish the Council as a trusted and responsive professional body

The Council will continue to deliver on the program of work established during 2016–17.

- *Sentencing Spotlights* — researching and publishing *Sentencing Spotlights* on the following offences: possession of dangerous drugs, breach of bail, breach of domestic violence order, unauthorised dealing with shop goods, dangerous operation of a motor vehicle causing death and trafficking in dangerous drugs.
- *Sentencing Seminars* — at least four seminars will be held in Brisbane and live web streamed for the benefit of those who cannot attend in person. The first, which will involve a panel of experts, will focus on juvenile crime, and the second will be delivered by the Chair of the Royal Commission into Institutional Responses to Child Sexual Abuse the Hon. Justice Peter McClellan AM, who will present on the criminal justice system and sentencing issues arising from the work of the Royal Commission.
- *Sentencing Matters* podcast series — arising from its work on the classification of CEM for the purposes of sentencing, the Council is planning to present interviews with key experts in the area of CEM, as well as a number of other podcasts with experts in sentencing both in Queensland, nationally and internationally.
- Queensland sentencing guide — producing a handbook on sentencing in Queensland based on the Victorian Sentencing Advisory Council's publication of the same name, which will provide a single source of information about how sentencing operates in Queensland.

Position the Council as a thought leader on sentencing issues

The Council will continue to lead the *National Sentencing Network*. Discussions in 2017–18 will engage members in exploring common sentencing issues and learning from the policy and legislative innovations occurring across Australia. The network will provide a forum for vigorous professional debate and information sharing and an opportunity to elevate key sentencing issues to a national level. Eventually, the network hopes to provide academics, practitioners and policy makers with a biannual conference to give a public focus to the need for collaboration to achieve effective and innovative sentencing reform.

GLOSSARY

ATSILS	Aboriginal and Torres Strait Islander Legal Service
CEM	Child exploitation material
DJAG	Department of Justice and Attorney-General
TIS	Translating and Interpreting Service
TOR	Terms of Reference

APPENDIX: COMPLIANCE CHECKLIST

Summary of requirement		Basis for requirement	Annual report reference
Letter of compliance	A letter of compliance from the accountable officer or statutory body to the relevant Minister/s	ARRs – section 7	Page 2
Accessibility	Table of contents Glossary	ARRs – section 9.1	Page 1 Page 26
	Public availability	ARRs – section 9.2	Inside front
	Interpreter service statement	Queensland Government Language Services Policy ARRs – section 9.3	Inside front
	Copyright notice	Copyright Act 1968 ARRs – section 9.4	Inside front
	Information licensing	QGEA – Information Licensing ARRs – section 9.5	Inside front
General information	Introductory information	ARRs – section 10.1	Page 8
	Agency role and main functions	ARRs – section 10.2	Page 8
	Operating environment	ARRs – section 10.3	Page 9
Non-financial performance	Government's objectives for the community	ARRs – section 11.1	Page 16
	Other whole-of-government plans/specific initiatives	ARRs – section 11.2	Page 16
	Agency objectives and performance indicators	ARRs – section 11.3	Page 15
	Agency service areas and service standards	ARRs – section 11.4	Page 16
Financial performance	Summary of financial performance	ARRs – section 12.1	Page 16
Governance – management and structure	Organisational structure	ARRs – section 13.1	Page 17
	Executive management	ARRs – section 13.2	Page 19

Governance – management and structure	Government bodies (statutory bodies and other entities)	ARRs – section 13.3	Page 23
	<i>Public Sector Ethics Act 1994</i>	<i>Public Sector Ethics Act 1994</i> ARRs – section 13.4	Page 23
	Queensland public service values	ARRs – section 13.5	Page 23
Governance – risk management and accountability	Risk management	ARRs – section 14.1	Page 24
	Audit committee	ARRs – section 14.2	Page 24
	Internal audit	ARRs – section 14.3	Page 24
	External scrutiny	ARRs – section 14.4	Page 24
	Information systems and recordkeeping	ARRs – section 14.5	Page 24
Governance – human resources	Workforce planning and performance	ARRs – section 15.1	Page 22
	Early retirement, redundancy and retrenchment	Directive No. 11/12 Early Retirement, Redundancy and Retrenchment Directive No. 16/16 Early Retirement, Redundancy and Retrenchment (from 20 May 2016) ARRs – section 15.2	Page 22
Open Data	Statement advising publication of information	ARRs – section 16	Inside front
	Consultancies	ARRs – section 33.1	Page 16
	Overseas travel	ARRs – section 33.2	Page 16
	Queensland Language Services Policy	ARRs – section 33.3	Page 16
Financial statements	Certification of financial statements	FAA – section 62 FPMS – sections 42, 43 and 50 ARRs – section 17.1	Page 16
	Independent Auditors Report	FAA – section 62 FPMS – section 50 ARRs – section 17.2	Page 16

Queensland Sentencing Advisory Council
GPO Box 2360, Brisbane QLD 4001
(07) 3224 7375
info@sentencingcouncil.qld.gov.au
www.sentencingcouncil.qld.gov.au