



PO Box 243
Woodridge Qld 4114

16th November 2021

Queensland Sentencing Advisory Council
GPO Box 2360
Brisbane Qld 4001

Dear Mr John Robertson, Queensland Sentencing Advisory Council Chair,

RE: Issues Paper: The '80 per cent rule': Serious Violent Offences Scheme in the Penalties and Sentences Act 1992 (Qld)

The Centre Against Sexual Violence Inc. (CASV) is a community based sexual assault service dedicated to providing counselling, education and information to the Logan, Beaudesert and Redlands communities. This includes providing support to survivors throughout the criminal justice process. Thank you for the invitation to make a submission to the Council's review of the operation and efficacy of the serious violent offences scheme in the Penalties and Sentences Act 1992 (Qld).

CASV Counsellors support a number of victim/survivors of serious violent offences including child sexual abuse, rape and sexual assault. In the 2020-2021 financial year, CASV received 677 referrals to our service. Despite this, CASV Counsellors could only identify two occasions the perpetrator of serious violent offences toward victim/survivors supported by CASV have been convicted of a sentencing period of 10 years and/or more or when the Serious Violent Offences (SVO) Scheme has applied in the past few years.

In one case where the SVO Scheme applied, the court imposed a sentence of 10 years. The sexual violence was perpetrated by a male family member to two young women under the age of 16 years. The women reported to CASV Counsellors relief that the perpetrator would serve a minimum of 80% of his sentence before being eligible for parole. The CASV Counsellor advised that the healing journey for these young women has been challenging. The time now afforded them, free from the real and/or perceived threat of the perpetrator's early release, provides an opportunity for healing and recovery as they navigate their way through adolescence and early adult lives.

On the other hand, an issue with the Scheme is that there is then a reduced amount of time that the perpetrator will be appropriately supervised and rehabilitated in the community whilst on parole. The Queensland Sentencing Advisory Council may wish to consider incorporating a minimum period of parole.

The majority of victim/survivors supported by CASV have either chosen not to report the crime to police or the crime was reported and the police or Department of Public Prosecutions asserted there was not enough evidence for the case to proceed through the criminal justice system. CASV has supported a small number of victim/survivors through



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the court process. Some cases have resulted in a “not guilty verdict” in that, under the current Queensland laws, there was not enough evidence for the jury to convict the perpetrator beyond a reasonable doubt. In cases where CASV has supported the victim/survivor and the perpetrator has been found guilty, often an inadequate and unjust sentence has been applied.

For example, CASV supported a victim/survivor in 2020 in regard to a historical child sexual abuse matter. The perpetrator was convicted and given a 2 year partially suspended sentence, with an imprisonment period of 30 days. In a more recent case, CASV supported a young woman with a disability who was also victim/survivor of rape. The perpetrator was convicted on a number of sexual assault offences and sentenced for up to 4 years for each conviction (each to be served concurrently) with an imprisonment period of only 14 months.

The SVO Scheme is useful in providing survivors with more assurances that the perpetrator will be imprisoned for a longer period of time aiding in their time to recover from the act/s of sexual violence. However, in actuality, very few incidences of sexual violence result in a conviction where the Scheme can be applied or, any conviction whatsoever.

There are far greater issues with the criminal justice systems for victim/survivors of sexual violence including:

- Survivors do not feel safe and /or comfortable reporting sexual violence to police.
- There are insufficient policing resources available to investigate reports of sexual violence in a timely and trauma-informed manner.
- There are insufficient systems in place to support victim/survivors through the criminal justice system.
- Queensland consent and mistake of fact laws are outdated and do not adhere to an affirmative consent model.
- Criminal justice processes take far too long and cause further harm and trauma to victim/survivors.
- Often inadequate and unjust convictions and sentencing is applied sexual violence crimes.

The CASV recommends that these issues are also taken into consideration by the Queensland Sentencing Advisory Council.

Yours sincerely,

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Centre Against Sexual Violence