

About this report

This inaugural Annual Report underpins the Sentencing Advisory Council's commitment in 2010–11 to achieving the objectives outlined in its enabling legislation, the *Penalties and Sentences Act 1992* (Qld) (*'Penalties and Sentences Act'*).

This Annual Report describes the Council's activities in its first part-year of operations and outlines its goals for 2011–12.

This report provides information on:

- our performance
- the challenges affecting the Council
- our compliance with legislation governing our establishment, and
- our forward plans in the areas of research, policy and community engagement.

This report provides information about the operation of the Council to enable Parliament to assess our performance.

We value the views of key stakeholders and invite feedback on this report through the Council's website.

Electronic copies of this Annual Report are available on our website at www.sentencingcouncil.qld.gov.au

30 September 2011

The Honourable Paul Lucas MP
Deputy Premier and Attorney-General, Minister for Local Government
and Special Minister of State
Parliament House
George Street
Brisbane Qld 4000

Dear Deputy Premier,

I am pleased to present the inaugural Annual Report 2010–11 for the Queensland Sentencing Advisory Council.

This Annual Report meets the prescribed requirements of section 203L of the *Penalties and Sentences Act* to include information about:

- performance of the Council's functions, in particular about the provision of information to the community to enhance knowledge and understanding of matters relating to sentencing, and
- the work to be undertaken by the Council in the future in the performance of the Council's functions.

Yours sincerely

Geraldine Mackenzie

Chair

Sentencing Advisory Council

CONTENTS

Chair's overview	1
About us	3
What is the Sentencing Advisory Council?	4
What does the Council do?	4
Who we are - the Council	5
Sentencing Advisory Council members	6
Secretariat Director's report	8
Our key stakeholders	10
Our budget	10
Key challenges and opportunities	10
Our environmental footprint	12
2010-11 Highlights	15
2010 HTHIGHTIGHTS	15
Our performance	19
References from the Attorney-General 2010–11	20
Other key projects in 2010–11	21
Key statistics 2010–11	22
Community engagement	23
Our future work	29
References from the Attorney-General	30
Upcoming research projects	31
Upcoming community engagement projects in 2011–12	32
Corporate governance	33
Human resources 2010–11	34
Operations	36

ENGAGE
ADVISE
INFORM

Glossary

APM Australian Police Medal

CD Compact Disc CO2 Carbon dioxide

DJAG Department of Justice and Attorney-General

GBCA Green Building Council of Australia

ICT Information and Communications Technology

IPP Information Privacy Principle

LAQ Legal Aid Queensland
MP Member of Parliament

NABERS National Australian Built Environment Rating System

NAIDOC National Aborigines and Islanders Day

Observance Committee

NSW New South Wales

PACT Protect All Children Today
PDF Portable Document Format
PID Public Interest Disclosure

PRINCE 2 Projects in Controlled Environments:

a project management method

PSC Public Service Commission

Qld Queensland

QLS Queensland Law Society

QPILCH Queensland Public Interest Law Clearing House

QPS Queensland Police Service

SC Senior Counsel

SNPP Standard non-parole period T5 Tungsten 5 fluorescent lamp

UNSW The University of New South Wales

VISION Victims Services Interagency Organisation Network





The Sentencing Advisory Council (the Council) was established by amendment to the *Penalties and Sentences Act* and commenced operation in December 2010. Its core purpose is to promote consistency in sentencing, stimulate balanced public debate on sentencing issues and incorporate informed community opinion into the sentencing process.

I am both pleased and privileged to have been appointed the inaugural Chair of the Sentencing Advisory Council in Queensland. It has been and remains my view that a Sentencing Advisory Council will be a valuable component of Queensland's commitment to the rule of Law.

In examining other jurisdictions, I note the contributions that a

sentencing council of this nature has made to public debate about sentencing. Although the councils in Victoria and NSW provide alternative models, the Queensland Sentencing Advisory Council is unique and reflects the specific needs and socio-legal circumstances present in Queensland. I have no doubt that, with the support of the community and our partners and stakeholders, the Council will make a valuable contribution to sentencing in Queensland and will consequently enhance the society we all live in.

The first months of the Council's operation have been both exciting and challenging. I would like to place on record my appreciation for the professionalism and commitment of my colleagues on



the Council. I would particularly like to thank Nicholas Tucker, who was appointed Deputy Chair of the Council in June 2011.

Another important function of the Council is to conduct research, publish information on sentencing and provide information to the community to enhance knowledge and understanding of sentencing issues. The Council has already met with key stakeholders, made presentations about the role and function of the Council and participated in Law Week. The Council has also developed its own Research Agenda and Community Engagement Strategy to guide its work.

In addition the Council has been busy responding to References from the Attorney-General on sentencing issues. The Council's first Reference on minimum standard non-parole periods has been a key priority for the Council during the first six months of its operation. Not only is this a technically complex Reference, it has also attracted strong and competing views from members of the community and key stakeholders. In responding to the Reference, the Council has been acutely conscious of the potential impact that standard non-parole periods will have on sentencing in Queensland. In addition, the Council has been strongly aware of the need to acknowledge and inform community expectations about sentencing for serious violent offences and sexual offences. We will be reporting to the

Attorney-General on this Reference in September 2011.

The Council has a crucial role to play in inviting community views to inform the Council's advice to government about sentencing, and we will continue to explore ways to do this effectively.

I will conclude by commending the Director, Ms Anne Edwards, and staff of the Secretariat for their support to the Council; they have proven themselves to be capable, responsive and dedicated. The success of this Council will be due in no small measure to their diligence and willingness to serve the people of Queensland.

9.2M

Professor Geraldine Mackenzie Chair ADVISE INFORM ENGAGE EN



What is the Sentencing Advisory Council?

The Sentencing Advisory Council is an independent statutory body established in December 2010 by amendment to the *Penalties and Sentences Act*.

The aim of the Council is to improve consistency and transparency of sentencing in Queensland, leading to increased public confidence in sentencing.

The Council takes into account the views of the community, the courts and the government in its reporting, and informs members of the public about sentencing issues through community engagement and consultation.

The Council is funded through the Department of Justice and

Attorney-General (DJAG) and staffed by a Secretariat of 12, who are employed by DJAG.

What does the Council do?

The Council has six statutory functions under section 200 of the *Penalties and Sentences Act*, which are to:

- provide its views on the giving or review of guideline judgments prepared by the Court of Appeal
- if requested, provide advice to the Attorney-General on sentencing matters
- provide information to the community to enhance knowledge and understanding of matters relating to sentencing
- publish information relating to sentencing
- research matters relating to sentencing and publish the results, and

• seek the community's views on sentencing matters.

Who we are - the Council

COMPOSITION OF THE COUNCIL

As outlined in section 202 of the *Penalties and Sentences Act*, the Council consists of 12 parttime members appointed by the Governor in Council on the recommendation of the Attorney-General. The legislation outlines that Council members will have expertise or experience relevant to the functions of the Council in relation to:

- victims of crime
- justice matters relating to Aboriginal or Torres Strait Islander people
- 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, or
- criminology.

Members of the Council have been appointed in their private capacity based on their expertise and experience.

Members of the Council were appointed following an open, meritbased process, which included public advertisements calling for members of the public to nominate their interest in the position

TOTAL NUMBER OF WOMEN ON THE SENTENCING ADVISORY COUNCIL

Number of members: 12 Number of women: 4 Percentage of women: 33%

MEETINGS OF THE COUNCIL

Name	Meetings attended
G Mackenzie (Chair)	6
N Tucker (Deputy Chair)	7
J Allen	7
K Anderson	7
B Atkinson	5
J Bush	6
K Cocks	5
B Colless	6
B Crosby	7
J Hunter	5
C McGuire	5
T Moynihan	5

REMUNERATION

The remuneration for all members of the Council during the financial year was \$26,352. In addition to Council meetings, the Chair and members were paid for special assignments as provided for under the DJAG policy Remuneration of Part-time Chairs and Members of Government Boards, Committees and Statutory Authorities.

SENTENCING ADVISORY COUNCIL MEMBERS



PROFESSOR GERALDINE MACKENZIE (CHAIR)

Professor Mackenzie is the Dean, Faculty of Law and the Pro Vice-Chancellor (Research) at Bond University. She holds a practising certificate as a Barrister-at-Law. Professor Mackenzie has written five books on criminal law and sentencing and numerous articles and papers. Her PhD is in sentencing law from UNSW.



NICHOLAS TUCKER (DEPUTY CHAIR)

Mr Tucker is the Chairperson of the community agency providing support to children giving evidence in the Queensland Courts (Protect All Children Today). Mr Tucker is also a barrister, with over 20 years experience in advocating for the safety and rights of children. As well as other qualifications, Mr Tucker is also a Certified Management Consultant with experience in management, mentoring and organisational structure.



JOHN ALLEN

Mr Allen has been a barrister since 1986. After more than 20 years in private practice, mainly in criminal law, he took up the position of Public Defender at Legal Aid Queensland in 2011.



JEFF HUNTER SC

Mr Hunter is one of Queensland's leading criminal barristers and has extensive experience practising in the criminal law area. He worked for a number of years as Deputy Public Defender at Legal Aid Queensland. He has also been a Crown Prosecutor in the Office of the Director of Public Prosecutions. Mr Hunter moved to the private Bar in 1999.



BOB ATKINSON APM

Mr Atkinson has been Queensland Commissioner of Police since 2000. With over 40 years policing experience, he was sworn in in 1968. Mr Atkinson has served throughout the State in operational and managerial roles. He was a detective for 20 years and in charge of country Criminal Investigation Branch and Juvenile Aid officers. Mr Atkinson was involved in the post-Fitzgerald QPS change management from 1990.



JONTY BUSH

Ms Bush has personal experience of the consequences of lethal violence, and is a victims' advocate who has worked to enhance victims' participation in the criminal justice system. Named Young Australian of the Year in 2009 for her work supporting victims of crime, Ms Bush is completing a Masters (Hons) in Criminology and Criminal Justice at Griffith University.



KELVIN ANDERSON

Mr Anderson was appointed
Queensland Corrective Services
Commissioner in February 2009
after serving as Director-General
from December 2008. He served
as Commissioner of Corrections in

Victoria from 2002-09.



BOB COLLESS

Uncle Bob Colless, of Cairns, is the current Deputy Chair and Manager of Gumba Gumba, the Cairns and District Aboriginal and Torres Strait Islander Corporation for Elders and the Cairns Community Justice Group. The group operates programs to support the Indigenous community and has strong links with the Aboriginal and Torres Strait Islander Legal Service. Bob is also involved with the Cairns Murri Court as an Elder.



Ms Crosby was the president and spokesperson for the former Bundaberg Hospital Patient Support Group. She was awarded the Lawyers Alliance Civil Justice Award in 2006 in recognition for her work as a victims' advocate. She is currently a member of the Bundaberg Health Community Council and Health Consumers Queensland (a consumer advisory body to the Minister for Health).



KEVIN COCKS AM

Mr Cocks is the Anti-Discrimination
Commissioner of Queensland.
Formerly the Director of
Queensland Advocacy Incorporated,
Kevin is an advocate for
disadvantaged people, particularly
those with a disability. In 2005, he
was awarded the Human Rights
Medal by the Human Rights and
Equal Opportunity Commission.



Ms McGuire has been appointed as a community representative who has experience with victims of crime. She is the co-ordinator of the Zig Zag Young Women's Resource Centre. Before this, she provided support to female victims of sexual assault, and was involved with the Immigrant Women's Support Service.



TONY MOYNIHAN SC
Mr Moynihan has been Director of
Public Prosecutions since 2008.
He has previously held the
positions of Crown Prosecutor
within the Office of the Director
of Public Prosecutions and the
Deputy Public Defender with
Legal Aid Queensland.



THE SENTENCING ADVISORY COUNCIL SECRETARIAT



The Secretariat

The part-time Council members are supported by a Secretariat that carries out the Council's daily work. Secretariat staff bring skills from a range of disciplines such as:

- law
- policy development
- criminology
- research and statistical analysis
- communication
- community education, and
- community engagement to help the Council meet its objectives.

The composition of the Secretariat includes a Director, an Office Manager and an Administrative Assistant. The three teams

- Research, Legal Policy and

Communications – each have three staff members.

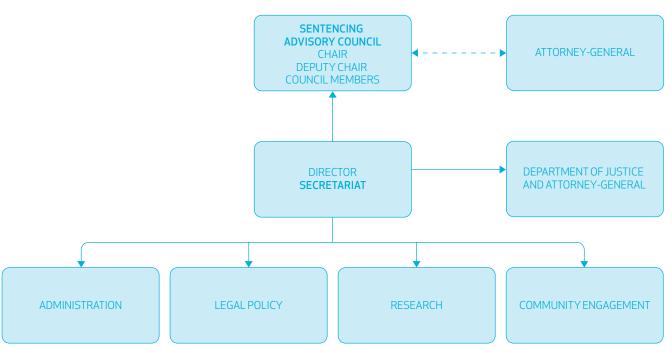
Secretariat Director's report

This first part-year of operation for the Sentencing Advisory
Council has been a critical period of establishment for the Council's
Secretariat. Recruitment of specialist personnel and the establishment of infrastructure have been key tasks that have involved considerable time and effort. Process implementation and the development of strategic networks remain key areas of focus for the Secretariat.

In addition, exploring the availability and reliability of sentencing data is a key priority, as well as negotiating access to this data to enable the Council's research function.

SENTENCING ADVISORY COUNCIL

(ORGANISATIONAL CHART AS AT 30 JUNE 2010)



Staff of the Department of Justice and Attorney-General, the Department of Community Safety (Queensland Corrective Services) and the Office of Economic and Statistical Research have greatly assisted the Council in this respect and we look forward to continuing these valuable relationships.

Further to the day-to-day work of the Secretariat, critical staff have undertaken a range of specialist training developed and designed to support the administrative, policy, research and communications roles required of the Secretariat.

The Secretariat remains focused on providing exceptional support and expert advice that will enable the Council to perform its role.

Several important projects of note that have been completed this year are:

- establishment of the Council's website
- development of the corporate identity and logo
- establishment of the project management framework, with associated staff training
- implementation of key administrative systems, with associated staff training
- development of the Council's Community Engagement Strategy, and
- development of the Council's Research Agenda.



Our key stakeholders

In addition to members of the Queensland community, the Sentencing Advisory Council is committed to forming strong relationships with a range of other stakeholders drawn from government, the legal profession, advocacy groups and tertiary institutions, including:

- key State Government agencies dealing with sentencing and related issues:
 - Department of the Premier and Cabinet
 - Department of Justice and Attorney-General
 - Department of Community Safety (Queensland Corrective Services)
 - Queensland Treasury
 - Office of Economic and Statistical Research
 - Department of Communities
 - Office for Aboriginal and Torres Strait Islander Partnerships
 - Queensland Police Service
 - the Office of the Director of Public Prosecutions
 - Legal Aid Queensland
- community advocacy groups for:
 - offenders
 - victims of crime (including domestic violence groups)
 - Aboriginal and Torres Strait
 Islander people
 - community safety
- legal professionals and representative bodies, including:
 - Community Legal Centres

- Aboriginal and Torres Strait Islander Legal Centres
- Queensland Law Society
- Queensland Bar Association
- Indigenous groups, including:
 - Statewide Community Justice Reference Group
 - community justice group representatives
 - Cape York Justice Committee
 - Torres Strait Regional Authority
- universities and other research institutions
- sentencing advisory councils in other jurisdictions – Victoria, NSW, Tasmania.

Our budget

In 2010–11, the Council's allocated budget totalled \$1.3 million.

For a full breakdown of the Sentencing Advisory Council's expenditure, see the Department of Justice and Attorney-General's Annual Report 2010–11.

Key challenges and opportunities

There are several areas presenting key challenges and opportunities for the Council and its Secretariat, namely:

AVAILABILITY OF AND ACCESS TO DATA

To develop statistical information about sentencing, the Council relies on administrative information collected and maintained by other agencies. These agencies include the Office of Economic and Statistical Research, the Department of Justice and Attorney-General and the Department of Community Safety (Queensland Corrective Services).

Timely access to good-quality data is essential for the Council to perform its research and advisory functions. The Council is conscious that its need for data from other agencies creates significant workload demands on these agencies. The Council and the Secretariat have developed close working relationships with source agencies to enable the Council to deliver its advice to government within project timelines.

TIMELINES AND WORKLOAD

Consistent with its broad functions of informing, engaging and advising on sentencing matters, the Council must balance the time needed to respond to Attorney-General References against the time needed for the other components of its work program. The Council has identified a range of projects that will require future research to better inform key stakeholders and the community about sentencing issues. More information about work in 2011–12 is provided below under 'Our future work'.

RAISING AWARENESS OF THE ROLE OF THE COUNCIL

In the first year of operation, the Council has raised awareness about its role and functions. In the months after the Council's establishment, the Chair of the Council held meetings with the heads of jurisdiction of Queensland's criminal courts to discuss the Council's role. Both the Chair and the Director have delivered a number of presentations to provide information to key stakeholders about the Council and its work. The Council also had a presence at Law Week, which attracts many members of the public.

In addition, there has been ongoing development of the Council's website to provide information and enable feedback from the community about the Council's work. The launch of the Council in December 2010, and the statewide consultation process on minimum standard non-parole periods from 10 June 2011, provided media coverage about the Council and its first Terms of Reference. The first two e-newsletters of an ongoing series also went out to more than 600 key stakeholders to promote the Council's work. More information can be found under 'Our performance: community engagement'.

COUNCIL MEMBERSHIP

As outlined above, the Council is a mix of people with significant criminal law, criminal justice and service delivery backgrounds drawn from the community and the professions. This diversity of backgrounds forms a significant strength, providing an opportunity for the Council to more effectively perform its functions.



Our environmental footprint

ACCOMMODATION

The Sentencing Advisory Council takes up 247square metres of office space on Level 30, 400 George Street, Brisbane. This is where the Council meets each month and the Secretariat is based. The choice of this building reflects a commitment, by both the Council and Government, to environmental sustainability.

The building has a five-star Australian Building Greenhouse Rating, and 20 per cent CO₂ reduction with a predicted saving of 2,604,000 kg of CO, compared with a four-star rated building. The building's features include two high-efficiency chillers. As a result, the joint owners are endeavouring to achieve a 4.5-star National Australian Built Environment Rating System (NABERS)¹ energy rating. The property currently has a four-star rating. In addition, the building has a five-star Green Building Council of Australia (GBCA) Green Star Rating, representing Australian best practice.

The building is also located close to public transport and has cyclists' facilities and changing areas to promote cycling to work.

WATER

The office space at 400 George Street features low-flow water fixtures and a water capture system to conserve water resources. Energy savings are achieved through a gaspowered central hot water system and the water circulating pumps are turned off outside normal business hours.

Storm water is collected for re-use. The harvested water is predominantly used for plant irrigation and pressure cleaning of external paved areas. This reduces the consumption of clean drinking water.

ENERGY EFFICIENCY

The Sentencing Advisory Council's office space has:

- a low 'e' double-glazed wall of windows to optimise daylight and thermal comfort
- energy-efficient T5 fluorescent lights which, together with natural daylight from the double-glazed facades and shallow floor plate, provide excellent lighting
- an automatic building control system to optimise the use of air conditioning and lighting to save energy; lighting operates between 7.00am and 6.00pm, and motion sensors turn lights off automatically if no presence is detected after 20 minutes
- perimeter lighting in office zones that can be switched off to take advantage of natural light and increase energy savings
- control of air quantity by carbon dioxide sensors in the variable air volume air conditioning system,

¹ NABERS is a world-first initiative to help building owners and tenants to benchmark their greenhouse performance. It is a voluntary scheme designed to reduce greenhouse gas emissions and minimise the impact the building has on the environment.



400 GEORGE STREET



- which matches air supply to the actual load, not the peak load; a night purge is programmed and fresh air dampers are shut during early morning warm-up to reduce the air conditioning load, and
- automatic energy saving settings on office equipment such as printers and computers, which turn off when idle for more than 20 minutes.

WASTE MANAGEMENT

The Council follows industry best practice in terms of waste disposal in the office environment. Minimisation of paper waste (for example, by double-sided printing) and conserving toner and cartridges by printing to black and white as a default option are followed. In addition, the Secretariat makes use of recycling programs for paper and toner cartridges.

Individual bins and waste streams are provided throughout the building to maximise recycling. The cleaning staff collect the separated waste and deliver it to dedicated storage facilities in the basement. Facilities are provided to recycle glass, paper, plastics, cans and e-waste. Collection points for each of these waste streams are provided in a variety of locations.

ADVISE INFORM ENGAGE ADVISE INFORM ENGAGE ADVOCATION OF THE GET SADVISION OF THE GET SADVISIO

2010-11 **HIGHLIGHTS**



December 2010

- Council membership announced
- The Council is launched by the former Attorney-General and Minister for Industrial Relations, the Honourable Cameron Dick MP
- First Terms of Reference on minimum standard non-parole periods (SNPPs) issued to the Council by the former Attorney-General
- First Council meeting

January 2011

 The Chair, Director and staff attend a joint meeting of the NSW Sentencing Council, Victorian Sentencing Advisory Council and the Queensland Sentencing Advisory Council secretariats in Melbourne

February 2011

- Initial roundtable discussions held with key stakeholders in relation to the SNPP Terms of Reference
- Initial meetings with key legal stakeholders to introduce the Council and its functions
- Sentencing Advisory Council logo and corporate identity established

March 2011

 Representatives of the Secretariat travel to NSW to speak with key stakeholders about the operation and impacts of SNPPs in NSW



FORMER ATTORNEY-GENERAL AND MINISTER FOR INDUSTRIAL RELATIONS, THE HONOURABLE CAMERON DICK, AND SENTENCING ADVISORY COUNCIL CHAIR, PROFESSOR GERALDINE MACKENZIE, ATTHE LAUNCH OF THE SENTENCING ADVISORY COUNCIL IN DECEMBER 2010.



April 2011

• Council members attend a strategic planning day

May 2011

- Council establishes a display and provides information at Law Week.
 The Director makes a public presentation on the role and function of the Sentencing Advisory Council
- The Chair and Council member Kevin Cocks participate in the Law Week Hypothetical conducted by Legal Aid Queensland

June 2011

- Release of SNPP Consultation Paper and a companion research paper, Sentencing of serious violent offences and sexual offences, on 10 June
- Submissions on SNPPs open and consultation meetings across Queensland begin

ADVISE INFORM ENGAGE ADVISE INFORM ENGAGE ADOUR PERFORMANCE ADVISED INFORM ENGAGE ADVISE INFORMED ADVISED AD



References from the Attorney-General 2010–11

On 20 December 2010, the Council received its first Terms of Reference when the Attorney-General asked it to examine and report on the introduction of minimum standard non-parole periods (SNPPs) in Queensland, including:

- what serious violent offences and sexual offences a minimum SNPP should apply to, and
- the appropriate length of the minimum SNPP for each offence identified.

The Council was also asked to consider a range of related issues, including whether the NSW SNPP approach should be adopted in Queensland.

The Council approached the project in the following stages:

- An initial series of roundtable discussions were held with key legal and community stakeholders in Brisbane in February 2011. These discussions enabled the Council to seek the initial views of key stakeholders and provided an opportunity for attendees to raise issues to inform the Council in conducting research and preparing material for a Consultation Paper.
- A public Consultation Paper was developed with a separate Executive Summary for members of the community. The Consultation Paper was accompanied by a research paper entitled Sentencing of serious violent offences and sexual offences in Queensland. A CD containing

the full Consultation Paper and research paper was provided with each Executive Summary. All three documents were released on 10 June 2011.

• A statewide consultation process was conducted in June and July 2011. Members of the Council and the Secretariat met with key stakeholders to seek their views on a number of issues presented in the Consultation Paper. This is covered in full in the 'Community engagement' section below. A final roundtable discussion is planned for August 2011 to seek feedback from key legal stakeholders before the Council finalises its advice.

The Council is due to report back to the Attorney-General on SNPPs by 30 September 2011.

Other key projects in 2010-11

The Council's Secretariat has worked on a range of projects to establish the Council and to ensure that policies, governance and infrastructure are in place to support work on core business. These projects included:

- establishing the Council's Community Engagement Strategy
- establishing the Council's Research Agenda
- recruiting staff and ensuring they have undertaken appropriate foundation training
- developing our logo and corporate identity
- developing an appropriate project management framework (based on Prince 2) and training staff



- in the new project management framework, and
- working with the Department of Justice and Attorney-General and the Department of Community Safety (Queensland Corrective Services) to establish appropriate data access.

Key statistics 2010-11

The Council published a research paper on the sentencing of serious violent offences and sexual offences to support its work on the SNPP Reference. This paper presented information collected by the Department of Justice and Attorney-General and maintained by the Office of Economic and Statistical Research. Information in the paper related to sentences imposed by the Queensland higher courts between 2005–06 and 2009–10.

The key findings of the research paper were:

- The majority of offenders with a serious violent offence or sexual offence² as their most serious offence were sentenced to a term of imprisonment (either full-time imprisonment or a partially suspended sentence).
- The majority of cases with a most serious offence of 'manslaughter' (99%), 'acts intended to cause grievous bodily harm and other malicious acts' (98%), 'maintaining a sexual relationship with a child' (98%), 'attempted murder'

- (96%), 'rape' (97%), 'torture' (91%), 'attempted rape' (89%), 'grievous bodily harm' (81%) and 'incest' (81%) received a term of imprisonment.
- Offences with the highest average sentence imposed by the higher courts were 'attempted murder' (11.5 years), 'manslaughter' (8 years), 'rape' (6.5 years), 'maintaining a sexual relationship with a child' (6 years), 'acts intended to cause grievous bodily harm and other malicious acts' (6 years), 'unlawful sodomy' (6 years) and 'incest' (5 years).
- A high proportion of offenders who come before the courts plead guilty (92%). Offenders with a sexual offence as their most serious offence are less likely to plead guilty (86%) than offenders with a most serious offence involving a serious violent offence (95%).
- Measures of average sentence length variability (which did not account for case variation) did not suggest there is a systemic problem with sentencing consistency in the Queensland higher courts.
- Average non-parole periods
 (expressed as the proportion of
 a sentence that must be served in
 custody) tended to be higher for
 sexual offences than for serious
 violent offences. The average non parole periods for sexual offences
 ranged from 63 per cent to 77
 per cent, compared with 33 per cent

² Data presented in the research paper are subject to some limitations, which are outlined in detail in the paper. Serious violent offences were selected from Schedule 1 – serious violent offences of the *Penalties and Sentences Act*, and sexual offences were selected from Schedule 1 of the *Corrective Services Act* 2006. Not all serious violent offences and sexual offences listed in the schedules are included in the research paper.

ENGAGE
INFORM
ENGAGE
INFORM
ENGAGE
INFORM
ENGAGE
ADVISE
INFORM

ENGAGE
ADVISE
INFORM
ENGAGE
INFORM
ENGAGE
ADVISE
INFORM
ENGAGE

ADVIS
INFOR
ENGAG
ADVIS
INFOR



to 77 per cent for serious violent offences.

- Offenders with a most serious offence relating to a serious violence offence are on average released to parole closer to their parole eligibility date than offenders with a most serious offence relating to a sexual offence.
- On average, Aboriginal and Torres Strait Islander offenders generally spend a greater proportion of their sentence in custody before being released to parole than non-Aboriginal and Torres Strait Islander offenders.

A full copy of the research paper can be viewed at www. sentencingcouncil.qld.gov.au

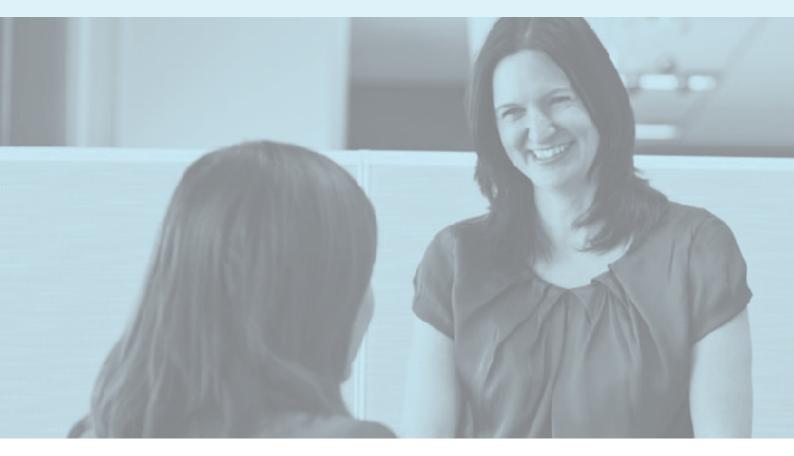
Community engagement

PROMOTING THE COUNCIL

Corporate branding

As a new, independent statutory body established under the *Penalties and Sentences Act*, the Council required its own corporate identity. An external agency was engaged to design a new logo between November 2010 and April 2011.

This corporate branding was implemented in all the Council's internal and external material, including an information sheet, an e-newsletter, a PowerPoint template, stationery, the website and new displays for use at forums and events.





Speeches and presentations

Presentations were made to a range of individuals and stakeholder groups to raise awareness of the Sentencing Advisory Council's role, including:

- State Government multicultural interdisciplinary committee
- Queensland Public Interest Law Clearing House (QPILCH) research student group
- Victim Services Interagency Organisation Network (VISION)
- members of the community at Law Week.

Stakeholder contact

Council members and the Secretariat engaged widely with stakeholders in 2010–11 in a variety of ways, including:

• meetings with stakeholders

- meetings with the heads of jurisdiction of Queensland's criminal courts
- meetings with stakeholders in NSW to assess the success of a SNPP scheme in that State, including:
 - Corrective Services NSW and the State Parole Authority
 - the President of the Children's Court
 - the NSW Public Defender
 - Victims Services, NSW
 Department of Justice and the Attorney-General
 - the Homicide Victims Support Group and the Victims of Crime Assistance League
- the Criminal Law Committee, Law Society of NSW.



STANDARD NON-PAROLE PERIOD CONSULTATIONS

In February 2011, the Council held four roundtable discussions in Brisbane with key stakeholders such as legal groups, victims' groups, offender advocacy groups, Indigenous representatives and police to seek initial views about SNPPs and to help inform the Council's work on its first Terms of Reference from the Attorney-General.

The Sentencing Advisory Council planned a comprehensive series of consultations in 15 locations throughout Queensland in June–July 2011 to discuss the introduction of a SNPP scheme for serious violent offences and sexual offences in Queensland. As at 30 June 2011, consultations had taken

place with around 30 stakeholders in Mount Isa and Townsville.

Attendees were asked their views on which offences SNPPs should apply to and how long the nonparole period should be for each offence.

Members of the public had six weeks before the closing date of 22 July to provide feedback. They were able to submit this by email through the Council's website or by using an online response form provided online.

INDIGENOUS MATTERS

The Sentencing Advisory Council is conscious that sentencing matters have a considerable impact on Aboriginal and Torres Strait Islander people, with 29 per cent of all offenders imprisoned in

ENGAGA ADVISUINFOR ENGAGA ADVISU





Queensland identifying as an Aborigine or Torres Strait Islander.

In consulting key stakeholders about the introduction of SNPPs, the Council was conscious of the disproportionate impact such a scheme would have on offenders from Aboriginal or Torres Strait Islander backgrounds.

Council member Uncle Bob
Colless was pivotal in providing
introductions into a number
of Aboriginal and Torres Strait
Islander communities and invited
influential community members
to attend consultations in relevant
communities, including Townsville,
Cairns and Thursday Island. In
conjunction with Council member
Kelvin Anderson, Uncle Bob
was also able to arrange a special
consultation session with inmates

of Lotus Glen prison, the majority of who were Aboriginal or Torres Strait Islander.

Alongside Uncle Bob, the Council engaged a specialist facilitator with expertise in conducting consultations in Aboriginal and Torres Strait Islander communities who also liaised with relevant people in Mount Isa, Rockhampton and Cherbourg.

In addition, the Council's Torres Strait Island consultation was facilitated by Torres Strait Islander Peter Yorkston, who lives on Thursday Island and works there for the Department of Justice and Attorney-General.



MEDIA CONTACTS

From 3 December 2010, when the Council's members were announced, to 30 June 2011, the Council had 51 direct media contacts resulting in stories on television, in radio, in print and online. The Council published five media releases and the Chair held two media conferences.

EVENTS

Sentencing Advisory Council Launch

Membership of the Sentencing Advisory Council was announced on 3 December 2010 and launched on 20 December. The Council members were formally appointed by the Governor in Council on 2 December 2010 after expressions of interest were sought from the community.

Law Week

The Sentencing Advisory Council took part in Law Week from 15 to 22 May 2011, with involvement in Legal Aid's hypothetical on 17 May and the Law Week Open Day on 21 May.

The hypothetical was attended by the Chair, Geraldine Mackenzie, and Council member Kevin Cocks, who highlighted the need for more research on the problems faced by people with an intellectual disability in the criminal justice system.

On Law Week Open Day, Secretariat members staffed a display at the Magistrates Court complex to engage with members of the community and provide information about the Council. The Director, Anne Edwards, presented information to interested ENGAG ADVIS INFORI ENGAG ENGA





members of the public about the Council's role and its work.

PUBLICATIONS

The Sentencing Advisory Council's publications are developed in a range of formats to meet the needs of community and stakeholder groups. Information is made available in hard copy and electronically, either online or on CD for distribution. The publications include reports, research, information sheets and media releases. Publications in 2010–11 included:

- Minimum standard non-parole periods
 Consultation Paper June 2011
- Community Consultation Pack June 2011
- Sentencing of serious violent offences and sexual offences in Queensland June 2011 (research paper)

- Sentencing Advisory Council Information Sheet
- Sentencing Advisory Council Newsletter, April 2011
- Sentencing Advisory Council Newsletter, June 2011

INTERNET

The Council's website has been undergoing development in 2011, including an update of the 'look and feel' when the new corporate branding was implemented. A major web searchability and development strategy will be implemented in 2011–12.

ENGAGE ADVISE INFORM ENGAGE ADVISE INFORM ENGAGE ADVOLUBE TO EUREWORK ADVISE ADVISE INFORM ENGAGE ADVISE INFORM



References from the Attorney-General

The Council will be working on a range of projects in 2011–12. These will include:

REVIEW OF SENTENCING OF OFFENDERS CONVICTED OF CHILD SEXUAL OFFENCES

The Council will review the sentences imposed on offenders convicted of child sexual offending. In undertaking the Reference, the Council has been asked to:

- examine and report on current sentencing practices for offenders aged 17 years and over convicted of child sexual offences, in particular for the offences of sodomy, indecent treatment of a child under 16, unlawful carnal knowledge, maintaining an unlawful sexual relationship with a child, rape and attempted rape
- consider what impact legislative reform has had on sentencing practices and the sentences imposed for child sexual offences
- compare sentencing outcomes for sexual offences committed against children with sentencing outcomes for sexual offences committed against adults
- identify the factors that are most commonly taken into account by the courts when sentencing offenders for child sexual offences
- state the Council's views on the factors that should be of most relevance when assessing offence seriousness for child sexual offences, including the harm to the victim and the culpability of the offender, and the relevance of

- specific aggravating and mitigating factors, and
- state the Council's views on whether there is a need for additional guidance in sentencing offenders for child sexual offences and, if so, the form this guidance should take.

The Council has been asked to provide advice to the Attorney-General by 31 January 2012.

REVIEW OF SENTENCING OF OFFENDERS CONVICTED OF ARMED ROBBERY OFFENCES

The Council will also review the sentences imposed on offenders convicted of armed robbery offences. In undertaking this Reference, the Council has been asked to:

- examine and report on current sentencing practices for offenders aged 17 years and over convicted of armed robbery or attempted armed robbery, in particular where the weapon used was a firearm or a knife
- consider what impact legislative reform has had on sentencing practices and the sentences imposed for armed robbery offences
- identify the factors that are most commonly taken into account by the courts when sentencing offenders for armed robbery offences
- state the Council's views on the factors that should be of most relevance when assessing offence seriousness for armed robbery offences, and the relevance of specific aggravating and mitigating factors, and

• state the Council's views on whether there is a need for additional guidance in sentencing offenders for armed robbery offences and, if so, the form this guidance should take.

The Council has been asked to provide advice to the Attorney-General by 31 July 2012.

Upcoming research projects

In 2011–12, along with the research work required to support the Attorney-General References, three priority research areas have been identified to support the work of the Council and guide research on sentencing issues. These priority areas relate to the statutory functions of the Council and areas of interest identified by Council members. These priority areas align with the Queensland Government's ambition to support safe and caring communities.

1. VICTIMS AND SENTENCING

Although the involvement of victims of crime has, in the past, been limited prior to sentencing, victims' experiences and views are being increasingly recognised by legislation and the criminal justice system. In more recent times, for example, victims in Queensland are able to submit a victim impact statement that can be read after trial and before sentencing.

The Council has identified an interest in exploring ways to promote victim involvement in the sentencing process. This research

is likely to involve consulting and surveying victims of crime against the person about their experiences and views of the sentencing process. This research will require working with both government and non-government agencies involved in supporting victims of crime.

2. SENTENCING PROFILES

A range of sentencing profile research papers will be developed and published to provide information on sentencing.

The first profile will give an overview of sentencing activity and outcomes for the Queensland courts. Subsequent profiles will present statistical information about sentencing in relation to different offence categories.

3. ALTERNATIVES TO IMPRISONMENT

Imprisonment is associated with high financial and social costs, and research has shown that alternatives to imprisonment can be more effective in rehabilitating offenders. Research also shows that community members are supportive of alternatives to imprisonment when initiatives target vulnerable people exposed to the criminal justice system.

The Council is interested in identifying innovative and effective alternatives to imprisonment. This work will guide the development of advice for the Attorney-General and support a fair and just criminal justice system.



Upcoming community engagement projects in 2011–12

The Council has committed to the following key strategies for engaging with the community in 2011–12:

- finalising a series of fact sheets containing user-friendly information about sentencing matters in Queensland such as describing the sentencing process, outlining the different sentencing orders that can be made, explaining what parole is and why it forms part of the sentencing process
- developing an information kit about the Council to distribute to members of the community which outlines the role and functions of the Council and the composition of its membership
- maintaining involvement in community engagement forums and events such as Law Week and NAIDOC Week
- making presentations at relevant conferences and forums to increase understanding of the Council's role and functions
- working with the key agencies to develop a school curriculum unit to increase education and awareness in schools about sentencing issues

- translation of the Council's
 Information Sheet and fact sheets
 into several languages other than
 English, to be made available in
 both hard copy and PDF format
 on the Council's website, and
- engaging an Aboriginal and Torres Strait Islander facilitator for key projects requiring consultation with Aboriginal and Torres Strait Islander communities.

ADVISE INFOCORPORATE GOVERNANCE ADVINFORM ENG CORPORATE GOVERNANCE



Human resources 2010-11

In 2010–11, the Secretariat developed and refined its corporate policies and procedures. In 2011–12, the focus will be on completing the work begun in early 2011 and embedding policies and standards into day-to-day operations. The development of the Secretariat's policy infrastructure will continue to ensure that it reflects best practice.

ALIGNMENT WITH GOVERNMENT POLICIES

Code of Conduct

The Sentencing Advisory Council's Secretariat staff are public servants and must comply with the whole-of-government Code of Conduct, which establishes the ethical standards of conduct and behaviour when working with each

other, with other agencies and with members of the community.

The Code of Conduct is based on the *Public Sector Ethics Act 1994* (Qld) obligations of:

- respect for all people
- integrity
- diligence
- economy and efficiency, and
- respect for the law and system of government.

Misconduct, conflicts of interest and other such matters are dealt with through the Department of Justice and Attorney-General.

PROMOTING STAFF EXCELLENCE

The Sentencing Advisory Council promotes the personal and professional development of its staff to achieve sustained improvements and to create satisfying career paths. The Council actively promotes safe work practices, career development, work—life balance and a friendly, non-discriminatory working environment.

In 2010–11, the Sentencing Advisory Council offered a wide range of programs to equip staff with the knowledge and skills they need to perform their jobs successfully. Staff members had the opportunity to extend their professional skills through the following training:

- attendance at internal and external professional development courses in communication, finance, personal development and information technology
- attendance at relevant conferences
- executive and management training programs
- support to staff members undertaking undergraduate and postgraduate study
- project management training
- ethics and cultural awareness training
- media training
- a strategic planning day, and
- e-docs training.

ENSURING APPROPRIATE PRIVACY STANDARDS

The *Information Privacy Act 2009* (the Act) regulates the collection, storage, use and disclosure of personal information in the Queensland public sector environment, and provides a right

of access to personal information. All Queensland Government agencies, including the Council, are required to comply with privacy principles in the Act. The Council will continue its commitment to protecting the privacy of people's personal information in 2011-12.

There were no complaints about breaches of privacy, and no applications for information under the Act, in 2010-11.

RIGHT TO INFORMATION

The Council received no applications under the *Right to Information Act 2009* (Qld).

CRITICAL BUSINESS SYSTEMS

The Council's Secretariat began business continuity planning in 2010–11 and is expected to finalise this in 2011–12.

CORPORATE SERVICES

The Council draws its ICT, library and some financial management services from the Department of Justice and Attorney-General and transactional services from the Shared Services Agency. These services are reviewed periodically to ensure the efficient and effective delivery of shared services from the Department of Justice and Attorney-General's shared service providers.



Operations

ACTS UNDER WHICH THE COUNCIL OPERATES

Penalties and Sentences Act 1992 (Qld).

PUBLIC INTEREST DISCLOSURES

With the repeal of the Whistleblowers Protection Act 1994 (Qld) and the introduction of the Public Interest Disclosure Act 2010 (Qld) (PID Act) on 1 January 2011, the way in which public interest disclosures are to be publicly reported has changed. From 1 January 2011, agencies are no longer required to report public interest disclosures in annual reports.

Under section 61 of the PID Act, the Public Service Commission (PSC) is now responsible for overseeing public interest disclosures and preparing an annual report on the operation of the PID Act. From 1 January 2011, agencies are required to report information about public interest disclosures to the PSC. The annual report prepared by the PSC will be made publicly available after the end of each financial year.

