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Office of the  
**Commissioner**

**Queensland  
Corrective Services**

The Honourable Ann Lyons  
Chair  
Queensland Sentencing Advisory Council  
[info@sentencingcouncil.qld.gov.au](mailto:info@sentencingcouncil.qld.gov.au)

Dear Ms Lyons

Thank you for your email of 18 March 2024 inviting Queensland Corrective Services (QCS) to make a submission to the Queensland Sentencing Advisory Council's (QSAC) review of sentencing for sexual assault and rape offences.

QCS thanks QSAC for sharing insights into the issues surrounding the current sentencing framework for these particular offences. Please accept the following input from QCS on the matters raised in the issues paper.

Overall, I note that these points do not represent Government policy. Any changes to sentencing or the management of a person for sexual assault or rape would be subject to Government consideration processes around policy and policy implementation. I also note that the contents of this submission will be published by QSAC.

#### **Overview of QCS management of relevant offenders**

QCS works to enhance community safety through humane, modern, sustainable and evidence-informed corrective services to maximise rehabilitation and reduce recidivism. In April 2024, there were over 10,000 prisoners and 18,500 offenders being managed by QCS in Queensland.

A central purpose of QCS' business is to ensure those who come into the correctional system are less likely to return to crime. QCS is committed to ensuring practices are focused on improving the safety and security of our officers, prisoners, offenders and, most importantly, of all Queenslanders.

QCS delivers a range of targeted programs in correctional centres that aim to reduce sexual offending recidivism. These include group based cognitive behavioural programs to address sexual offending, including preparatory, medium intensity, high intensity and maintenance programs. There are also specific programs for First Nations individuals and individuals with low cognitive and/or low social/emotional abilities.

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The details of QCS' case management and provision of sexual offending programs and violent offending programs in custody can be found within Chapter 9 of QSAC's Background Paper developed to support QSAC's consultation paper for this review.

### **Court ordered parole and sexual offences**

As acknowledged in the consultation paper, Court Ordered Parole (COP) is not an available penalty option for sexual offending and data shows that the majority of rape offences are dealt with by way of actual imprisonment. Sexual offences often attract suspended sentences which lack supervision and intervention that is otherwise imposed with imprisonment or a community-based order.

The expansion of COP has been a topic of various other reports and reviews outside of QSAC. In 2016, the Queensland Parole System Review (QPSR) recommended COP should apply to a sentence imposed for a sexual offence. The Queensland Government supported this recommendation in principle noting 'currently many sexual offenders are released onto a non-custodial order or no supervision. Including sexual offenders in the COP regime will increase the number of stringent conditions which may be placed to sexual offenders, allowing for stronger and more robust supervision'.

In 2019, QCS made a submission to QSAC on the review of intermediate sentencing options and parole which included information in relation to COP. QCS continues to be generally supportive of an expansion of COP as a penalty option for sexual offending (see pages 13 to 14 of the submission published on the QSAC website), noting that any change would be subject to Government consideration processes around policy and policy implementation.

### **Pre-sentence advice**

The consultation paper refers to pre-sentence reports (PSRs) prepared by psychologists/psychiatrists and PSRs prepared by QCS. QCS is authorised to provide PSRs to the court on request under section 344 of the *Corrective Services Act 2006* (CSA). PSRs include information about an offender's employment, education, housing, family responsibilities, substance use, health, correctional history, and attitude towards their offending.

There is evidence to support the value of PSRs in sentencing outcomes and various reviews have advocated for their utility when a court is considering a prison sentence, particularly for certain cohorts. For example, recommendation 9 of the Queensland Productivity Commission's 2019 Inquiry into imprisonment and recidivism included that 'the government should create a presumption in favour of courts seeking pre-sentence assessment'.

The Australian Law Reform Commission (ALRC) also commented on the important role of a PSR in sentencing special categories of offenders, extending this to specific cultural reports for First Nations offenders in the *Pathways to Justice* report.



Most recently, in 2022, the Women's Safety and Justice Taskforce (the Taskforce) *Hear Her Voice Report Two* recommended that the PSA and CSA be amended to require a court to consider a PSR in determining if a community-based sentence may be more appropriate when otherwise facing a term of imprisonment (recommendation 129) and that court advisory services be expanded (recommendation 130).

In response to recommendation 130 of the Taskforce's report, the Queensland Government committed funding for QCS to design and evaluate a trial of dedicated court advisory services. Additionally, QCS received funding for the Enhanced Community Corrections Pilot to be piloted initially in Townsville to enhance court advice and prosecution support services focused on First Nations peoples. These projects are currently underway to increase QCS' capability to provide quality pre-sentence advice to the courts, with a specific focus on diverting women and First Nations people from imprisonment where appropriate.

#### **Support and involvement for victims of crime**

Page 82 of the consultation paper touches on the role of the QCS Victims Register (the Register) and its impact on victim survivors' satisfaction with the sentence. Victim involvement is an essential part of the criminal justice system. Through the Register, eligible persons who are registered against sentenced prisoners are kept up-to-date and informed about important events and have the opportunity to participate in the parole process.

The Register operates within a framework of services which provide support for victims. Some other methods of victim engagement in the criminal justice system, such as victim impact statements or victim experiences throughout charge, trial, and sentencing would also have an impact on a victim's satisfaction with the sentence.

QCS welcomes ongoing consultation throughout the review process and thanks QSAC for the engagement to date. If you require further information regarding this matter, please contact Ms Helen Ferguson, A/Director, Legislation Group by phone [REDACTED] or via email [REDACTED]

Yours sincerely



Paul Stewart APM  
**Commissioner**