

# ANNUAL REPORT 2017–18



Queensland Sentencing  
Advisory Council  
*Inform. Engage. Advise.*

# Queensland Sentencing Advisory Council annual report 2017–18

The annual report provides detailed information about the Queensland Sentencing Advisory Council's non-financial performance for 2017–18.

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 and non-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 2017–18 available via [www.justice.qld.gov.au](http://www.justice.qld.gov.au)

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## Further information

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# LETTER OF COMPLIANCE



30 September 2018

The Honourable Yvette D'Ath  
Attorney-General and Minister for Justice, Leader of the House  
GPO Box 149  
Brisbane Qld 4001

Dear Attorney-General

I am pleased to submit for presentation to the Parliament the Annual Report 2017–18 for the Queensland Sentencing Advisory Council.

I certify this annual report complies with the detailed 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 dark ink, appearing to read "John Robertson". The signature is fluid and extends to the right with a long, thin stroke.

John Robertson  
**Chair**  
**Queensland Sentencing Advisory Council**

# ACTING CHAIR'S REPORT



During 2017–18, I have had the immense privilege of leading the work of the Queensland Sentencing Advisory Council as Acting Chair after the former Chair, James Morton, was appointed as a magistrate (8 May 2017). This gave me an opportunity to deliver a number of key projects and to have oversight of the important work the Council does. Whether it's providing policy advice on sentencing matters, analysing court data for specific offences or holding workshops for our *Judge for Yourself* program, the Council has worked tirelessly to deliver on its functions this financial year.

This annual report provides a comprehensive overview of the Council's activities, which continues the work started in November 2016 when the Council was first established. One of the key deliverables was the publication of the Council's final report into classification of child exploitation material for sentencing purposes, which made 16 recommendations.

Sadly, the number of Council members reduced during the year: Michael Cowen QC resigned on his appointment as Chief Judge Advocate for the Australian Defence Force in August 2017; Tracy Linford resigned on her promotion to Deputy Commissioner, Queensland Police Service. These resignations left the Council with seven members and a considerable work program. Importantly, the Council did not have an Aboriginal or Torres Strait Islander member as mandated by the *Penalties and Sentences Act 1992*. This impacted the Council's ability to progress work for its primary focus: understanding how sentencing impacts the over-representation of Aboriginal and Torres Strait Islander peoples in prison.

I would like to acknowledge the work of both Michael and Tracy during their time on the Council. Michael played a critical role in the Council's review of classification of child exploitation material for sentencing purposes, and Tracy made a considerable contribution to the Council's review of sentencing for child homicide offences.

The Council received two Terms of Reference from the Attorney-General in October 2017, as well as undertaking ongoing community consultation and engagement work. A range of consultation activities have been conducted throughout Queensland, some specifically focused on the two Terms of Reference, while others were more general. The Council delivered a pilot community engagement project in Cunnamulla, provided insight into sentencing issues through public seminars and expanded its educational resources for secondary schools. The Council expanded its social media presence during the year and continued to develop its website, which has become an invaluable source of sentencing information for different audiences.

I am extremely grateful for the support provided by the 11 members of the Council's Secretariat who have worked tirelessly to ensure the Council can deliver a professional suite of services to members of the community and provide advice to government about sentencing matters using evidence-based research. I would particularly like to acknowledge the leadership of the Director, Anne Edwards, and thank her for her invaluable guidance and support during my time as Acting Chair.

Finally, I thank each and every member of the Council for the pleasure of working alongside you, and giving me an opportunity to steward our work during this time of transition. I welcome the new Chair, John Robertson, and four new members — Jo Bryant, Bevan Costello, Vicki Loury QC and Detective Chief Superintendent Cheryl Scanlon. I look forward to continuing to deliver our functions and provide exceptional services to Queenslanders.

A handwritten signature in dark ink, reading 'E. Marchetti'.

**Professor Elena Marchetti**  
**Acting Chair** (until 31 May 2018)  
**and Deputy Chair**



# INCOMING CHAIR'S REPORT



I was appointed to the Queensland Sentencing Advisory Council effective from 1 June 2018, after retiring from the District Court.

Having observed the work of the Council from afar, and now from within, I have been impressed by the quality and quantity of work covered in such a short time. It is testament to the industry of the Secretariat, led so ably by Anne Edwards, and the Council itself, that it has achieved so much since its establishment in November 2016. An independent council of this kind is essential, particularly given the increasing public interest in sentencing and the role of judges and magistrates in the sentencing process.

The Council's remit to provide information on sentencing as a means of enhancing community understanding of what is a complex process is a particularly important role. As a judicial officer, I often felt sentencing was presented as simple whereas it is extremely complex. There are

variations from case to case that are often not dealt with in public discourse. I occasionally felt frustrated when a case I had been involved in was presented in this way, with the danger the community would not know the full picture and be misled.

As judicial officers, we are involved in a system that deals with people at their most vulnerable and we have the power to remove a fundamental privilege — personal freedom. Judicial officers understand this power and invest a significant amount in formulating 'just sentences' in all cases. I know the Council has strong support from the courts because judges and magistrates appreciate its capacity to gauge public opinion and analyse data about sentencing, which can enhance and assist them in carrying out their vital work.

My sense of excitement when I was offered this role by the Attorney-General has been confirmed in the short time I have held the position, and I hope I can do justice to the importance of the role. I am focused particularly on the great opportunities offered to me as Chair of the Council to raise awareness within the community about sentencing and how it operates. I welcome the chance to talk directly to members of the community and listen to their views about how the system works.

I am extremely grateful to Professor Elena Marchetti who has left the Council in such good shape after a year as Acting Chair alongside her own academic career. Her skill in guiding the Council is evident in the very high standards that have been set for the work of the Council that I now have the honour to oversee.

A handwritten signature in black ink, appearing to read 'John Robertson', with a long, sweeping horizontal line extending to the right.

**John Robertson**  
Chair

## Queensland Sentencing Advisory Council



*Pictured left to right:  
Warren Strange,  
Helen Watkins, Elena  
Marchetti, Cheryl  
Scanlon, Jo Bryant, Vicki  
Loury, John Robertson,  
Kathleen Payne,  
Debbie Kilroy and  
Bevan Costello.*

*Not pictured: Dan  
Rogers and John Allen.*

# DIRECTOR'S REPORT



This year the Secretariat has focused on delivering on the Council's *Strategic plan 2017–19*, and progressing work on two new Terms of Reference received from the Attorney-General in October 2017. Both Terms of Reference offer enormous opportunities for the Council to examine and advise on two important areas of focus.

Firstly, we are reviewing penalties imposed on sentence for criminal offences arising from the death of a child (child homicide offences). This has presented a range of specific challenges for the Council — as it does for sentencing judges and our entire community. As we learnt when we undertook the Terms of Reference on classification of child exploitation material for sentencing purposes (final report published July 2017), offences involving harm to a child are considered by many in the community as the most serious. Media reporting of these offences, particularly where the conduct involved has led to a child's death, often evokes strong reactions by community members.

The sentencing of child homicide offences consultation paper, published May 2018, brought together a wide range of information about how child homicide offences are sentenced. Following the paper's release, a number of engagement activities helped us understand the views and

concerns of the community, family members of victims of child homicide, and key stakeholders about the current approach for sentencing these offences. These activities were designed to ensure the Council is well informed, not only by statistics, but by the personal stories and lived experiences of family members of child victims of homicide. They provide a unique voice and invaluable guidance to the Council on this issue. The final report for this review is due to the Attorney-General on 31 October 2018.

Secondly, the Council is reviewing community based sentencing orders, imprisonment and parole options. For this, we are looking at current sentencing options to determine whether there are any anomalies that create inconsistency or constrain available sentencing options that should be removed or limited. We are also considering ways to improve flexibility through the use of current or new types of sentencing orders available to sentencing judges and magistrates. The Council has reviewed what is in place in other Australian and key international jurisdictions, and commenced work to analyse the use of existing sentencing options by the courts. The Council is engaging with key legal and criminal justice agencies to ensure the most appropriate responses are available to meet the purposes of sentencing, including to assist offenders in addressing issues contributing to their offending. The final report is due to the Attorney-General on 30 April 2019.

My thanks to Professor Elena Marchetti who took carriage of the Council while the position of Chair was vacant, and to the members of the Council for their support over the last financial year. I also thank the staff of the Secretariat for their work. Together, this group has achieved enormous output, and continue to dedicate their considerable talents to the work of the Council.

A handwritten signature in black ink that reads "Anne Edwards". The signature is fluid and cursive, with a long, sweeping line extending from the end of the name.

**Anne Edwards**  
Director

# YEAR IN REVIEW

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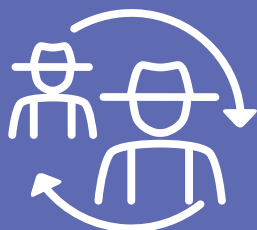
Attorney-General appointed  
**5 NEW COUNCIL MEMBERS**  
on 1 June 2018

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Received  
**2 Terms of Reference**  
from the Attorney-General

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Delivered a  
**pilot research project  
in Cunnamulla**  
looking at community engagement  
in rural communities

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**RELEASED THE FIRST  
QUEENSLAND  
SENTENCING GUIDE**  
to help demystify the sentencing process

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Published final report into  
**CLASSIFICATION OF CHILD  
EXPLOITATION MATERIAL  
FOR SENTENCING**  
and consultation paper on  
**SENTENCING FOR CHILD  
HOMICIDE OFFENCES**



Held **9** focus groups,  
**5** information sessions  
and **3** expert roundtables  
for the sentencing for  
child homicide offences  
Terms of Reference





HOSTED 3  
**SENTENCING  
SEMINARS**



RELEASED 7  
**SENTENCING  
MATTERS  
PODCASTS**



PUBLISHED 3  
**SENTENCING  
SPOTLIGHTS**

MORE THAN  
**17,000  
PEOPLE**

INTERACTED WITH  
*Judge for Yourself*  
ONLINE PROGRAM



MORE THAN  
**500 PEOPLE**  
TOOK PART IN  
*JUDGE FOR YOURSELF*  
WORKSHOPS

Launched the  
National Sentencing Network's  
eNEWSLETTER  
**SENTENCING  
ROUNDUP**



[ **LEARNING  
RESOURCE** ]

Launched  
**teaching  
resources**  
for high school and  
university students  
including worksheets,  
posters and videos

Held 2 internal  
**RESEARCH  
TO PRACTICE  
FORUMS**



# ABOUT US

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

The Council — comprising up to 12 independent members — was established by amendment to the *Penalties and Sentences Act 1992* in May 2016, and members were appointed in November 2016. It meets monthly.

The Council is supported by a Secretariat of 11 Department of Justice and Attorney-General employees.

## Our vision

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

## 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 objectives

The Council's objectives are to:

- engage effectively with the community about sentencing
- establish the council as a trusted and responsive professional body
- position the council as a thought leader on sentencing issues.

## 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

Key strategic risks for the Council are as follows:

### Access to data

The Council does not collect or own administrative data, or have direct access or control over how sentencing and related criminal justice data and information is maintained. Therefore, the Council relies on other agencies to provide relevant data to undertake its statutory functions. The Council has established strong relationships with the relevant agencies — Queensland Courts Services, Queensland Police Service and Queensland Corrective Services. However, their ability to respond to the Council's data requests is impacted by their own resources and priorities. The Council welcomed the establishment this financial year of the Crime Statistics Unit within the Queensland Government Statistician's Office and commenced discussions about streamlined access to relevant data. This challenge is compounded by the complexities associated with criminal justice administrative data which is collected by individual agencies with varying systems and approaches. The Council's Secretariat invests a significant amount of time in integrating different data sets to provide a comprehensive picture of those offenders sentenced by Queensland's criminal justice system, including an accurate assessment of the range of offences, sentencing penalties and victims linked to those offenders.

### Media and public attitudes to sentencing

The Council's responsibility to enhance public knowledge and understanding of sentencing is conducted within an environment where the media tends 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 misconceptions of sentencing sometimes promoted in the media. While not commenting on individual cases, the Council provides background to the media on sentencing issues and trends.

### Geographical scale

Queensland is a geographically large state, and the Council is conscious of the need for its work to reach beyond the south-east. Given the limited resources for travel, the Council has developed a range of ways of engaging with the Queensland community beyond being physically present. The Council's website is the principle medium for rich and detailed information on sentencing. In addition, the Council uses the social media channels Twitter and Facebook and has developed the online resource *Judge for Yourself* providing people the opportunity to learn more about sentencing. The Council has two members from regional centres and has held information sessions, focus groups and *Judge for Yourself* workshops in various locations during the year. In particular, the Council has built relations with the communities of Cunnamulla and Charleville, and is appreciative of their contribution to the development of Council resources. Council seminars are live streamed and recorded to ensure wide ranging accessibility. Further means of engaging with the community, such as the use of webinars, are being explored.

### Council membership

Council members are geographically dispersed and have considerable professional careers and responsibilities, meaning their Council involvement is part-time. Their personal challenge is to find enough time to review work produced by the Secretariat on the Council's behalf and to engage in face-to-face discussion and debate on sentencing issues. Sometimes there are critical and tight deadlines associated with review work and decision making, which can be difficult for individuals to manage. While increased use of technology during 2017–18 has streamlined processes, the Secretariat continues to seek alternatives to assist Council members with their decision making and review responsibilities.

## 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 Child Safety, Youth and Women
- Department of Justice and Attorney-General
- Department of the Premier and Cabinet
- Queensland Corrective Services
- Queensland Police Service

### Legal profession

- Aboriginal and Torres Strait Islander Legal Service
- Bar Association of Queensland
- Community Legal Centres Queensland
- Legal Aid Queensland
- Office of the Director of Public Prosecutions (state and Commonwealth)
- Queensland Law Reform Commission
- Queensland Law Society
- Supreme Court Library Queensland

### Community members and advocacy groups

- Aboriginal and Torres Strait Islander peoples
- 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
- Universities

### Sentencing advisory councils

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

The Council meets periodically with the Heads of Jurisdiction of Queensland's criminal courts and the Magistrates' Criminal Law Committee to discuss key projects.

## Matters of interest to stakeholders

On 25 October 2017, the Attorney-General referred two Terms of Reference to the Council.

### *Penalties imposed on sentence for criminal offences arising from the death of a child*

In addition to the key stakeholders above, the Council has consulted with state, interstate, national and international government and non-government organisations and research bodies — and with victims of crime support and advocacy bodies — in relation to its Terms of Reference on penalties imposed on sentence for criminal offences arising from the death of a child (sentencing for child homicide offences). Agencies and organisations contributing during the initial stages of the review include:

- Attorney-General's Department, South Australia
- Australian Institute of Criminology
- Bravehearts
- Coroners Court, Queensland
- Crown Law Office, New Zealand
- Criminal Law Policy and Operations, Department of Justice and Regulation, Victoria
- Crown Prosecution Service, England and Wales
- Griffith Criminology Institute, Griffith University
- Justice for Hemi
- Legal Services Commission of South Australia
- Monash Deakin Universities Filicide Research Hub
- Office of the Director of Public Prosecutions for Western Australia
- Office of Public Prosecutions Victoria
- Protect All Children Today Inc. (PACT)
- Queensland Family and Child Commission
- Queensland Health — Mental Health, Alcohol and Other Drugs Branch
- Queensland Homicide Victims' Support Group
- UK Ministry for Justice
- Victim Assist Queensland

### *Community based sentencing orders, imprisonment and parole options*

The Terms of Reference on community based sentencing orders, imprisonment and parole options have a wide scope and have benefited from ongoing and dedicated input from stakeholders across the criminal justice system. In addition to the key stakeholders listed above, the Council has consulted with:

- Bravehearts
- Crown Law Office, New Zealand
- Department of Education, Queensland
- Department of Employment, Small Business and Training, Queensland
- Department of Housing and Public Works, Queensland
- Department of Justice and Regulation, Victoria
- Legal Aid Victoria
- Legal Services Commission of South Australia
- Parole Board Queensland
- Protect All Children Today Inc. (PACT)
- Queensland Mental Health Commission

# 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 Bevan Costello, a Waka Waka man prominent in the Cherbourg community, on 1 June 2018, 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.

The Council:

- engaged with the Australian Law Reform Commission and made a submission to its *Inquiry into the Incarceration rates of Aboriginal and Torres Strait Islander peoples*
- established a pilot project in Cunnamulla to enhance engagement with Aboriginal and Torres Strait Islander and remote communities on sentencing issues — see case study on page 16
- met with members of Community Justice Groups to gain insight into sentencing issues for Aboriginal and Torres Strait Islander communities
- established standard reporting on sentencing outcomes for Aboriginal and Torres Strait Islander offenders as part of the Council's *Sentencing Spotlight* series
- progressed the establishment of an Aboriginal and Torres Strait Islander Advisory Panel
- discussed sentencing outcomes for Canada's Indigenous population in the *Sentencing Matters* podcast: Indigenous welfare: How poverty is leading to longer sentences.

## Engage effectively with the community about sentencing

Develop and deliver an inclusive community engagement strategy

The Council:

- developed and implemented a community engagement and media strategy
- expanded the Council's website: 'Sentencing A–Z' listing definitions of commonly used sentencing terms; information about maximum penalties; teaching resources such as worksheets, posters and podcasts
- transferred the Council's *Judge for Yourself* Facebook page into a generic page ensuring further reach for all Council activities and products — [facebook.com/qldsac](https://facebook.com/qldsac)
- became a resource on sentencing for the media, providing assistance to court and crime reporters on sentencing issues
- delivered conference papers on the work of the Council and sentencing within Queensland's criminal courts.

## 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 in relation to its two Terms of Reference: sentencing for child homicide offences; community based sentencing orders, imprisonment and parole options
- held three *Sentencing Seminars*: What happened with Jake? Understanding why young people offend — can we build a better response?; The Criminal Justice Report of the Royal Commission into Institutional Responses to Child Sexual Abuse; Let's talk about sexts: vulnerable victims or unwitting offenders?
- partnered with Caxton Legal Centre for its *Justice in Focus* series: Soft on crime: How sentencing can better reflect community values
- attended Australian and New Zealand Society of Criminology (ANZSOC) national conference, Business Educators Association of Queensland annual conference, Applied Research in Crime and Justice national conference
- delivered the paper: *Child exploitation and the digital age: balancing the criminal justice response to address offenders, victims and community expectations* at the 2017 National Victims of Crime Conference.



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

- held 19 *Judge for Yourself* workshops with community groups, schools and universities allowing attendees to step in the shoes of a judge and see how the sentencing process works reaching more than 1000 people
- held information sessions about sentencing in Brisbane, Cairns, the Gold Coast, Mt Isa and the Sunshine Coast.

## Establish the Council as a trusted and responsive professional body

Respond effectively and professionally to all Terms of Reference

The Council:

- published the final report for the Terms of Reference on classification of child exploitation material for sentencing purposes in July 2017
- received two Terms of Reference from the Attorney-General in October 2017: penalties imposed on sentence for criminal offences arising from the death of a child (child homicide offences); community based sentencing orders, imprisonment and parole options
- opened two calls for public submissions for the sentencing for child homicide offences review — a preliminary call following receipt of the Terms of Reference, and subsequently on the release of the consultation paper — and consulted extensively with statewide, national and international experts and legal and criminal justice system stakeholders
- held focus groups drawn from members of the public in Brisbane, Cairns, the Gold Coast, Mount Isa and the Sunshine Coast for the sentencing for child homicide offences review
- gained insight into sentencing for child homicide through a Subject Matter Expert Roundtable (April 2018) and a Victims of Crime Roundtable (June 2018)
- analysed sentencing outcomes for child homicide, coded sentencing remarks, conducted a social science literature review and extensive legal policy and legislative analysis of sentencing for child homicide offences
- considered recommendations from two 2016 reviews — Queensland Parole System Review Final Report and the Queensland Audit Office's Criminal justice system—prison sentences, Report 4: 2016–17 — for our review of community based sentencing orders

- began dialogue with statewide, national and international legal professionals to review community based sentencing orders, imprisonment and parole options based on internal policy papers
- completed a cross-jurisdictional analysis of available sentencing orders and identified key research questions and data requirements to guide the next stage of the reference, including identifying a service mapping methodology
- 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:

- released the first *Queensland Sentencing Guide* to help demystify the sentencing process
- published eight episodes of the *Sentencing Matters* podcast series: Re-thinking imprisonment: The role of evidence in penal reform; Evaluating the Gold Coast's Domestic and Family Violence Specialist Court trial; Keeping kids safe online; Preventing pathways to the youth justice system; Measuring public opinion on sentencing; Indigenous welfare: How poverty is leading to longer sentences; Youth Justice: Prevention better than cure; and Parole: Closing the loop in the sentencing process
- continued to promote the *Judge for Yourself* online program, gaining more than 17,000 web hits
- worked with Youth Justice (Department of Child Safety, Youth and Women) and the Youth Advocacy Centre to create a fourth case study for the *Judge for Yourself* online program looking at a young offender and their penalty outcomes
- produced teaching resources, including worksheets and posters, aligning to the senior school legal studies syllabus, and launched the 'Teaching resources' section on our website.

## Deliver excellence in sentencing research, policy and reform

### The Council:

- held two internal *Research to Practice* forums for policy makers in the criminal justice system to learn from the latest research: Domestic and family violence specialist courts; Royal Commission into Child Sexual Abuse
- researched and published three *Sentencing Spotlights*: Breach of bail offences; Child exploitation material offences; Possession of dangerous drugs.

## Position the Council as a thought leader on sentencing issues

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

#### The Council:

- researched and published three *Sentencing Spotlights* on breach of bail offences, possession of dangerous drugs and trafficking in dangerous drugs
- analysed sentencing trends and outcomes for the Magistrates, District and Supreme courts between 2005–06 and 2016–17
- completed an analysis of offences finalised in Queensland criminal courts relating to child homicide in Queensland between 2005–06 and 2016–17.

### Develop a National Sentencing Network

#### The Council:

- launched and published two editions of the network's *Sentencing Roundup* quarterly e-newsletter
- negotiated a sentencing stream at the Australian and New Zealand Society of Criminology (ANZSOC) national conference (December 2018).

#### The Secretariat:

- chaired eight meetings of the National Sentencing Network.

## Collaborate with and leverage key partners

### The Council:

- continued its practice of inviting agencies to nominate a key contact officer in relation to responding to Terms of Reference, which encourages more frequent and responsive engagement with stakeholders, sustains stronger ongoing relationships, and aims to maximise stakeholders' contribution to identifying key issues to inform the Council's advice and recommendations
- consulted broadly on the sentencing for child homicide offences review posing seven questions to guide individuals and organisations in responding to a call for submissions
- sought community views on more general sentencing topics
- held regular briefings with key stakeholders in the legal profession including the heads of Queensland's court jurisdictions, the Director of Public Prosecutions, the Queensland Law Society, the Bar Association of Queensland, Legal Aid Queensland and Queensland Corrective Services
- held a multi-agency meeting disseminating the findings of the Council's Cunnamulla research resulting in four agencies participating in subsequent visits
- partnered with the Supreme Court Library Queensland to develop ways to collaborate in the areas of education and data analysis.

# CASE STUDY



## *What happened with Jake?*

### *Understanding why young people offend — can we build better responses?*

So often young people are spoken about but excluded from the conversation. For our *Sentencing Seminar* to understand why young people offend, we put a group of teenagers at the heart of the discussion — through our 'Greek Chorus'.

*What happened with Jake?* looked at the fictitious story of a young person called Jake, who finds himself involved in the criminal justice system. He has teenage parents where drugs, alcohol and violence are prevalent. He lives in a regional centre of Queensland. Jake's parents split when he is seven and when his step-dad gets abusive he ends up in out-of-home care. By the time Jake is 10, he's struggling at school, has a reputation as a difficult kid, and has his first interaction with police. At 14 Jake is only marginally involved with school and is in a residential care facility. He is in and out of trouble with the police and is subsequently charged with a number of serious offences.

But the core theme behind the seminar was: Is the criminal behaviour of children like Jake due to nurture or nature? Was he just a 'bad kid' or did his circumstances from birth lead him on a trajectory of antisocial behaviour?

To discuss the issue, we put together a panel of experts (*pictured left to right*):

- Cheryl Leavy, Deputy Commissioner, Queensland Family and Child Commission
- Leanne O'Shea, Deputy Chief Magistrate, Brisbane Childrens Court
- Professor Elena Marchetti, Acting Chair, Queensland Sentencing Advisory Council (facilitator)
- Professor Paul Mazerolle, Pro Vice Chancellor of Arts, Education and Law, Griffith University
- Dr Stephen Stathis, Medical Director, Child and Youth Mental Health Service, Children's Health Queensland
- Dr Jim Watterston, Director General, Department of Education and Training (now former)
- Detective Chief Superintendent Cheryl Scanlon, Queensland Police Service.

As the story of Jake's life unravelled, the panel interjected with insight into how his background and environment impacted his behaviour and life choices.

But the highlight of the seminar — and who everyone wanted to hear from — was the Greek Chorus. Comprising previous young offenders, the Chorus gave their thoughts throughout the seminar from a personal perspective. At the end, each and every one of them also told their own story — and how, through the support of Youth Justice, they have now become valued members of the community intent on helping kids like Jake.

*The contributions made by the Greek Chorus were fantastic. The views of young people are often overlooked in presentations such as these and it was great to see young people not only being heard but also having their views and contributions validated by the panel of experts.*

*The addition of the Greek Chorus was wonderful. It provided an insight into real, lived experiences of young people. I also liked the structure of the event — going through the chronology of Jake's life and hearing from experts at each stage of the life course.*

*Having the Greek Chorus really added to the experience. It has really made me want to do more to help younger children and educate others on the impacts that can occur to infants/toddlers as a result of domestic violence, alcohol use, neglect etc. as I believe a lot of people think that children this young cannot be affected.*

To view the seminar visit [www.sentencingcouncil.qld.gov.au/education-and-resources](http://www.sentencingcouncil.qld.gov.au/education-and-resources)



# CASE STUDY



## *Enhancing engagement with communities on sentencing issues* — *Cunnamulla pilot*

Aboriginal and Torres Strait Islander people comprise four per cent of Queensland's population yet represent a third of Queensland's prison population. The Council has made a commitment to understand how sentencing may contribute to over-representation. Evidence suggests breach of orders is one driver of over-representation of Aboriginal and Torres Strait Islander peoples. To gain insight behind the data, the Council ran a pilot project in Cunnamulla.

Cunnamulla is remote — a 10-hour drive west of Brisbane — with a population of 40 per cent Aboriginal and Torres Strait Islander people. It mirrors a common pattern of over-representation of Aboriginal and Torres Strait Islander people in criminal justice processes and sentencing outcomes. Sentencing data for Cunnamulla reveals more than 70 per cent of offenders are Aboriginal or Torres Strait Islander, with their most common offences being breach of community based orders and offensive behaviour. The most common offence receiving imprisonment is breach of bail. In Cunnamulla, Aboriginal and Torres Strait Islander people are twice as likely to be sentenced than non-Indigenous people.



The aim of the pilot was to examine the levels of understanding about sentencing and, factors influencing the levels of understanding. The people of Cunnamulla fully embraced the pilot project — and were very generous with their time and patience with our project.

Among the key findings were that there was:

- limited understanding of sentencing, confusion about the court process and the penalties imposed
- varied reasons for breaching sentencing conditions, such as not understanding the implications of the penalty or cultural, social or other commitments taking precedence
- limited community based legal representation due to the ‘drive in – drive out’ nature of legal assistance.

Community members made it very clear that raising awareness of the consequences of penalties among young people is a community priority. For example, they were keen for young people to realise the impacts of a criminal history on their future employment prospects.

Working alongside community members and other government agencies, the Council is developing a series of resources to better inform, engage and advise on sentencing:

- *Queensland Sentencing Guide* — explaining how Queensland courts sentence adults found guilty of an offence
- Easy English sentencing fact sheets — explaining penalties in everyday language
- Young offender role play and podcast — depicting the real life story of a young offender, his experience in detention and how he turned his life around.

These resources, which are being user-tested in Cunnamulla, will be offered to communities across Queensland so the Council can better engage on sentencing issues.

Other agencies have also joined the Council for its Cunnamulla visits: Blue Card Services provided advice on obtaining a Blue Card; Birth, Deaths and Marriages provided assistance to gain a birth certificate; and Caxton Legal Centre provided advice on options for legal assistance.

The Council would like to thank the following organisations for their collaboration on the Cunnamulla pilot project: Aboriginal and Torres Strait Islander Legal Service, Cunnamulla Aboriginal Corporation for Health (CACH), Community Justice Groups, Cunnamulla P–12 State School, Far West Indigenous Family Violence Service, Frank Jongkind Solicitor, Paroo Shire Council, Queensland Corrective Services, Queensland Courts, Queensland Police Service and the Transition 2 Success program (Youth Justice).

To view the resources visit: [www.sentencingcouncil.qld.gov.au/education-and-resources](http://www.sentencingcouncil.qld.gov.au/education-and-resources)

## Our performance indicators

INDICATOR	RESULT
<b>Operational</b>	
Terms of Reference delivery — % of projects delivered on time	<p>Sentencing for child homicide offences — on track for delivery 31 October 2018</p> <hr/> <p>Community based sentencing orders, imprisonment and parole options — due to be delivered by 30 April 2019</p>
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: 97% of attendees reported they increased their understanding of sentencing by attending the session. 78% of <i>Sentencing Seminar</i> attendees reported to being quite or extremely satisfied with the event.</p> <hr/> <p>Recommendations arising from the child exploitation material offences Terms of Reference were still under consideration by the Attorney-General in the 2017–18 reporting period.</p>
<b>Financial</b>	
Expense budget	<p>\$1,822,000 (allocated budget)</p> <hr/> <p>\$1,792,594 (actual expenditure)</p>
<b>Engagement</b>	
Brand awareness — % stakeholder population	The Council met with all key stakeholders during the reporting period. In conjunction with media coverage of key Council activities, this has led to brand awareness among all key legal stakeholders.
Number of products/publications	7 <i>Sentencing Matters</i> podcasts; 3 <i>Sentencing Spotlights</i> ; 2 teaching resources; 1 consultation paper; 1 final report; 2 <i>Research to Practice</i> forums; 2 <i>Sentencing Roundup</i> eNewsletters
Engagement activity — number of meetings and consultations held	<p>The Council facilitated:</p> <ul style="list-style-type: none"> <li>• 26 stakeholder meetings</li> <li>• 9 focus groups</li> <li>• 5 information sessions</li> <li>• 2 expert roundtables in relation to the sentencing for child homicide offences review</li> <li>• 7 stakeholder meetings in relation to the community based sentencing orders, imprisonment and parole options review</li> <li>• 3 <i>Sentencing Seminars</i></li> <li>• 19 <i>Judge for Yourself</i> workshops</li> </ul>

INDICATOR	RESULT
Website and social media metrics	<a href="http://www.sentencingcouncil.qld.gov.au">www.sentencingcouncil.qld.gov.au</a> Sessions: 44,337 Users: 32,297 Page views: 70,663 Average session duration: 4 minutes <i>Judge for Yourself</i> page views: 17,682 <hr/> Twitter @qldsac Followers: 384 Tweets: 251 Retweets: 382  Facebook #qldsac (rebranded 28 February 2018) Likes: 1,582 Engagements: 19,551 Impressions: 2,589,472
<b>People</b>	
Permanent full time equivalent (FTE) staff	11 budgeted FTEs
Number of attendances at professional development opportunities	119

## 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 adhere to any specific whole-of-government plans or initiatives but contributed broadly to the objectives for the community.

### Australian Government — agreements and partnerships

Not applicable as the Council did not have any national agreements or national partnership agreements with the Australian Government during 2017–18.

### Service standards

Not applicable as 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 the Department of Justice and Attorney-General, with the Director-General of Department of Justice and Attorney-General being the accountable officer in relation to the Financial Accountability Act.

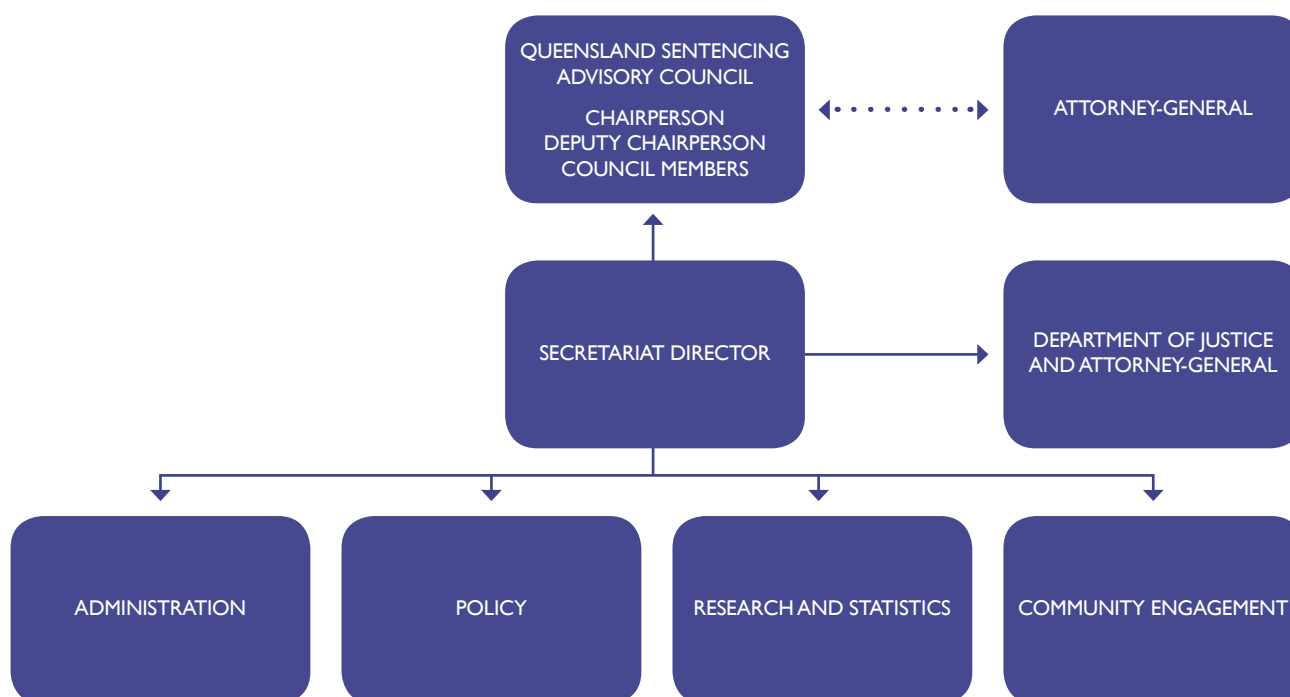
Comprehensive financial details relating to its operations are reported in the Department of Justice and Attorney-General annual report available via [www.justice.qld.gov.au](http://www.justice.qld.gov.au)

### Consultancies and overseas travel

The Council operates within the Department of Justice and Attorney-General'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. Their term of appointment is for three years.

### Meetings and remuneration

During 2017–18, there were 10 ordinary Council meetings and 3 extraordinary Council meetings.

Council members are remunerated in accordance with the *Remuneration procedures for part-time chairs, and members of government bodies*.

Name	Attendance	Approved annual fee	Actual fees received	Out of pocket expenses
John Robertson (from 1 June 2018)	–	\$6,240.00	0.00	0.00
Elena Marchetti (Deputy/Acting Chair)	12	\$4,800.00	\$6,406.00*	\$212.68
John Allen QC*	10	n/a	n/a	\$856.80
Jo Bryant# (from 1 June 2018)	–	n/a	n/a	0.00
Bevan Costello* (from 1 June 2018)	–	n/a	n/a	0.00
Michael Cowen QC* (until 23 August 2017)	1	n/a	n/a	0.00
Debbie Kilroy OAM	6	\$4,800.00	\$4,800.00	0.00
Tracy Linford APM* (until 14 May 2018)	6	n/a	n/a	0.00
Vicki Loury QC* (from 1 June 2018)	–	n/a	n/a	0.00
Kathleen Payne	10	\$4,800.00	\$4,800.00	\$355.46
Dan Rogers	11	\$4,800.00	\$4,800.00	\$1,060.94
Cheryl Scanlon APM* (from 1 June 2018)	–	n/a	n/a	0.00
Warren Strange	10	\$4,800.00	\$4,800.00	\$311.70
Helen Watkins	12	\$4,800.00	\$4,800.00	\$968.30
<b>TOTALS</b>		<b>\$35,040.00</b>	<b>\$30,406.00</b>	<b>\$3,765.88</b>

\* Includes payment for 2016–17 financial year as Acting Chair.

\* Public sector employees are not paid fees except where this is approved by the government.

# Member has chosen not to receive remuneration.





### **John Robertson**

*Chair (from 1 June 2018)*

John retired from the District Court in 2018, after being the first solicitor to be appointed to that court in 1994. He initially served as the first resident judge in Ipswich, moving to Maroochydore in 2001. He was a judge of the Childrens Court of Queensland throughout his judicial career and President of that court between 1999 and 2002. He was Deputy President of the Queensland Community Corrections Board between 1991 and 1994. John was regional convenor (Queensland) of the National Judicial College of Australia between 2002 and 2007. As a solicitor, he established the Brisbane-based firm JM Robertson & Co in 1978, which changed its name to Robertson O’Gorman in 1981. Throughout his legal career he has lectured and written extensively on criminal law issues including sentencing, juries, restorative justice and advocacy. In 2003 he was awarded an honorary doctorate of QUT for services to the law and legal education. John is the author of the *Queensland Sentencing Manual*, a practical resource designed for practitioners and students relating to sentencing principles in Queensland.

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### **Professor 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 peoples 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.

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### **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.

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### **Jo Bryant**

*(from 1 June 2018)*

Jo is the CEO of Protect All Children Today Inc. (PACT), a not-for-profit organisation providing practical support to children aged 3–17 who have to give evidence in court as victims or witnesses to crime. As an advocate of children’s rights, she took on her role at PACT in 2004. She is a Board Director of Aged and Disability Advocacy Australia, which advocates for aged and disability rights. In June 2018, Jo joined the Daniel Morcombe Foundation Board. Previously she was an executive officer in the Queensland Government. She became a Commissioner of Declarations for the Community Justice Association in 2007.



### **Bevan Costello**

*(from 1 June 2018)*

Bevan is a Waka Waka man and inspirational figure within the Cherbourg community. He is the Deputy Principal of Cherbourg State School, which has increasingly become successful under his influence and vision due to his community ties. He is Chair of the Barambah Justice Group, a member of the Cherbourg Community Council and committee member of the Ration Shed Museum, which depicts the history and vibrancy of the Cherbourg Aboriginal community. In his earlier life he played rugby league at professional level, representing Queensland. He studied teaching at Griffith University.

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### **Michael Cowen QC**

*(until 23 August 2017)*

Michael resigned from the Council on his appointment as Chief Judge Advocate for the Australian Defence Force. Previously, he was based in Townsville as a crown prosecutor for more than 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.

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### **Debbie Kilroy OAM**

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 girls (and their children) who have been involved with the criminal justice system, including an Order of Australia Medal.

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### **Vicki Loury QC**

*(from 1 June 2018)*

Vicki was admitted as a solicitor of the Supreme Court of Queensland in 1995 and joined the Office of the Director of Public Prosecutions a year later. In 2001, she was admitted to the bar and was appointed a Crown Prosecutor shortly afterwards. In 2011, Vicki was appointed a Consultant Crown Prosecutor. Her work since has primarily involved prosecuting homicide trials in the Supreme Court and appearing for the respondent in criminal appeals in the Court of Appeal. In December 2016 Vicki was appointed Queen's Counsel.

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### **Deputy Commissioner Tracy Linford**

*(until 14 May 2018)*

Tracy resigned from the Council on her appointment as Deputy Commissioner (Strategy, Policy and Performance) in the Queensland Police Service. Previously, she was the Queensland Assistant Commissioner leading the intelligence, counter-terrorism and major events command and had been 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.

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### 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.

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### Detective Chief Superintendent Cheryl Scanlon APM

(from 1 June 2018)

Cheryl is currently Executive Director, Operations Support, at the Crime and Corruption Commission. She was previously Operations Commander, Child Safety and Sexual Crime Group at Queensland Police Service where she was instrumental in driving significant government reforms in the area of child protection and social services. In 2015, Cheryl was awarded a Paul Harris Fellow by Rotary International for her services to the North Queensland community, where she served in various high-level police roles prior to her return to Brisbane. She is a graduate of the Federal Bureau of Investigation’s National Academy in the USA.

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### Warren Strange

Warren is the Executive Officer of *knowmore*, a national community legal centre assisting survivors of child abuse with their redress and justice options. Nearly one quarter of *knowmore*’s clients identify as Aboriginal and Torres Strait Islander peoples. 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).

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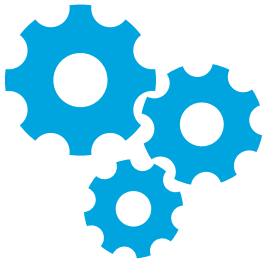


### Helen Watkins

Helen is a criminologist and psychologist dedicated to excellence in forensic and clinical assessment and treatment. She was a member of the Parole Board Queensland, and 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 (FTE), employed by the Department of Justice and Attorney-General.



**Administration** provides a well-functioning, professional office that meets all departmental reporting requirements and supports the needs of Council members and Secretariat staff to deliver on its functions.



**Community engagement** delivers a program of products and services that communicates complex sentencing information in the most appropriate format, ensures awareness raising, consultation and events are targeted appropriately, and that all media contact with the Council is professionally supported.



**Policy** provides legal policy support to the Council's work, provides accurate advice on legal processes, legislative and sentencing issues, supports the Council to reach evidence-based policy positions and ensures key stakeholders have been engaged and consulted on any sentencing reform the Council proposes.



**Research and statistics** ensures the data and evidence used to underpin the Council's work is correctly identified and collected, is as accurate and complete as possible, and is analysed in the most efficient and effective way to deliver high quality information to stakeholders.

## Workforce planning

The Council does not have any organisational changes to report.

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

Council members and Secretariat staff are inducted with new employees attending a departmental induction session and completing mandatory online training. The department 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 with regular review points. Misconduct, conflicts of interest and other such matters are dealt with in consultation with the department.

A range of programs were offered in 2017–18 to equip Council members and Secretariat staff 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.

No Secretariat staff were affected by 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

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



**CUSTOMERS FIRST**

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

The Secretariat is employed by the Department of Justice and Attorney-General, therefore staff are required to comply with the whole-of-government Code of Conduct. All Secretariat staff who were new to the department attended an induction training session which included a session outlining their responsibilities under the Code of Conduct and, by the end of the 2017–18 financial year, all staff had completed online Code of Conduct awareness training.



**UNLEASH POTENTIAL**

### Council members

The Council has adopted its own Code of Conduct, in compliance with the *Public Sector Ethics Act 1994*. The Code of Conduct applies at all times when a member is performing official duties, including when a member is representing the Council at conferences or training events, or at work-related social events. The Council's Code of Conduct is available via the Council's website. As part of the induction process, all Council members are made aware of the Code of Conduct and its implications.



**BE COURAGEOUS**



**EMPOWER PEOPLE**

## Accountability, integrity and risk management

In compliance with the department's risk management framework, the Council developed a risk register, which is reviewed quarterly. The Council has not established a risk management committee.

The Council has adopted a Prince 2 project planning and management approach ensuring project risks are identified, documented and mitigated at planning and throughout implementation. In addition, project closure processes enable the Council to document whether project risks were correctly identified and treated, and to ensure a continuous improvement approach is used.

As a statutory entity, the Council has established a range of record keeping systems, procedures and practices to ensure it can efficiently and effectively discharge its functions. The Council has adopted departmental policies and procedures for record keeping and has employed its own Operating Guidelines. This outlines the roles and relationships of the Council Chair and members, the support services provided by the Secretariat, the Council's operations and provides a description of Council member responsibilities with regard to recordkeeping.

The Council has also published the following on its website:

- Publication scheme
- Privacy policy
- Complaint management policy
- Public Interest Disclosure policy and procedures.

### Internal audit

The Council complies with the Department of Justice and Attorney-General's internal audit policy.

### External scrutiny

The Council falls under the Department of Justice and Attorney-General's processes for external scrutiny. During 2017–18, 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 documents and follows departmental 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 2017–18.

### Major audits and reviews

The Council was not subject to any major audits or reviews during 2017–18.

# OUR FUTURE

The Council will be undertaking a strategic planning workshop in December 2018 to review the *Strategic plan 2017–19*. In the meantime, the Council will be strongly focused on delivering the two Terms of Reference projects and continuing community engagement activities to enhance understanding of the sentencing process in 2018–19.

## Principal focus

Following completion of the Council's pilot community engagement project in Cunnamulla late 2018, the Council will report on the methodology, outcomes and evaluation. The Council plans to discuss the findings of this pilot project with other partner agencies, and explore whether it can be replicated in other regional centres.

The Council will welcome the members of the newly established Aboriginal and Torres Strait Islander Advisory Panel, which will become operational in the 2018–19 financial year. The Council looks forward to shaping its work to better respond to the sentencing issues of Aboriginal and Torres Strait Islander communities.

We also anticipate our review of community based sentencing orders, imprisonment and parole options will provide an opportunity to explore ways to enhance sentencing options for Aboriginal and Torres Strait Islander offenders, and help address their over-representation in prison. The Council is conscious the community based orders, imprisonment and parole options Terms of Reference provide an opportunity for Queensland to consider some of the recommendations of the Australian Law Reform Commission report *Pathways to Justice—Inquiry into the incarceration rate of Aboriginal and Torres Strait Islander peoples* published in March 2018.

## Engage effectively with the community about sentencing

The Council's focus on community engagement will continue, with plans to work with partner agencies on resources that will support journalists who report on sentencing. The Council's *Queensland Sentencing Guide* will be used as a basis for communicating about sentencing with journalists, as well as with members of diverse communities.

We have begun work to enhance our resources for secondary school legal studies and civics teachers, having designed a series of worksheets bringing the Council's *Sentencing Spotlights* to life. The Council will have a presence at the Business Educators' Association of Queensland conference in August 2018 to help raise awareness of the resources and tools we have available to assist young people understand more about the sentencing process.

The Council will continue its awareness raising through the *Sentencing Seminar* series, the *Sentencing Matters* podcasts and *Judge for Yourself* workshops that we offer free to community, school and university groups within a two-hour drive of Brisbane, or while we are in the regions for consultation activities. The next case study for the online *Judge for Yourself* program is due to be released in September 2018 featuring the Childrens Court.

Three *Sentencing Seminars* have been planned looking at expanding the toolbox of community based orders available to the courts (August 2018), appropriate sentencing for the rise in drug crime (October 2018), and outcomes of our review into the sentencing of child homicide offences (November 2018).

## Establish the Council as a trusted and responsive professional body

As in the 2017–18 financial year, the Council will endeavour to continue to deliver projects on time and within budget, and to provide high quality advice to support government to make strong policy decisions in sentencing. During 2018–19 the Council expects to deliver its final reports in response to Terms of Reference issued by the Attorney-General on sentencing for child homicide offences, and on community based sentencing orders, imprisonment and parole options.

We will release a research report on sentencing for child homicide offences in Queensland in July 2018 to inform our recommendations and advice on sentencing for child homicide. Consultation being undertaken as part of this review will continue, including the hosting of information sessions, community summits, meetings and roundtables. The Council will also finalise its focus group research on community attitudes to sentencing for child homicide. The Council's final report is due to be submitted to the Attorney-General and Minister for Justice by 31 October 2018.

Consultation with key stakeholders on the review of community based sentencing orders, imprisonment and parole options will intensify over the remainder of 2018, culminating in the production of an options paper planned for public release during the 2018–19 financial year. This report will encourage public and further stakeholder feedback on draft reform options to inform the development of the Council's final report and recommendations due mid-2019.

The *Sentencing Spotlight* series will continue to deliver statistics on sentencing outcomes for various offence categories. Importantly, the spotlights will cover sentencing trends over 2005–06 to 2016–17 in the Magistrates Courts, District Court and Supreme Court.

## Position the Council as a thought leader on sentencing issues

The Council will have a strong involvement, alongside the National Sentencing Network (established by the Council in 2016–17), at the Australian and New Zealand Society of Criminology conference in December 2018. A dedicated conference stream on sentencing will be hosted by the National Sentencing Network, ensuring Queensland continues a leading role in the national conversation about sentencing issues. This national focus ensures the Council will have access to the latest sentencing research in Australia, bringing strong academic input into the Council's work.



# 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 Not applicable
	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 19
	Other whole-of-government plans/specific initiatives	ARRs – section 11.2	Page 19
	Agency objectives and performance indicators	ARRs – section 11.3	Page 18
	Agency service areas and service standards	ARRs – section 11.4	Page 19
Financial performance	Summary of financial performance	ARRs – section 12.1	Page 19
Governance – management and structure	Organisational structure	ARRs – section 13.1	Page 20
	Executive management	ARRs – section 13.2	Page 22
	Government bodies (statutory bodies and other entities)	ARRs – section 13.3	Page 27

Governance – management and structure	Public Sector Ethics Act 1994	Public Sector Ethics Act 1994 ARRs – section 13.4	Page 27
	Queensland public service values	ARRs – section 13.5	Page 27
Governance – risk management and accountability	Risk management	ARRs – section 14.1	Page 28
	Audit committee	ARRs – section 14.2	Page 28
	Internal audit	ARRs – section 14.3	Page 28
	External scrutiny	ARRs – section 14.4	Page 28
	Information systems and recordkeeping	ARRs – section 14.5	Page 28
Governance – human resources	Strategic workforce planning and performance	ARRs – section 15.1	Page 26
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FAA Financial Accountability Act 2009

FPMS Financial and Performance Management Standard 2009

ARRs Annual report requirements for Queensland Government agencies



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