

Queensland Sentencing Advisory Council

Inform. Engage. Advise.

2019-20 Annual Report

Accessibility

The report provides detailed information about the Queensland Sentencing Advisory Council's non-financial performance for 2019-20.

Information about the Council's financial performance is available in the Department of Justice and Attorney-General's annual report 2019-20 available via www.justice.qld.gov.au.

Information about consultancies, overseas travel and the Queensland Language Services Policy is available at the Queensland Government Open Data website (<https://data.qld.gov.au>).

An electronic copy of this report is available at: www.sentencingcouncil.qld.gov.au



We are committed to providing accessible services to Queenslanders from all culturally and linguistically diverse backgrounds.

If you have difficulty in understanding the annual report, you can contact us by phone on (07) 3738 9499 or freecall the Translating and Interpreting Service on 1800 131 450 and we will arrange an interpreter to effectively communicate the report to you.

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Content from this annual report should be attributed as: Queensland Sentencing Advisory Council Annual Report 2019-20.

Feedback

Feedback is important for improving the value of our future reports. We welcome comments, which can be made by contacting us at:

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Acknowledgement of Traditional Owners

We acknowledge and give our respects to the Traditional Owners and Caretakers of this land, where they have performed age-old ceremonies of storytelling, healing, music, dance and celebration. We would also like to acknowledge and give our respects to Elders, past, present and emerging, for they hold the memories, traditions and knowledge of Aboriginal and Torres Strait Islander culture.

Aboriginal and Torres Strait Islander peoples are advised that this publication may contain words, names and descriptions of people who have passed away.

The Queensland Sentencing Advisory Council recognises and prioritises the needs of Aboriginal and Torres Strait Islander peoples to address their over-representation in Queensland's criminal justice system. Our Aboriginal and Torres Strait Islander corporate artwork *Overcoming Obstacles* by Casey Coolwell was commissioned to embody our commitment to understanding the drivers of over-representation in the Queensland criminal system. To view the artwork please visit [our website](#).

Our location

Level 25

State Law Building

50 Ann Street

Brisbane, Queensland 4001

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Statement of compliance



30 September 2020

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 deliver for presentation to the Parliament the Annual Report 2019-20 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 36 of this annual report.

Yours sincerely

A handwritten signature in black ink, appearing to read "John Robertson", followed by a long horizontal line.

John Robertson
Chair
Queensland Sentencing Advisory Council

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Queensland Sentencing Advisory Council

The Council's response to the Queensland Government's objectives for the community

The Strategic Plan 2020-22 outlines the Queensland Sentencing Advisory Council's priorities for the Queensland community it serves under the strategic pillars of inform, engage and advise. The Council's strategies actively contribute to the Queensland Government's objectives for the community in the following areas:

Keep communities safe

- Reduce the rate of Queenslanders who are victims of crime
- Reduce rates of youth reoffending

The Queensland Sentencing Advisory Council exists to provide independent expert research and advice, seek public views and promote community understanding of sentencing. In the 2019-20 financial year, the Council produced 68 resources, products and reports with many of the materials providing commentary on youth offending rates and trends, as well as insights into the needs of victims of crime. Many of the resources sought to educate young people about sentencing and penalties.

Crime and violence are problems that cannot be solved by one agency or organisation alone. The Queensland Sentencing Advisory Council is committed to working closely with government organisations, police, judiciary, victims and families, legal stakeholders, the community and individuals to progress dialogue and understanding, which in turn contributes to breaking the cycle of crime and violence.

Protect the environment

- Reduce Queensland's contribution to climate change

The Council is continuing to introduce ways to reduce our environmental footprint, including eliminating unnecessary waste and improving recycling within our office. We have also reduced reliance on paper-based materials, especially during the COVID-19 pandemic when many Secretariat staff worked remotely from their own homes and had to rely more heavily on electronic documents.

Be a responsive government

- Make Queensland Government services easy to use

The Queensland Sentencing Advisory Council is committed to making information on sentencing accessible to all Queenslanders. The Council is continuing to invest resources to ensure our website is streamlined and easy to navigate for all people with varying digital literacy and confidence. For those in Queensland who do not have any, or have limited, access to technology, the Council is able to provide information in several alternative forms including speaking directly to people over the phone about their sentencing questions, and providing face-to-face information sessions when possible (face-to-face sessions were put on hold in March 2020 in response to COVID-19 social distancing and travel restrictions).

Building safe, caring and connected communities

A cornerstone of the Queensland Sentencing Advisory Council's strategic plan is working in partnership with others to understand the social circumstances and other factors that influence a person's interaction with Queensland courts.

This approach is in keeping with the Government's priorities of:

- Ensuring an accessible and effective justice system
- Encouraging safer and inclusive communities

The Council plays a vital role in helping to strengthen community understanding of sentencing by providing independent research and advice and delivering free education resources. We recognise and prioritise the needs of Aboriginal and Torres Strait Islander peoples to understand the drivers of over-representation in the justice system and how sentencing impacts Aboriginal and Torres Strait Islander peoples. In our products and resources, we look to include input and feedback from diverse community members about sentencing, working at supporting people's connection to the broader community. We acknowledge that cultural heritage is valid, important and contributes to the vibrancy of our state.

Human rights

On 1 January 2020, Queensland's *Human Rights Act 2019* came into effect with the aim to:

- protect and promote human rights
- help build a culture in the Queensland public sector that respects and promotes human rights and
- help promote a dialogue about the nature, meaning and scope of human rights.

The Queensland Sentencing Advisory Council and Secretariat has undertaken training and shared in information sessions related to the introduction of the Act and the 23 fundamental human rights it protects. The Council and Secretariat employees respect, protect and promote the human rights of individuals and are dedicated to always act in a manner which is compatible with human rights obligations when delivering services and engaging with the community on sentencing matters.

From the Council Chair and Director

This 2019-20 financial year began innocuously enough. In August, the Council delivered the *Community-based sentencing orders, imprisonment and parole options: Final Report* which made 74 recommendations to reform the sentencing framework in Queensland to increase the options available to judges and magistrates.

The report was the culmination of many months of work to research sentencing in Queensland and other common law jurisdictions, analyse sentencing statistics, and consult broadly with legal and other stakeholders to understand the myriad of large and more microscopic issues that needed to be addressed as part of the Reference.

The Council received a new Terms of Reference from the Attorney-General in December 2019 on penalties for assaults on public officers, which focused the Council's attention on assaults of frontline and emergency workers. Little did we know when we started this project that the definition of a frontline worker was about to change with the advent of the coronavirus pandemic. Suddenly, with the introduction of a range of new restrictions imposed on Queenslanders to keep us safe from infection, 'frontline workers' took on a new meaning.

Social distancing and working from home meant we had to re-design our approach to the project, as well as many other planned Council activities for the year.

The regional tour we had planned across April to June was cancelled, our *Judge for Yourself* sessions and events with guest speakers also had to be cancelled. A national sentencing conference planned for December 2020 had to be postponed for 12 months. Our new video series on the specialist Magistrates Courts – *Doing Justice Differently* – had to be completely re-designed to account for the situation, and we all learned how to Skype, Zoom and Teams.

Despite the challenges of 2020, the Council has achieved a great deal. This report outlines the activities of the Council over the 12 months to June 2020, including the delivery of one Terms of Reference report, two videos in the series *Doing Justice Differently*, four *Sentencing Spotlights*, a second edition of the *Queensland Sentencing Guide*, publication of the first *Court reporting guide for Journalists* and the QSAC Stakeholder Engagement Framework.

The Secretariat continues to thrive under the new challenge of working from home, and we wish to thank each member of the team for their innovation, attention to detail and general enthusiasm with which they do their jobs.

To the members of the Council, many of whom have worked tirelessly to progress the Council's work and its impact on community awareness about sentencing, we are deeply indebted. The Council has continued to work well, and the achievements of the 2019-20 financial year are a testament to the ongoing commitment of each of these busy individuals, all of whom dedicate themselves to the functions outlined for the Council.

Finally, to all the individuals and organisations who have worked alongside us this year and provided advice, input, feedback and ideas to the Council's various projects and products, our sincere gratitude.

We look forward to continuing the important work of the Council in 2020-21.

John Robertson
Council Chair

Anne Edwards
Secretariat Director

About us

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

The Council has an authoritative and independent voice when it comes to sentencing in Queensland.

Under the *Penalties and Sentences Act 1992* the Council's functions are to:

- Give the Court of Appeal the Council's views, in writing, about the giving or reviewing of a guideline judgment, if asked
- Advise the Attorney-General on matters relating to sentencing, if asked
- Give information to the community to enhance knowledge and understanding of matters relating to sentencing
- Publish information about sentencing
- Research matters about sentencing and publish the outcomes of the research
- Obtain the community's views on sentencing and sentencing matters.

The Queensland Sentencing Advisory Council was re-established in May 2016 as an independent statutory body under the *Penalties and Sentences Act 1992*. The Queensland Sentencing Advisory Council comprises 12 members, appointed by the Governor in Council on recommendation of the Attorney-General. Members are accountable to the community and to the Attorney-General and Minister for Justice, the Honourable Yvette D'Ath MP, and include legal experts and community advocates with extensive experience in criminal law, domestic and family violence, victims of crime, Aboriginal and Torres Strait Islander justice issues and youth justice.

The Council's Aboriginal and Torres Strait Islander Advisory Panel was established in November 2018 to provide expert advice to the Council as it works to understand and address the over-representation of Aboriginal and Torres Strait Islander peoples in Queensland's criminal justice system. Since its introduction, the Advisory Panel has given a stronger voice to Aboriginal and Torres Strait Islander communities, helping to build the Council's understanding of the implications of sentencing, sharing how Aboriginal and Torres Strait Islander communities are affected by legal responses, and providing insight into what changes might be made to improve outcomes for First Nations Peoples. The Advisory Panel has up to eight members.

The Queensland Sentencing Advisory Council is supported by a Secretariat of 11 full-time equivalent (FTE) Department of Justice and Attorney-General employees with expertise in legal policy, research and data analysis, media and community engagement, and administrative services.

Operating environment

The Queensland community has a strong interest in sentencing and the Council has an evolving role in the areas of informing, advising and engaging about sentencing.

Our work is essential in listening to and better informing the community we serve about sentencing and bridging the knowledge gap about sentencing through the provision of accessible, sound research and free, educative resources.

Our response to requests for advice from the Attorney-General about matters related to sentencing is testament to the expert, independent role the Council plays in Queensland's criminal justice system.

Response to the COVID-19 pandemic

The impact of the COVID-19 pandemic in the second half of the financial year saw us refocus and adapt how we gather and share information and how we work with stakeholders and the community to deliver high-quality services and products. Using technology and new media, the Council and Secretariat met the needs of stakeholders and the community in a timely and appropriate manner. Examples of this are included on page 10 and page 19 of this report.

Vision, Purpose and Values

Our vision

Queenslanders understand and have confidence in sentencing.

Our purpose

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

Our values

First Nations Peoples Focus: We recognise and prioritise the needs of Aboriginal and Torres Strait Islander peoples to reduce over-representation in Queensland's criminal justice system.

Fairness: We respect and honour the dignity of the individual and recognise diversity.

Collaboration: We actively seek views and promote partnerships.

Integrity: We respect confidentiality while being impartial, independent, open and transparent.

Strategic direction

The Queensland Sentencing Advisory Council released its updated 2020-22 Strategic Plan in March 2020 in response to the challenges the Council faces in serving a Queensland community interested in sentencing matters.

The new Strategic Plan was informed by extensive engagement and consultation led by the Council and Secretariat Director and included the results of our inaugural reputational survey (June 2018–July 2019) which assessed our performance with individuals and organisations.

Prior to this, the Council's strategic direction was informed by its 2019-20 plan.

Many of the achievements outlined in this annual report (such as the rollout of the *Doing Justice Differently* video series, carrying out the review of penalties for assaults on public officers, the launch of a suite of sentencing definitions videos, and the release of new education resources) are the direct result of the Council successfully executing its strategic objectives.

The objectives of the Strategic Plan contribute to the Queensland Government's objectives for the community as outlined on pages 5 and 6. This is consistent with the Council's vision that "Queenslanders understand and have confidence in sentencing".

Opportunities and challenges

We recognise the opportunities and challenges associated with delivering on our Strategic Plan. These include meeting demands for the Council's expert advice, ensuring our partnerships continue to mature to progress dialogue and understanding on key sentencing issues, prioritising the needs of Aboriginal and Torres Strait Islander peoples while building a strong understanding of the implications of sentencing for First Nations Peoples, constraints on funding, restrictions as a result of the COVID-19 health emergency, the provision of quality research supporting community understanding of sentencing trends, continuing to attract and retain specialist staff, and managing change that occurs in the external environment.

Our Strategic Plan seeks to manage these challenges by partnering with stakeholders, growing our products and services, while providing timely, impartial, independent advice on sentencing matters (see pages 13 to 20 for more information).

COVID-19 pandemic response

Stakeholder engagement activities in the second half of the financial year were influenced by COVID-19 restrictions. Face-to-face consultation took on a new meaning, with physical meetings cancelled and replaced with videoconference and teleconference engagement to ensure the safety of our staff and stakeholders.

Meetings of the Council and of the Aboriginal and Torres Strait Islander Advisory Panel were successfully fulfilled via videoconference and tele-conference with safe digital platforms used to share papers, reports and presentations. In line with government and health directives, Secretariat staff worked from home, meeting online each day to progress projects and day-to-day tasks, and to provide collegial support.

The implications of not being able to travel to deliver the Council's educative *Judge for Yourself* workshops to regional and remote schools, saw us release a suite of worksheets and teachers' guides focused on sentencing (see page 17 for additional information) – this assisted legal studies teachers working to develop resources for young people while being home schooled.

The Council finetuned its use of social media and with a clear understanding of who we wanted to reach, we took the opportunity to build relationships with existing and new audiences through focused content that delivered value for the community and our stakeholders (for further details see page 17).

Access to data

The Council does not own administrative data and does not have direct access or control over how sentencing and related criminal justice data and information is maintained. We rely on other agencies to provide relevant data to undertake our statutory functions.

The Council has established strong relationships with relevant agencies — Court Services Queensland, Queensland Police Service, Queensland Corrective Services, and the Crime Statistics Unit within the Queensland Government Statistician's Office. However, their ability to respond to the Council's data requests is impacted by their own resources and priorities. This challenge is compounded by the complexities associated with criminal justice administrative data which is collected by individual agencies for operational purposes using various systems and approaches.

The Council's Secretariat invests a significant amount of time in integrating different data sets to provide a comprehensive picture of people sentenced by Queensland's criminal justice system, including an accurate assessment of the range of offences, sentences and victims linked to those sentenced.

Media and public attitudes to sentencing

The Council's responsibility to enhance public knowledge and understanding of sentencing is conducted within an environment where significant media focus is on criminal justice matters, sentencing outcomes and victim impacts.

The Council strives to ensure high quality and engaging information is developed to challenge some of the misconceptions about sentencing sometimes promoted in the media. This has included working with media and legal industry contacts to develop the *Queensland Court reporting guide for Journalists* (for more information see pages 15–16 in this report).

While it cannot comment on individual cases, the Council provides background and commentary to the media on sentencing issues and trends and is seen as a reliable and independent commentator which provides the opportunity to help the community to understand and have confidence in sentencing.

Geographical scale

As the second largest state in Australia and with a diverse population of more than five million people, the Council is conscious of the need for its work to reach beyond Queensland's south-east. Given limited resources for travel, we are challenged in our engagement activities with the Queensland community, often unable to be physically present. The Council has fostered a range of innovative and accessible resources to address the obstacle of distance.

Our website is the principal medium for detailed information on sentencing and features interactive elements as a means of enhancing community interest in the Council's resources. We also use the social media channels Twitter and Facebook and have a significant online resource in the *Judge for Yourself* platform, providing people with the opportunity to learn more about sentencing.

Three members of the Council and three members of the Aboriginal and Torres Strait Islander Advisory Panel are from regional centres, helping the Council to obtain community views and increase understanding of sentencing inclusive of regional and remote Queensland.

Council membership

The diverse membership of the Council is one of its strengths. Our Council members are part-time, with professional careers and responsibilities outside their involvement with the Council. Their personal challenge is finding time to devote to the often considerable review work involved and to engage in face-to-face discussion and debate on sentencing issues.

Critical and tight deadlines associated with review work and decision making can be challenging for individuals to manage.

Council members are sometimes promoted or moved in their professional roles, presenting a challenge to the organisation. Occasional vacancies sometimes require readjustment to working and governance arrangements.

Attracting and retaining skilled Secretariat staff

The Secretariat is a small, multi-disciplinary team and relies on the specialist skills of its staff. While attracting and retaining talent is a challenge for all workplaces, the unique nature of the Council's work relies on specialist skills (research and statistical analysis, legal policy and media and community engagement) that are not always easy to attract, recruit and retain.

Reputational survey

The Council's second annual reputational survey was an opportunity to engage with a broad range of individuals and organisations. Designed to assess the Council's performance, to ensure it is meeting the key objectives identified in its strategic plan and to identify opportunities to improve future performance, the short online survey was delivered to 856 email addresses and was followed by individual interviews with a smaller group of key stakeholders.

With just under nine per cent of those emailed responding to the survey over the period 8 June to 21 June 2020, respondents included community members, teachers, government agencies, service providers or organisations, and legal or academic stakeholders.

The survey responses demonstrate that the Council is regarded as delivering high quality, informative products, with high ratings given for:

- The credibility of our information and publications, and their usefulness
- The relevance of the work we undertake
- Our ability to inform the community about sentencing through research and education
- The *Judge for Yourself* program.

Plans and priorities for 2020-21

The Queensland Sentencing Advisory Council approved its 2020-22 Strategic Plan with a view to meeting the need for greater education and information about sentencing matters and more thoroughly understanding community views.

To create options for future initiatives that achieve the Council's purpose and vision, the Strategic Plan is based on forming strong relationships with partners from a broad range of organisations and making the most of technology.

In 2020-21, the Council will be strongly focused on delivering its final report in response to Terms of Reference issued by the Attorney-General on penalties for assaults on public officers. The Council's final report is due to be submitted by 31 August 2020.

The Council will publish the first in a stand-alone new statistical research report series which will explore common offence types and their penalties for specific groups over time.

The Council will deliver enhanced resources for secondary school legal studies and civics teachers, and will launch four new, comprehensive workbooks based on the *Judge for Yourself* case studies.

When it is safe to present face-to-face *Judge for Yourself* group workshops, the Council will continue its awareness raising through offering free sessions to community, school and university groups within a two-hour drive of Brisbane. We will also explore the use of technology platforms to deliver regional *Judge for Yourself* group workshops.

The Council will build on its *Case in Focus* series, *Sentencing @ a glance* and the *Sentencing Spotlight* series which will continue to deliver statistics on sentencing outcomes for various offence categories.

The Council will strengthen its suite of video resources, launching an original animation in the first half of the 2020-21 financial year, informing people about sentencing in the Queensland Murri Court. This will be the third video in the specialist court series – *Doing Justice Differently*.

In the 2019-20 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.

Inform

Ensure the community is well informed about sentencing in Queensland

Deliver on a well-designed and innovative sentencing research agenda and publish content and resources in an accessible way

Shining a light on sentencing trends in Queensland

A key avenue through which the Queensland Sentencing Advisory Council is providing accurate information about sentencing to the community is our *Sentencing Spotlight* series. Each Spotlight summarises sentences imposed (most usually focusing on a specific offence or offences) to help Queenslanders understand more about sentencing, including details about the offence itself, offender characteristics, the types of penalties imposed, and plea patterns.

Our Spotlights are available to read and download on the Queensland Sentencing Advisory Council's website, with interactive infographics also displayed to break down key information in a user friendly and accessible way. During 2019-20, the Council released four *Sentencing Spotlights* covering the following offences finalised in Queensland Courts:

- [Animal welfare offences](#)
- [Robbery](#)
- [Burglary](#)
- [Stalking](#).

Supporting Terms of Reference reviews

A significant amount of time is invested in conducting extensive analysis of the Courts database and data obtained from other criminal justice and government agencies, and completing cross-jurisdictional analysis to support the Council's response to Terms of Reference reviews. This analysis is included in Terms of Reference publications – Issues Papers, community summaries, research reports and final reports – and establishes robust sentencing statistics that underpin our advice and recommendations to the Attorney-General on sentencing matters.

This financial year, as part of the Terms of Reference review on penalties for assaults on public officers, the Council commissioned a literature review undertaken by the Griffith Criminology Institute to provide the broader research context within which our work was undertaken, and an expert report to understand drivers of over-representation of Aboriginal and Torres Strait Islander peoples and women.¹

Research paper series

During 2019-20 the Council began development of a new statistical research paper series which will explore common offence types and their penalties for specific groups over time and will investigate any trends and patterns emerging in Queensland.

The first report in the series will examine the sentencing of Aboriginal and Torres Strait Islander peoples and consider the trends in relation to the over-representation of First Nations Peoples in Queensland's criminal justice system. Aiming to release the report in late 2020, the study will include a literature review to provide a broader research context to the data analysis.

Collaborate with key partners to progress dialogue and understanding on key issues

Doing Justice Differently

The Council delivered two videos in its new educational series, *Doing Justice Differently*, designed to inform Queenslanders about the specialist courts and programs, and the many ways the court system is working to invest in people and communities. In creating the *Doing Justice Differently* series and working with the specialist courts, the Council aims to assist people to understand the nature of the sentencing process and to provide an insight to the potential outcomes of alternative sentencing approaches.

The first of our videos explored the [Drug and Alcohol Court](#) which provides an intensive and targeted response to adult offenders with severe drug and alcohol use directly associated with their offending. The second production in the series focused on [Court Link](#) – a 12-week specialist bail-based support program.

The Council will release a third video highlighting the Murri Court in the second half of 2020.

Sentencing conference partnership

Through its work to inform, engage and advise on sentencing matters in Queensland, the Council has developed strong connections with the academic community, both in Queensland and nationally. In September 2019, the Council announced a partnership with the Queensland University of Technology's (QUT) Law Faculty to stage a [national sentencing conference](#) in 2020. To be held over two days at QUT's Gardens Point campus in Brisbane, the conference intended to bring together national and international speakers and attendees to exchange ideas, spark debate and inform the community about sentencing issues.

Due to the COVID-19 pandemic and the uncertainty about travel restrictions, the decision was jointly made by QUT and the Council in May 2020 to postpone the conference. A decision about the future of the conference will be made following a review in October 2020.

¹ It must be noted that any views expressed in third party reports are those of the authors and not necessarily those of the Council.

Progressing sentencing dialogue and research

The Council aims to disseminate the results of its research by attending and presenting at key industry conferences and symposiums.

During 2019-20, members of the Council and Secretariat attended 10 conferences and symposiums – presenting at nine of those events. Our attendance and participation builds on and promotes our sentencing research and policy work and provides opportunities to discuss and learn about sentencing matters with community members and other leaders in sentencing.

In April 2020, as a result of the COVID-19 pandemic, we made the decision to postpone a planned sentencing seminar discussing open justice with keynote speaker Chief Judge Peter Kidd of the County Court of Victoria. The Council will look to reschedule the event if, and when, it is safe to do so.

Scan the environment for emerging and contentious sentencing issues and determine appropriate responses

Sentencing @ a glance

The Council launched its *Sentencing @ a glance* fact sheets in November, enabling it to more effectively respond to an identified demand for sentencing information of high media interest. The *@ a glance* series presents insightful and engaging high level statistical infographics about sentencing for a specific offence category.

With consideration given to trending or emerging media topics, and strategic alignment with Council projects, the *@ a glance* series to date has focused on arson, public nuisance and serious assault.

Responding to emerging issues

Against a framework that allows us to identify, assess, manage and communicate emerging issues and risk, the Council monitors the media and sentencing environment daily to ensure it can provide effective and responsive commentary on legislative and contentious issues related to sentencing in Queensland.

We actively engage with government organisations, police, judiciary, victims and families, legal stakeholders, the media, the community and individuals, to understand or respond to emerging issues, with strategic consideration given prior to the Council responding to an issue or releasing a product.

Promote the Council's role as a sentencing commentator

Working with the media

Over the past year, the Council has worked to grow its role as an authority on sentencing, strengthening its reputation while also enhancing community and stakeholder engagement and understanding of the Queensland criminal justice system.

2019-20 has seen many opportunities for the Council to comment on emerging justice issues or to explain Terms of Reference products and resources. We have received significant local and national coverage from traditional and new media outlets including The Australian, The ABC, The Courier Mail and Brisbane Times, Channel 7, 9 and 10 News, and coverage across various Australian newspaper and radio syndications.

Promoting quality court reporting in the media

Providing information to the community to better understand sentencing and how the criminal justice system works is a primary objective of the Queensland Sentencing Advisory Council. The Council acknowledges that the media plays a significant role in how the community understands sentencing and is keen to assist journalists throughout Queensland to cover court proceedings accurately – supporting enhanced community understanding and confidence in Queensland courts and the criminal justice system.

In December 2019, the Council scaled up its investment in informing the media and developing court reporting skills, launching Queensland's first *Court reporting guide for Journalists*. Developed in consultation with journalists from television, radio and print, the Supreme and District Courts and the Queensland Law Society, the Guide provides a simple, plain English overview of the courts to assist journalists to cover court proceedings accurately. The 36-page Guide is available for free download on the Council's website and is designed to help improve the media's knowledge of court processes, inform journalists what they can and can't report, explain courtroom etiquette, and define commonly used terminology.

Sentencing Guide expanded

To continue to demystify the court system and sentencing process, the Council released a new edition of the *Queensland Sentencing Guide* in December 2019 to better inform people about the state's criminal justice system and what informs the sentencing process. The resource takes complex legal terms and processes and breaks them down into straightforward language to make them easy to understand.

Developed with input from legal stakeholders and justice agencies including the Department of Justice and Attorney-General, Legal Aid Queensland, Queensland Corrective Services, the Queensland Law Society and the Courts, the Guide explains how the Queensland courts operate, the different types of courts in Queensland, and how adults are sentenced when they have been found guilty of an offence.

New information in the Guide included a section dedicated to Commonwealth offences – such as Centrelink fraud, terrorism and drug importation – as these cases can be heard and sentenced in Queensland courts.

Contributing to broader sentencing commentary

We recognise the impact sentencing has on individuals, families and communities and that we have a role to play promoting and supporting broader sentencing commentary in Queensland.

Among other events in 2019-20, the Council presented at the Queensland Plan Ambassadors Council meeting and presented at and participated in a panel discussion at the 2019 Future of Policing Symposium.

Engage

Engage effectively with others to gather views on sentencing

Deliver a communications and community engagement strategy that obtains views and increases understanding of sentencing, inclusive of regional and remote Queensland

Judge for Yourself

The Council works through its flagship community engagement program, *Judge for Yourself*, to better understand community perceptions of sentencing and to raise awareness about the sentencing process.

A collection of four interactive courtroom presentations based on real cases, *Judge for Yourself* shows Queenslanders there is more to sentencing than is depicted in crime shows or nightly news bulletins, giving participants a chance to hear the facts of a court case and decide on a sentence, weighing up all the factors a judge would have to consider in the process.

During 2019-20, we delivered 10 face-to-face *Judge for Yourself* workshops for schools and community groups in south-east Queensland (before COVID-19 pandemic travel and social distancing restrictions came into place) and recorded more than 5,120 online *Judge for Yourself* interactions (an interaction is defined as participants answering at least one question within a *Judge for Yourself* presentation).

Face-to face sessions with students that enable the Council to understand youth views of sentencing is an example of how we are contributing to the Queensland Youth Strategy and the Queensland Youth Engagement Charter.

Increasing understanding

Extending *Judge for Yourself*

To further develop the next generation's understanding of sentencing, the Council has worked with Queensland legal studies curriculum experts to develop four workbooks to support the four *Judge for Yourself* programs. The workbooks will be finalised and launched in the 2020-21 financial year.

Development of new learning resources

In response to feedback from high school teachers, we developed and launched nine new sentencing learning resources aligned with the legal studies curriculum. These resources provided targeted support for Queensland teachers when they were developing lesson plans for home schooling during the early stages of the COVID-19 pandemic.

There are 18 free downloadable teaching resources available on the Council's website.

Expanding digital engagement

Early in 2020, to strengthen understanding of sentencing and expand our reach inclusive of regional and remote Queensland, we commenced a new approach to online engagement, firmly placing the community and stakeholders at the centre of a revisited social media strategy that provided informative content and integrated the Council's free education and public resources across all digital mediums.

This initiative, combined with efforts during the first half of the financial year, saw a 13.9 per cent increase in Facebook followers, a 37.3 per cent increase in Twitter followers and 82,606 unique web page views. More information about our digital engagement performance can be found on page 33 of this report.

The Council also reinvigorated its electronic newsletter communications, expanding them to include the new *Inform* eAlert, a specific Terms of Reference bulletin (Penalties for assaults on public officers), and a stakeholder reputational survey communication.

Obtaining views

The Council maintains a multi-faceted approach to obtaining community views about sentencing, allowing it to address the geographical spread of the Queensland community.

Formal and informal face-to-face meetings connecting with representatives from the judiciary, government agencies, service providers and organisations, the legal fraternity and community members with firsthand experience of sentencing – defendants and victims – are a vital means of hearing views on sentencing matters and receiving input on Council activities and initiatives.

In 2019-20, following the release of an Issues Paper as part of our Terms of Reference review of penalties for assaults on public officers, we carried out consultation with key stakeholders during the height of the COVID-19 pandemic social distancing restrictions, with 17 meetings and consultation sessions held via video or teleconference to ensure stakeholder and staff safety.

Strengthen stakeholder networks to enhance the Council's work

The Council invests in strong relationships with its stakeholder networks, knowing the involvement of key stakeholders enhances the impact and sustainability of the Council's work.

Stakeholder Engagement Framework

In April 2020, the Council published its [Stakeholder Engagement Framework](#), which guides the Council's interactions with individuals and organisations and ensures its engagement is meaningful.

In 2019-20 the Council's work and activities benefited from:

- An inaugural stakeholder consultative forum hosted by the Council in February 2020 with representatives from the judiciary, legal profession and government agencies, to share information and discuss sentencing issues.
- The opportunity to update Queensland MPs at Parliament House on the current and future work of the Council, also delivering a *Judge for Yourself* presentation.
- Consultations conducted with state and national subject matter experts in relation to our Terms of Reference on penalties for assaults on public officers.
- Consultation and collaboration with representatives from the Queensland Drug and Alcohol Court, Court Link, the Murri Court and Murri Court Elders, the Office of the Chief Magistrate, Queensland Police Service, Queensland Corrective Services and Legal Aid Queensland to develop and deliver a new interactive video series focused on the specialist courts and programs.
- Periodic meetings with key members of the judiciary to share information about the Council's work and understand any concerns relating to community understanding of sentencing.
- Regular officer-level meetings with Magistrates Court Services to share information.
- The provision of pre-briefings to key stakeholders and the media before the public release of the *Community-based sentencing orders, imprisonment and parole options: Final Report*.
- Contributing to the work of the Sentencing Remarks Subcommittee of the Supreme Court Library.
- Presenting *Judge for Yourself* for the Griffith University Future Leaders retreat.
- Participating in the Crime Research and Evaluation Network, a government stakeholder group focusing on criminal justice research and evaluation matters.
- Participating in meetings of the Court Users Stakeholder Group.
- Contributing to the Crime Research Reference Committee of the Queensland Government Statistician's Office.
- Attending the annual Griffith Criminology Corrections Symposium to develop a deeper understanding of how research can inform practice.
- Featuring as a guest speaker at the launch of the Australian Institute for Strangulation Prevention.
- Presenting at the Queensland Magistrates Conference in October 2019 about the Council's work.
- Representation on the Griffith University School of Criminology and Criminal Justice Industry Advisory Board.

Work with the Aboriginal and Torres Strait Islander Advisory Panel to build a strong understanding of the implications of sentencing

In recognising and prioritising the needs of Aboriginal and Torres Strait Islander peoples to address over-representation in Queensland's criminal justice system, the Council works with members of its Aboriginal and Torres Strait Islander Advisory Panel in a shared journey to building a stronger understanding of the implications of sentencing for Aboriginal and Torres Strait Islander peoples.

The Council sees significant value in investing in activities and developing culturally appropriate materials that, with the input of the Aboriginal and Torres Strait Islander Advisory Panel, assist in engaging with and informing First Nations Peoples about sentencing matters.

The collective goal of the Council and the Advisory Panel to inform, advise and engage with Aboriginal and Torres Strait Islander peoples during 2019-20 saw:

- The Advisory Panel provide input to the Terms of Reference review of penalties for assaults on public officers.
- The Council Secretariat consult and collaborate with the Advisory Panel to create a suite of culturally appropriate sentencing definitions videos that featured Advisory Panel members explaining sentencing terms in easy to understand language. The initiative addressed a finding identified by the Council from its Cunnamulla pilot community engagement project conducted in 2017-18. Panel members carried out user-testing of the resources with their community and stakeholder networks and provided valuable feedback that informed the final products.
- The development of a culturally effective creative concept and associated script to explain the process of being sentenced in the Queensland Murri Court.

Advise

Enhance the Council's reputation as an authority on sentencing matters

Respond effectively and professionally to all Terms of Reference

Intermediate sentencing options and parole

In response to the 2016 *Queensland Parole System Review Final Report (Sofronoff Report)*, the Queensland Sentencing Advisory Council was asked by the Attorney-General and Minister for Justice, Yvette D'Ath, to review community-based sentencing orders and parole options. The 18-month review also looked at current sentencing and parole legislation, including the *Penalties and Sentences Act 1992* and the *Corrective Services Act 2006* to identify any laws that create inconsistency or constrain the sentencing options available to a court.

The final report was publicly released in August 2019 and made 74 recommendations, including the introduction of a new sentencing option – a Community Correction Order – as part of a package of reforms to improve the flexibility of sentencing options in Queensland and better tailor orders to the individual circumstances of the offence and the offender. The Queensland Government has committed to explore opportunities to expand sentencing options in its response to the Queensland Productivity Commission's report on its inquiry into imprisonment and recidivism released in January 2020.

Penalties for assaults of public officers

The Attorney-General and Minister for Justice, the Honourable Yvette D'Ath MP, referred Terms of Reference to the Council in early December 2019 asking for its advice on penalties for assaults on police and other frontline emergency service workers, corrective service officers and other public officers. The Terms of Reference recognises that assaults on frontline public officers continue to raise concern in the community for the safe working environment of these officers as well as the adequacy of penalties imposed on offenders convicted of these offences.

The Council called for preliminary feedback in December 2020, with submissions closing on 28 January. More than 30 preliminary submissions were received with feedback helping to inform an Issues Paper released in April 2020.

The Attorney-General granted the Council additional time in April to respond to the Terms of Reference, extending the Council's reporting date from 30 June 2020 to 31 August 2020. The extension was granted on the basis of the emergence of the COVID-19 pandemic and the Council's concern about the need for stakeholders to have additional time to respond given their necessary focus on delivering essential services to the community during this challenging period.

The Issues Paper provided an opportunity for organisations and people to share their views about penalties for assaults on public officers. Public consultation was carried out during the height of the COVID-19 pandemic social distancing restrictions, with 17 meetings and consultation sessions held via video or teleconference to ensure stakeholder and staff safety involving more than 60 participants.

The Council received 32 submissions in response to the Issues Paper which will help inform the Final Report, to be publicly released late in 2020.

A review of research evidence – assaults on public officers

In response to the Council's Terms of Reference on penalties for assaults on public officers, the Council commissioned a literature review from the Griffith Criminology Institute to identify and assess the empirical research evidence about the incidence, context and impact of sentencing of assaults on public officers.²

Instrumental in supporting the Council's Terms of Reference publications – the *Issues Paper* and *Final Report* – the literature review considered available evidence of the impact of any relevant reforms relating to penalty and sentencing provisions, as well as causes, frequency and seriousness of assaults on public officers within Queensland, and other Australian and relevant international jurisdictions. The Council notes that any views expressed in the literature review are those of the authors and not necessarily those of the Council.

Understanding the over-representation of Aboriginal and Torres Strait Islanders and women in sentencing for assaults on public officers

As part of the Council's response to the Terms of Reference on penalties for assaults on public officers, we undertook analysis of the demographic characteristics of those sentenced for assaults on public officers.

Observing that Aboriginal and Torres Strait Islanders and women were both over-represented in sentencing for this offence, the Council engaged an individual with appropriate expertise and background to provide an expert report, drawing on relevant literature, about the individual and structural disadvantage that may help to contextualise these demographic findings. The report is due to be delivered in the first half of the 2020-21 financial year. The Council notes that any views expressed in the literature review are those of the authors and not necessarily those of the Council.

Participate in initiatives across the criminal justice system to advise about sentencing matters

New series taking a closer look at appeal cases of interest

In June 2020, the Council launched the *Case in Focus* series to contribute to its function to publish information about sentencing and assist the community to better understand what guides appeals against sentence.

Breaking down Court of Appeal judgments in an easy to understand way, the *Case in Focus* series provides interactive summaries that run through points of law and sentencing principles discussed in high profile or interesting appellate court decisions. Designed to make cases readily accessible for everyone, the first two cases in the series involved dangerous driving causing death and highlighted how every case is different. *Case in Focus* is another way the Council is working to promote community understanding of sentencing matters.

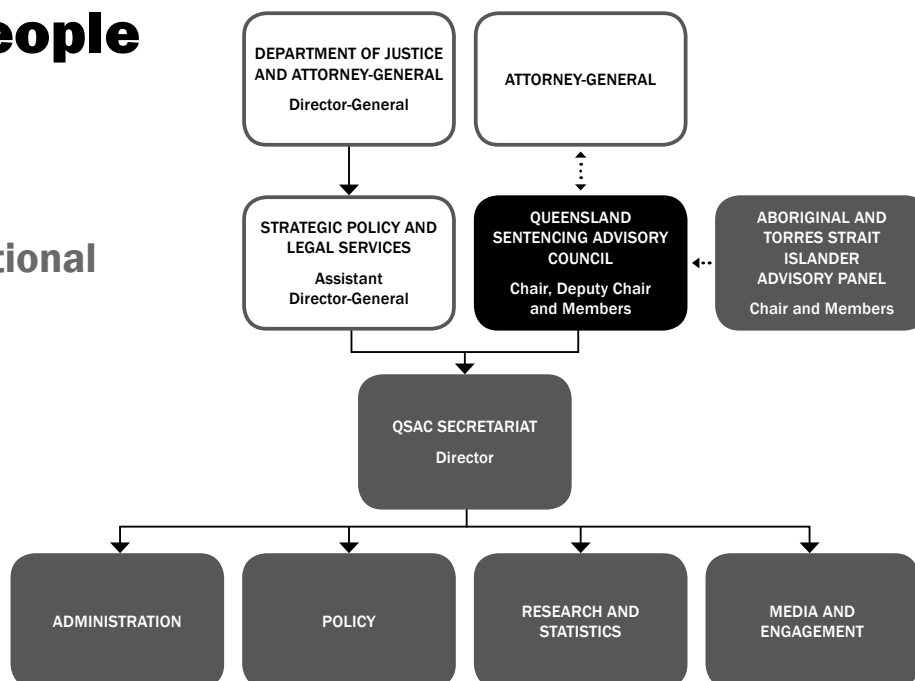
Provide views to the Court of Appeal, if asked, about the giving or reviewing of a guideline judgment

During the 2019-20 financial year, the Queensland Sentencing Advisory Council was not called on by the Court of Appeal to give advice on a guideline judgment.

Governance

Our people

Organisational structure



The Council

The Queensland Sentencing Advisory Council comprises up to 12 independent members, appointed by the Governor in Council on recommendation by the Attorney-General.

Members are appointed for up to three years.

In July 2020, Katarina Prskalo and Phillip McCarthy QC were appointed to the Council until July 2022. The 10 remaining Council members have been appointed until July 2022.

Members of the Council are appointed in their private capacity based on their expertise and experience in a number of areas relevant to the Council's functions, including victims of crime, Aboriginal and Torres Strait Islander justice matters, domestic and family violence justice matters, law enforcement, criminal prosecutions and defence, civil liberties and youth justice.

The Council is responsible for setting its strategic direction, which includes:

- developing, approving and periodically reviewing the strategic plan
- approving the Council's research agenda and community engagement plan each year
- setting key performance indicators
- decision-making in relation to significant strategic initiatives
- oversight of risk management for key projects
- oversight of the Council's budget and key budget decisions based on its work priorities.

Individual Council members also nominate for additional responsibilities on Project Boards, playing an important governance role in respect of key Council projects. The role of Project Board participants is to monitor the progress of projects, manage risks, make key decisions about the Council's approach, and support Secretariat staff in conducting project activities.

Respond effectively and professionally to all Terms of Reference

In compliance with the *Public Sector Ethics Act 1994*, the Council has adopted its own Code of Conduct. 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 was reviewed and updated in October 2019 and is available via the Council's website. The reviewed Code of Conduct has been aligned with the *Human Rights Act 2019* and emphasises that members must at in accordance with the rights outlined in the Act and equal opportunity legislation which protects people from discrimination.

Council Operating Guidelines

The Council has adopted a set of guidelines that form a key part of its governance framework. The Guidelines address key operational issues such as roles and relationships, meeting conventions and arrangements, financial management, confidentiality, declaration of interests and managing disputes or conflicts.

Meetings and remuneration

The Queensland Sentencing Advisory Council met 11 times between July 2019 and June 2020, with no extraordinary meetings occurring during this period.

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

Name	Position	Attendance	Approved annual fee	Actual fees received	Out of pocket expenses
John Robertson	Council Chair	10	\$6,979.44	\$6,979.44	\$813.45
Elena Marchetti	Council Deputy Chair	10	\$5,369.00	\$5,369.00	
Jo Bryant [#]	Member	9			
Bevan Costello [*]	Member and Chair of the Aboriginal and Torres Strait Islander Advisory Panel	8			\$1,211.55
Debbie Kilroy OAM	Member	6	\$5,368.99	\$5,368.99	
Philip McCarthy QC [*]	Member	8			
Kathleen Payne	Member	5	\$5,369.00	\$5,369.00	
Katarina Prskalo [*]	Member	10			
Dan Rogers	Member	9	\$5,369.00	\$5,369.00	
Cheryl Scanlon APM [*]	Member and Penalties for Assaults on public officers ToR Project Sponsor	9			
Warren Strange	Member	8	\$5,369.00	\$5,369.00	
Helen Watkins	Member and Intermediate sentencing options and parole ToR Project Sponsor	10	\$5,368.99	\$5,368.99	\$204.00
TOTALS			\$39,193.42	\$39,193.42	\$2,229.00

^{*} Public sector employees who are not paid fees unless approved by the Queensland Government.

[#] Member has chosen not to receive remuneration.

Council membership

John Robertson, Council Chair

John was admitted as a solicitor in 1973 and formed his own firm in 1978, which ultimately became Robertson O’Gorman. He was Deputy President of the Queensland Community Corrections Board from 1991-1994. In 1994, he was appointed as a District Court Judge. He served in Ipswich, Brisbane, and, for the last 16 years leading to retirement in 2018, at Maroochydore. Throughout his career, he has written and lectured extensively on issues relating to sentencing and the criminal law, including restorative justice, sentencing law, advocacy and the criminal law and the media. He is the author of the Queensland Sentencing Manual which was first published in 1999.

Professor Elena Marchetti, Deputy 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 sentencing courts and partner violence, and more appropriate ways to evaluate Indigenous-focused criminal justice processes. Elena is currently researching the use of Indigenous Justice Reports in criminal sentencing hearings. She is one of two Panel Members for the Criminology Research Grants scheme (administered by the Australian Institute of Criminology) and is on the editorial board of the *Australian and New Zealand Journal of Criminology*.

Jo Bryant

Jo was appointed as the Regional Visiting Manager Sunshine Coast, Community Visitor Program, Office of the Public Guardian in July 2019, managing a team of local Community Visitors and advocates on behalf of vulnerable children and young people in care and adults with impaired capacity. She was the CEO of Protect All Children Today Inc., from September 2004 to July 2019, a not-for-profit organisation that supports children and young people aged 3–17 required to give evidence in criminal court hearings as victims or witnesses to crime. Jo has consistently advocated for vulnerable people’s rights and facilitated change through evidence-based feedback. Jo received the 2018 Professional Non-government Child Protection Week Award and became a Commissioner of Declarations in 2007.

Bevan Costello, Chair of the Aboriginal and Torres Strait Islander Advisory Panel

Bevan is a Wakka Wakka man and Elder within the Cherbourg community. He is a trained Secondary Teacher having studied with Griffith University and has 30 years’ experience with Education Queensland. Bevan is Principal at the Silver Lining School in the South Burnett and is Chair of the Barambah Justice Group at Cherbourg. He is a respected Elder, leader and a Traditional Owner of his country and sits on the local Murri Court. Bevan was a founding member of the Ration Shed Museum, played rugby league at a professional level – representing Queensland – and has served two terms as a local government councillor at Cherbourg.

Debbie Kilroy OAM

Debbie is one of Australia’s leading advocates for protecting the human rights of women and children through decarceration - the process of moving away from using prisons and other systems of social control in response to crime and social issues. In 2003 Debbie was awarded the Order of Australia Medal, in 2004 she was awarded the Australian Human Rights Medal and in 2014 she was awarded a Churchill Fellowship. Her passion for justice is the result of her personal experience. Debbie was admitted to the legal profession by the Supreme Court of Queensland in 2007 – a rare achievement for someone with serious convictions. She has her own law firm and is CEO of Sisters Inside.

Phillip McCarthy QC

Philip was recognised as a leader within the legal profession through his appointment as Queen’s Counsel in December 2019, having been first called to the Bar in 1997. Philip was appointed as the Acting Deputy Director of Public Prosecutions with the Office of the Director of Public Prosecutions (DPP) Queensland in 2020. Prior to this he was a Consultant Crown Prosecutor with the Office of the DPP. He has extensive experience in criminal law and has worked on numerous complex and sensitive legal matters including homicide, sexual crimes, fraud and official corruption. Philip holds academic qualifications in Law and Science and is considered a valued mentor to aspiring legal professionals.

Kathleen Payne

While serving on the Council, Kathleen was 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.

Katarina Prskalo

Katarina is the Deputy Public Defender at Legal Aid Queensland. She studied law at the Queensland University of Technology. Katarina was admitted as a solicitor in 1997 and has practised exclusively in the criminal law since 1998. She was admitted as a barrister in 2004 and entered the High Court Register of Practitioners in 2011. She has extensive experience as counsel across all criminal law jurisdictions, including the Mental Health Court and the Court of Appeal.

Dan Rogers

Dan is Principal at private criminal defence firm Robertson O’Gorman Solicitors. 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. Dan is also President 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 is the Chair of the Queensland Law Society Human Rights and Public Law Committee.

Cheryl Scanlon APM

Assistant Commissioner Scanlon was appointed to the Queensland Police Service Security and Counter Terrorism Command in February 2020. She has been a police officer for more than 33 years in various parts of the State with previous roles as Detective Chief Superintendent, Executive Director, Operations Support at the Crime and Corruption Commission, and Detective Superintendent, Operations Commander, Child Safety and Sexual Crime Group at the Queensland Police Service. Cheryl holds tertiary qualifications in Adult and Vocational Education and Management (Policing and Emergency Services). She is a graduate of the Federal Bureau of Investigation’s (FBI) National Academy in the USA.

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. More than 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 client groups experiencing vulnerability and disadvantage, including youth and homeless people. Prior to joining knowmore Warren was the Assistant Commissioner, Misconduct at the Crime and Misconduct Commission (as it was then known).

Helen Watkins

Helen is a criminologist and psychologist dedicated to excellence in forensic and clinical assessment and treatment. She 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 Aboriginal and Torres Strait Islander Advisory Panel

The Aboriginal and Torres Strait Islander Advisory Panel consists of independent members who provide expert advice to the Queensland Sentencing Advisory Council as it works to understand and address the over-representation of Aboriginal and Torres Strait Islander people in Queensland's criminal justice system.

The Advisory Panel is designed to give a stronger voice to Aboriginal and Torres Strait Islander communities, a better sense of how Queensland communities are affected by current sentencing, and insight into what changes might be made to improve outcomes.

The Panel was launched in November 2018 and meets every two months.

In December 2019, the Council extended the Aboriginal and Torres Strait Islander Advisory Panel and its membership until December 2020, at which point the Council will review the Panel's role and consider its ongoing operation.

The Council and Secretariat would like to acknowledge the contributions of Dr Janet Hammill, Rebecca McKenzie and Melissa Lucashenko, whose connection to community and insights into First Nations Peoples experience with the criminal justice system were invaluable to the Council's work.

Code of Conduct

The Aboriginal and Torres Strait Islander Advisory Panel has adopted the Council's [Code of Conduct](#), which applies when a member is performing official duties.

A copy of the Code of Conduct is available on the Council's [website](#).

Meetings and remuneration

The Aboriginal and Torres Strait Islander Advisory Panel met seven times between July 2019 and June 2020, with two extraordinary meetings occurring on 19 November 2019 and 28 May 2020.

Advisory Panel members are remunerated in accordance with the Queensland Government's *Remuneration procedures for part-time chairs, and members of government bodies policy*.

Name	Attendance	Approved fee per meeting	Actual fees received	Out of pocket expenses
Bevan Costello ¹ (Council Member/Chair)	6			\$900.00
Laurie Bateman ¹	3			
Janet Hammill (Resigned 25/07/2020)	4	\$150.00	\$600.00	
Raymond Harrison*	5	\$150.00	\$600.00	
Melissa Lucashenko (Resigned 21/08/2019)	0			
Boneta-Marie Mabo*	6	\$150.00	\$600.00	
Rebecca McKenzie (Resigned 11/03/2020)	1			
Stephen Tillett ¹	4			
Graham White*	7	\$150.00	\$450.00	
TOTALS			\$2,250.00	\$900.00

¹ Public sector employees who are not paid fees unless approved by the Queensland Government.

*The variance between the approved fee per meeting and the actual fees received is due to delayed processing of payments and the pay cut-off period for the 2019–20 financial year. Remuneration will be achieved in the 2020–21 financial period through additional payments to the affected members.

Advisory Panel membership

Bevan Costello, Chair of the Aboriginal and Torres Strait Islander Advisory Panel

Bevan is a Wakka Wakka man and Elder within the Cherbourg community. He is also a member of the Queensland Sentencing Advisory Council – his complete biography can be found on page 23 of this report.

Laurie Bateman

Laurie is a Police Officer for the Queensland Police Service in Cunnamulla and former Police Liaison Officer. Laurie attended the Townsville Police Academy in 2019, through the Indigenous Recruit Preparation Program. His first job was as a sheep shearer, and he later worked as a shearing contractor managing a number of shearing teams within South West Queensland. Laurie continued to become a shearing trainer and mentor for disengaged Aboriginal and Torres Strait Islander young people at Merriman Station at Brewarrina, NSW. Laurie's family are Kamilaroi People, from northern NSW, but he grew up in Bollon, which is in the heart of Kooma country, South West Queensland.

Raymond Harrison

Raymond delivers cultural programs for young men and boys who are affected by the criminal justice system. Through his mother he has connections with Gureng-Gureng, outside Bundaberg, and the Gungahlu tribe from outside Theodore near central Queensland. Through his father's tribal heritage, he has connections to the Torres Strait Island of Mabiaug, and also the Wiri tribe, Mackay, and the Githabul tribe from the northern NSW area of Muli-Muli.

Boneta-Marie Mabo

Boneta-Marie Mabo is a visual artist and Youth Programs Manager at Sisters Inside, where she leads the Indigenous Art Program. She has collaborated with the Royal Australian Mint to design a commemorative 50c coin, was inaugural artist-in-residence for the State Library of Queensland's kuril dhagun Indigenous centre and won the 2015 People's Choice award in the National Aboriginal and Torres Strait Islander Telstra Art Award. Boneta-Marie is a Piadram, Munbarra, South Sea Islander woman. Piadram is her Mer Island clan in the Torres Strait through her grandfather Eddie Koiki Mabo and Munbarra – the traditional lands of what is known as Palm Island – through her grandmother Bonita Mabo. She is also a descendant of stolen sugar slaves from Tanna Island.

Stephen Tillett

Stephen is a Senior Operations Manager with the Department of Justice and Attorney-General (DJAG). Stephen joined DJAG in April 2019 after 22 years with the Queensland Police Service, working throughout far north Queensland, including Cape York and the Torres Strait. Stephen commenced with DJAG as the Executive Manager in the Indigenous Justice Program before starting his current role in May 2020. Stephen also volunteers as Treasurer for the Queensland Homicide Victim Support Group and was a member of the Queensland Rugby League Indigenous Advisory Committee. Stephen is a Torres Strait Islander, his mother is from St Paul's on Moa Island.

Graham White

Graham is an Iman man through his grandmother's connection to the Taroom Mission and then at the Woorabinda Mission. He is currently the Director of Sector Engagement and Communications at the Aboriginal and Torres Strait Islander Legal Service, Brisbane. His role is progressing engagement and communications with Aboriginal and Torres Strait Islander communities, legal sector stakeholders and the human services sector to improve outcomes for clients state-wide. Graham has worked in Queensland Government for more than 15 years, in roles that have involved policy, program, human resources and service delivery to Aboriginal and Torres Strait Islander communities. Graham is an active participant in mainstream and Aboriginal and Torres Strait Islander community organisations as a director, manager, coach and member.

Advisory Panel members who resigned in the 2019-20 financial year**Janet Hammill***Resigned 25 June 2020*

Dr Janet Hammill established the Collaboration for Alcohol Related Developmental Disorders, formerly the Fetal Alcohol Spectrum Disorders Research Network within the Perinatal Research Group, at the University of Queensland Centre for Clinical Research. A medical ethnographer, Jan weaves narratives of family health history and life experiences over generations into a biological framework illustrating the epigenetic and developmental burden placed on families. Of interest is the neurobiology of stress and teratogenic exposures that have influenced negative trajectories, especially for Indigenous families. Jan received an Australia Medal in 2008 for her contribution to Indigenous health, she has two higher degrees in public health and is a descendant of the Gomeroi people of the New South Wales Pilliga Scrub and of the first convicts in the area.

Rebecca McKenzie*Resigned 11 March 2020*

Rebecca is a proud Aboriginal woman of the Noonuccal tribe of Minjeeribah. She has significant experience working in community and with Elders and Respected Persons, providing culturally appropriate and holistic support to Aboriginal and Torres Strait Islander peoples facing criminal court proceedings. From 2015 to late 2019, Rebecca was the Coordinator of the Brisbane Murri Elders Community Justice Group and the Brisbane Murri Court. Late in 2019, she was appointed as an Indigenous Justice Officer with the Department of Justice and Attorney-General overseeing four community justice groups across Queensland including those within remote communities. Since early 2020, Rebecca has been pursuing a career within health with a focus on the National Disability Insurance Scheme (NDIS).

Melissa Lucashenko*Resigned 21 August 2019*

Melissa is a multi-award winning Bundjalung novelist from Brisbane. She is a Walkley Award winner for her non-fiction writing as well a founding member of human rights group Sisters Inside. Melissa has been active in the Brisbane Murri community her entire adult life, having worked in Aboriginal health, prison reform and black writing fields. Her most recent book, *Too Much Lip*, won the 2019 Miles Franklin Literary Award and the 2019 Queensland Literary Prize for a Work of State Significance. Melissa is currently working on a novel of colonial Brisbane.

The Secretariat

Workforce profile

The Secretariat works to support the Council as it informs, engages and advises Queenslanders about sentencing matters. With 11 FTE, staff are employed by the Department of Justice and Attorney-General.

There are four main functions undertaken by the Secretariat – Administration, Policy, Research and Statistics, and Media and Engagement – with each area of expertise helping to further the Council’s strategic objectives.

Administration maintains a high-functioning, professional office adhering to all departmental reporting requirements and supports the needs of Council members and Secretariat staff to deliver on their functions.

Policy provides legal policy support to the Council’s work, advising on legal processes and legislative and sentencing issues, guiding the Council to reach evidence-based policy positions and ensuring appropriate consultation with stakeholders on sentencing reforms proposed by the Council.

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 the Council, stakeholders and the community.

Media and Engagement is responsible for leading and delivering a proactive and strategic approach to external and internal communications, product delivery, and stakeholder engagement to strengthen the Council’s corporate reputation, enhance community and stakeholder comprehension and engagement, and support overall Council objectives.

Strategic workforce planning and performance

During the last financial year, the Queensland Sentencing Advisory Council did not undergo any formal organisational changes. A number of day-to-day business practices and long-term projects were modified or suspended in the wake of the COVID-19 global health pandemic to ensure the health and safety of the Council, Secretariat and the community.

Several Secretariat staff contributed to the public service COVID-19 pandemic response by performing work in other agencies through the whole-of-sector Queensland Government COVID-19 Employee Mobilisation Service. The creation of several resources and products were deferred to the next financial year (funding permitting) to enable staff to focus on the pandemic response and recovery.

Health and wellbeing

To ensure the Secretariat is high-performing and can meaningfully contribute to Queensland sentencing reform and discussion, a holistic approach is taken to support the health and wellbeing of staff. To help people live and function at their best, we look after all four dimensions of health – physical, mental, financial and social.

Focusing on empowering people to create a safe working environment, Secretariat staff are made aware of workplace health and safety arrangements that reduce the number of preventable workplace injuries. Available through the Department of Justice and Attorney-General’s online learning system, Evolve, staff undertake mandatory training on ergonomics. Before transitioning to a working from home model during the height of the COVID-19 pandemic, staff undertook an assessment of their at-home arrangements to ensure it was physically safe for them to work there.

Secretariat members are supported to create positive work-life balance and have access to flexible working arrangements, including a variety of work options, subject to operational requirements, such as part-time work, career breaks, telecommuting, variable work hour lengths and patterns, and access to leave. These flexible arrangements have become increasingly important in recent months with the requirement for staff to work remotely and adhere to social distancing rules within the office or implementing staggered work patterns to avoid large groups of people when commuting to and from the workplace.

Through a broad range of mental health and wellbeing initiatives and activities, including access to the Benestar Employee Assistance Program, Secretariat staff are supported to take care of their mental health and to learn how to support those around them. During the COVID-19 pandemic, supporting the mental health of staff and their families during a significant time of unrest and uncertainty, was a primary focus for the Council.

To ensure staff remained connected, especially while working remotely during the initial Queensland COVID-19 lockdown period, the Secretariat held daily videoconferencing meetings to stay in touch with one another.

Through the Department of Justice and Attorney-General, Secretariat staff have access to sessions on financial subjects such as superannuation and how to develop a higher level of financial fitness.

Professional development and creating capability

To ensure the Secretariat continues to deliver high-quality support to the Council, a significant investment has been made in developing staff at an individual and team level.

Performance development plans are conducted regularly with Secretariat staff, providing an opportunity to set a solid foundation for ongoing discussion, review and assessment of professional performance.

As part of this process, staff are encouraged to engage in professional development opportunities to gain further skills and knowledge. During 2019-20 Secretariat and Council members attended relevant conferences, internal and external professional development courses including management training, participated in job shadowing and temporary, short-term secondments.

Resilience training is offered through the department's Evolve system to give staff the skills they need to develop a resilient mindset.

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

The Council and Secretariat are committed to building an inclusive and diverse workforce that better reflects the community we serve. This means creating an inclusive culture that promotes the skills and insights of our people regardless of gender, ethnicity, age, sexual orientation or disability.

Early retirement, redundancy and retrenchment

No redundancy, early retirement or retrenchment packages were paid by the Queensland Sentencing Advisory Council in 2019-20.

Queensland public service values and Code of Conduct

The *Public Sector Ethics Act 1994* outlines the ethical obligations of all employees in the Queensland Public Service. In 2011 a single Code of Conduct for the Queensland Public Service was introduced reflecting the ethical principles and values set out in the Act.

The Queensland Government's public service values guide the Secretariat's behaviour and the way we do business. The five values are:



Customers first

- Know your customers
- Deliver what matters
- Make decisions with empathy.



Ideas into action

- Challenge the norm and suggest solutions
- Encourage and embrace new ideas
- Work across boundaries.



Unleash potential

- Expect greatness
- Lead and set clear expectations
- Seek, provide and act on feedback.



Be courageous

- Own your actions, successes and mistakes
- Take calculated risks
- Act with transparency.



Empower people

- Lead, empower and trust
- Play to everyone's strengths
- Develop yourself and those around you.

As Department of Justice and Attorney-General staff, Secretariat members are required to comply with the whole-of-government Code of Conduct. The Secretariat uphold the values and standards of conduct outlined in the Code of Conduct:

- Integrity and impartiality
- Promoting the public good
- Commitment to the system of government
- Accountability and transparency.

New team members are required to attend an induction training session that outlines their responsibilities under the Code of Conduct, with an annual refresher course provided online thereafter.

Our risk management

The Queensland Sentencing Advisory Council has developed a risk register to identify broader strategic risks, as well as day-to-day operational risks faced by the Council. The register outlines associated mitigation strategies to ensure that risks are identified and managed in an effective, structured and coordinated way.

In compliance with the Department of Justice and Attorney-General's risk management framework, the register is reviewed quarterly by the Secretariat with the Council Chair and Director being the accountable officers.

Further to the risk register, the Council uses the PRINCE (Projects in Controlled Environments) methodology to guide the planning and management of its projects. The PRINCE system ensures project risks are identified, documented and mitigation strategies associated with the risks agreed upon and implemented early in the project planning process. A project closure step in this process enables the Council and Secretariat to continuously build upon their work and review lessons learned.

The project management policy was reviewed and re-approved by the Council in May 2020.

Internal audit and external scrutiny

The Queensland Sentencing Advisory Council complies with the Department of Justice and Attorney-General's internal audit policy and the Department's processes for external scrutiny.

During 2019-20, the Council was not subject to any major internal audits or reviews, nor was the Council required to action requests for external reviews.

Information systems

The Council uses the Department of Justice and Attorney-General's online document and record management system (eDOCS) to manage electronic documents. The system follows departmental policies and processes for record keeping including Information Standard (Recordkeeping), Information Standard (Retention and Disposal of Public Records) and the *Public Records Act 2002*.

The Council and Secretariat staff are made aware of information and cyber security policies and procedures to maintain confidentiality and protect information. This has become increasingly important with working from home arrangements being implemented in the second half of the 2019-20 financial year due to the COVID-19 pandemic.

Recordkeeping

The Council is committed to keeping complete and accurate records of its activities.

As a statutory entity, the Council has established a range of recordkeeping systems, procedures and practices to ensure it can effectively discharge its functions. The Council has adopted departmental policies and procedures for information management – governed by the *Public Records Act 2002* – and has employed its own Operating Guidelines, which were reviewed and updated in May 2020. The Operating Guidelines provide a description of Council member responsibilities regarding recordkeeping.

Right to Information

The Queensland Sentencing Advisory Council was not subject to any Right to Information requests in 2019-20.

Performance

Key performance indicators

Terms of Reference

- **Projects delivered on time**

The *Community-based sentencing, imprisonment and parole options: Final Report* responding to Terms of Reference from the Attorney-General was delivered on 31 July 2019.

The Attorney-General granted the Council additional time to deliver on its review of penalties for assaults on public officers due to the COVID-19 pandemic, extending the Council's reporting date from 30 June 2020 to 31 August 2020.

- **Recommendations accepted**

There were 74 recommendations arising from the Council's *Community-based sentencing, imprisonment and parole options: Final Report* which have not yet been formally responded to.

Stakeholder engagement

- **Culturally appropriate resources for First Nations Peoples**

In the 2019-20 financial year, the Council developed and launched several resources to inform First Nations Peoples and others about sentencing. These resources included:

- eight sentencing definition videos
- a learning resource focused on Aboriginal and Torres Strait Islander over-presentation in the Queensland criminal justice system.

The Council worked during the financial year to produce an animated video on the Murri Court as part of the *Doing Justice Differently* series. The Council collaborated with the Aboriginal and Torres Strait Islander Advisory Panel, with valuable input provided by the Brisbane Murri Court and the Brisbane Murri Elders Community Justice Group, Brisbane Murri Court Magistrate Tina Previtera, and the Court Innovation Program's Indigenous Justice Program. The video will be publicly released in the second half of 2020.

- **Targeted consultation participation**

Engaging with the community and key stakeholders enables the Council to progress dialogue about sentencing matters in Queensland and gain valuable feedback about projects, sentencing trends and community concerns.

The Council and Secretariat members professionally contributed to various industry and community groups and committees over the past financial year and were frequently called on as sentencing subject matter experts, especially when the topic related to a previous Terms of Reference review undertaken by the Council.

- Seventeen meetings, consultations and roundtables were held as part of the Terms of Reference on penalties for assaults on public officers.
- An inaugural stakeholder consultative forum was hosted by the Council in February 2020.
- Aboriginal and Torres Strait Islander Advisory Panel members consulted their community and stakeholder networks to ensure the series of sentencing definition videos were appropriate.

- **Conference and research presentations and papers**

Over the past year, we attended 10 conferences and presented at nine of those events.

Stakeholder satisfaction

- **Annual reputational survey**

The Council's annual reputational survey was carried out in June 2020. The online survey resulted in an 8.8 per cent response. A series of in-depth interviews were undertaken with specific stakeholders to supplement the survey and provide more targeted feedback on key areas of interest for the Council.

The results of the survey will be used to support the Council's planning for the following year and help the Council to develop its capacity to better respond to the needs of the community and create new opportunities to inform, engage and advise Queenslanders about sentencing matters.

Community awareness

- **Judge for Yourself presentations and online interactions**

In the last financial year, the Council has presented 10 face-to-face sessions in South East Queensland to community groups and high school students.

The Council's plans to travel to rural and remote Queensland communities to deliver face-to-face *Judge for Yourself* sessions to more than 15 groups were cancelled due to the COVID-19 pandemic and public safety concerns. Local group presentations were also postponed.

In 2019-20 *Judge for Yourself* received 5,122 online interactions (where the participant answered at least one question within the interactive series), 8,772 unique page views, and 12,190 standard page views.

- **Media articles that cite QSAC or the work of QSAC**

The Queensland Sentencing Advisory Council received more than 160 media mentions in 2019-20 across print, radio, television and online publications.

- **Digital engagement**

Connecting with our key stakeholders and the Queensland community through digital platforms is an increasingly important way the Council can deliver on its strategic objectives. In the past financial year, we have seen:

- [Facebook](#) followers increase by 125 users or 13.9 per cent to 1,026 followers
- [Twitter](#) followers increase by 206 users or 37.3 per cent to 758 followers
- The [Queensland Sentencing Advisory Council website](#) received 82,606 unique page views. The *Judge for Yourself* platform received 8,772 unique page views, while 'Maximum penalties' was the most visited webpage for the Council with 11,152 unique page views.

- **eAlert subscribers**

In the 2019-20 financial year, the electronic newsletter, *Inform*, generated a 15.95 per cent increase in subscribers – attracting 112 new followers, bringing the Council's mailing list to 814 stakeholders.

Financial performance

- **Services delivered within approved budget**

In 2019-20 the Queensland Sentencing Advisory Council received an allocated budget of \$1,770,400.00 to cover employee, property, travel, product and resource, supplies and services, as well as miscellaneous expenses.

The Council's actual expenditure for the financial year was \$1,720,324.00 with the savings allocated back to the Department of Justice and Attorney-General.

Summary of financial performance

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

The Secretariat is allocated funding through 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 2009*.

Comprehensive financial details for the Secretariat are reported in the Department of Justice and Attorney-General annual report available at www.justice.qld.gov.au.

The Queensland Sentencing Advisory Council is committed to releasing as much public service data as possible through the Queensland Government's Open Data initiative.

Consultancies

During the 2019–20 financial year, the Council did not expend any budget on consultants for services or products.

Overseas travel

The Council did not expend any budget on overseas travel during the 2019–20 financial year.

Glossary

Term	Meaning
QSAC	Queensland Sentencing Advisory Council
DJAG	Department of Justice and Attorney-General
FTE	Full-time equivalent
COVID-19	Coronavirus
QUT	Queensland University of Technology
DPP	Director of Public Prosecutions
NDIS	National Disability Insurance Scheme
PRINCE	Projects in Controlled Environments
eDOCS	Online document and record management system
QC	Queen's Counsel
Unique page view	<p>A unique pageview aggregates pageviews that are generated by the same user during the same session.</p> <p>A unique pageview represents the number of sessions during which that page was viewed one or more times.</p> <p>As such, simply reloading or re-navigating back to that page during one session will still only count as one unique pageview, whereas it would count as multiple pageviews.</p>
Standard page view	<p>A page view is triggered when any page is loaded by any visitor to your site.</p> <p>For example, if you click on a link and the page loads, you have triggered a page view. If you click the link 20 times today, it will count as 20 page views.</p>

Compliance check list

Summary of requirements		Basis for requirements	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	4
Accessibility	Table of contents	ARRs - section 9.1	4
	Glossary		35
	Public availability	ARRs - section 9.2	2
	Interpreter service statement	<i>Queensland Government Language Services Policy</i>	2
		ARRs - section 9.3	
	Copyright notice	<i>Copyright Act 1968</i>	2
		ARRs - section 9.4	
General information	Information licensing	<i>QGEA - Information Licensing</i>	2
		ARRs - section 9.5	
	Introductory information	ARRs - section 10.1	7
	Machinery of Government changes	ARRs - section 10.2, 31 and 32	Not applicable
	Agency role and main functions	ARRs - section 10.2	8
	Operating environment	ARRs - section 10.3	9–10
	Government's objectives for the community	ARRs - section 11.1	5
Non-financial performance	Other whole-of-government plans / specific initiatives	ARRs - section 11.2	16
	Agency objectives and performance indicators	ARRs - section 11.3	10, 13–20
	Agency service areas and service standards	ARRs - section 11.4	32–33
	Summary of financial performance	ARRs - section 12.1	34
Financial performance	Organisational structure	ARRs - section 13.1	21
	Executive management	ARRs - section 13.2	21–24
	Government bodies (statutory bodies and other entities)	ARRs - section 13.3	Not applicable
	<i>Public Sector Ethics Act 1994</i>	<i>Public Sector Ethics Act 1994</i>	30
		ARRs - section 13.4	
Governance - management and structure			

Compliance check list

Summary of requirements		Basis for requirements	Annual report reference
Governance - management and structure	Human Rights	<i>Human Rights Act 2019</i>	6
		ARRs - section 13.5	
	Queensland public service values	ARRs - section 13.6	30
Governance - risk management and accountability	Risk management	ARRs - section 14.1	31
	Audit committee	ARRs - section 14.2	31
	Internal audit	ARRs - section 14.3	31
	External scrutiny	ARRs - section 14.4	31
	Information systems and record keeping	ARRs - section 14.5	31
Governance - human resources	Strategic workforce planning and performance	ARRs - section 15.1	28–29
	Early retirement, redundancy and retrenchment	Directive No.04/18 <i>Early Retirement, Redundancy and Retrenchment</i>	29
		ARRs - section 15.2	
Open data	Statement advising publication of information	ARRs - section 16	2
	Consultancies	ARRs - section 33.1	2, 34
	Overseas travel	ARRs - section 33.2	2, 34
	Queensland Language Services Policy	ARRs - section 33.3	2
Financial statements	Certification of financial statements	FAA - section 62	
		FPMS - sections 38, 39 and 46	34
		ARRs - section 17.1	
	Independent Auditor's Report	FAA - section 62	
		FPMS - section 50	34
		ARRs - section 17.2	

FAA *Financial Accountability Act 2009*

FPMS *Financial and Performance Management Standard 2019*

ARRs *Annual report requirements for Queensland Government agencies*



**Queensland Sentencing
Advisory Council**

Inform. Engage. Advise.