

TERMS OF REFERENCE

QUEENSLAND SENTENCING ADVISORY COUNCIL

SERIOUS VIOLENT OFFENCES (SVO) SCHEME IN THE PENALTIES AND SENTENCES ACT 1992

I, Shannon Fentiman, Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence, having regard to:

- advice 3 of the 2018 Queensland Sentencing Advisory Council *Sentencing for Criminal Offences arising from the death of a child: Final report*, suggesting that the Queensland Government consider initiating a review of the serious violent offence (SVO) scheme both in relation to its operation for child manslaughter and more generally;
- the importance of judicial discretion in the sentencing process and providing courts with flexible sentencing options that enable the imposition of sentences that accord with the principles and purposes of sentencing as outlined in the *Penalties and Sentences Act 1992*;
- the importance of sentencing orders of the court being properly administered so that they satisfy the intended purposes of the sentencing order and facilitate a fair and just sentencing regime that protects the community's safety;
- the purpose of parole in allowing an offender to serve an appropriate portion of their period of imprisonment in the community in order to successfully and safely reintegrate a prisoner into the community and minimise the likelihood of an offender reoffending; and
- the significance of supporting and promoting public confidence in the criminal justice system to the overall administration of justice;

refer to the Queensland Sentencing Advisory Council, pursuant to section 199(1) of the *Penalties and Sentences Act 1992*, a review of the operation and efficacy of the SVO scheme in Part 9A of the *Penalties and Sentences Act 1992*.

In undertaking this reference, the Queensland Sentencing Advisory Council will:

- assess how the SVO scheme is being applied (including where the making of an SVO declaration is discretionary) and whether the scheme is meeting its objectives;
- assess how the SVO provisions are impacting on court sentencing practices;
- identify any trends or anomalies that occur in application of the SVO scheme that create inconsistency or constrain the sentencing process;
- examine whether the SVO scheme is impacting victims' satisfaction with the sentencing process and if so, in what way;
- without limiting the scope of any recommendations, advise on any reforms to ensure sentencing outcomes reflect the seriousness of these offences and if retained, the making of an SVO application only in appropriate cases;

- examine the approach to similar sentencing provisions involving minimum non-parole periods for serious criminal offences in other Australian and international jurisdictions;
- have regard to any relevant research, reports or publications regarding the SVO scheme;
- consult with the community and other key (legal and non-legal) stakeholders, including but not limited to the judiciary, legal profession, victims of crime groups, child protection and domestic, family and sexual violence advocacy groups, or any relevant government department and agencies;
- identify, if possible, broadly any potential financial and practical implications associated with any recommendations;
- advise whether the legislative provisions that the Queensland Sentencing Advisory Council reviews, and any recommendations, are compatible with rights protected under the *Human Rights Act 2019*; and
- advise on the impact of any recommendation on the over representation of Aboriginal and Torres Strait Islander people in the criminal justice system.

The Queensland Sentencing Advisory Council is to provide a report on its examination to the Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence by 11 April 2022.

Dated the 9th day of April 2021

A handwritten signature in black ink, appearing to read 'Shannon Fentiman', written in a cursive style.

SHANNON FENTIMAN

Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence