

Queensland Sentencing
Advisory Council

Accessibility

The report provides detailed information about the Queensland Sentencing Advisory Council's non-financial performance for 2021-22.

Information about the Council's financial performance is available in the Department of Justice and Attorney-General's annual report 2021-22 at 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 free call 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 2021-22.

Feedback

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

Queensland Sentencing Advisory Council
GPO Box 2360, Brisbane QLD 4001
(07) 3738 9499
info@sentencingcouncil.qld.gov.au
<https://www.sentencingcouncil.qld.gov.au/>

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 are deceased.

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 justice system. To view the artwork, please visit our [website](http://www.sentencingcouncil.qld.gov.au).

Our location

Level 25
State Law Building
50 Ann Street Brisbane
Queensland 4000

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Statement of compliance

30 September 2022

The Honourable Shannon Fentiman
Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention
of Domestic and Family Violence
GPO Box 149
Brisbane Qld 4001

Dear Attorney-General

I am pleased to deliver for presentation to the Parliament the Queensland Sentencing
Advisory Council's 2021-22 Annual Report.

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 is provided at page 33 of this annual
report.

Yours sincerely,



John Robertson
Chair
Queensland Sentencing Advisory Council

Address

Level 25
State Law Building
50 Ann Street Brisbane
QLD 4000

Postal address

GPO Box 2360
Brisbane QLD 4001

Phone: (07) 3738 9517
www.sentencingcouncil.qld.gov.au

Queensland Sentencing Advisory Council

From the Council Chair and Director

The last financial year has been a year of reconnection for the Council. Whether it has been back in the classroom delivering Judge for Yourself sessions, carrying out focus groups across the state, or simply being back working together in one location, it has been wonderful to be able to carry out some of our functions to engage, inform and advise on sentencing issues in person again.

It has been our privilege to serve as the Chair of the Council and Acting Director of the Secretariat. Members of the Council come from different parts of the criminal justice system and support organisations, and each contribute much wisdom, enthusiasm and dedication to our work.

In September 2021, valued Council member Mr Costello passed away suddenly. A member of the Council since June 2018, Mr Costello was instrumental in establishing the Council's Aboriginal and Torres Strait Islander Advisory Panel, of which he was the Chair. Mr Costello has been sadly missed by everyone at the Council and its Secretariat.

The Council said farewell to two of its cherished members Helen Watkins and Cheryl Scanlon, who have both made incredible contributions to the Council's work, as well as Raymond Harrison, a founding member of the Council's Aboriginal and Torres Strait Islander Advisory Panel. Assistant Commissioner Debbie Platz was appointed as a new member in August 2022 and her expertise will be invaluable to the Council. The Council is currently two members short and is looking forward to welcoming new members in the near future.

In the past year, we have successfully delivered a report in response to a complex and challenging Terms of Reference despite the ongoing challenges of consulting with key stakeholders in COVID times. In May 2022, we delivered our final report to the Attorney-General on the serious violent offences (SVO) scheme in the *Penalties and Sentences Act 1992*, which made 26 recommendations to reform the scheme.

We owe a debt of gratitude to the Terms of Reference Project Board, led by Dan Rogers who, with Helen Watkins, Philip McCarthy and Warren Strange, dedicated many hours of their time to lead the project. We are also indebted to our Aboriginal and Torres Strait Islander Advisory Panel, who continue to contribute invaluable knowledge, expertise and ideas to the Council's work. Without the dedication and professionalism of the Council's Secretariat, this project would not have been completed in such difficult circumstances.

We have been overwhelmed by stakeholder support for our work in the past year. We want to thank everyone who has contributed to our work, either by making submissions, participating in consultation, taking part in the Council's Consultative Forum, supporting our research publications with data and expert knowledge, or participating in an expert interview to inform our review of the SVO scheme. We also wish to extend our special thanks to victims and survivors of serious violent offences and their families, who generously contributed to our review of the SVO scheme. We are very grateful to those who have participated in consultation sessions with the Council for courageously sharing their experiences and views.

The Council's work is supported by highly capable and skilled public servants, who work tirelessly to enable the Council to deliver on its strategic objectives. We are proud of the incredible work the members of the Secretariat produce to support the Council's functions. The Secretariat is a place of rigorous intellectual analysis and debate, and the Council is grateful to be able to access evidence-based analysis of the highest quality for the Council's deliberations.

We look forward to the year ahead, as we continue to deliver on our mission to inform, engage and advise on sentencing and continue to provide an exceptional service to Queenslanders.



John Robertson
Chair



Dr Eva Klambauer
Acting Director

About us

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

Established as an independent statutory body 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, and
- Obtain the community's views on sentencing and sentencing matters.

The Council can have up to 12 members who are appointed by Queensland's Governor in Council.

Members bring a vast array of knowledge to the Council, with their fields of expertise including criminal law, domestic and family violence, victims and survivors of crime, Aboriginal and Torres Strait Islander over-representation and youth justice.

The Council works in partnership with members of the Aboriginal and Torres Strait Islander Advisory Panel, who share their insights on the effects over-representation of Aboriginal and Torres Strait Islander peoples in the criminal justice system has on the community. The Advisory Panel can have up to 8 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 Council performs an independent role in providing advice on sentencing reform, which has a broader impact on Queensland's criminal justice system.

We listen to, and work to better inform, the community and bridge knowledge gaps through accessible, sound research and free education resources.

Response to the COVID-19 pandemic

Despite the challenges COVID-19 presents, the Council, Secretariat and Panel have continued to operate to deliver on their core functions to engage, inform and advise about sentencing.

We have maintained risk registers to address any issues related to the pandemic and have implemented further flexible remote working arrangements to connect and share information with stakeholders and the community.

Response to the Queensland Government's objectives for the community

The Council's current strategic plan considers the Queensland Government's objectives for the community and commitments made to the people of Queensland during the election and throughout the term of government.

We have outlined our priorities for the community under the strategic pillars of inform, engage and advise.

Human Rights

The Council continued its work to ensure compatibility with the *Human Rights Act 2019* during the 2021-22f period. We are committed to ensuring all the Council's strategies and activities respect, protect and promote human rights.

Vision, purpose and values

Our vision

Just sentencing and community understanding.

Our purpose

To inform, engage and advise the community and government about sentencing in Queensland.

Our values

Evidence-based solutions to justice, fairness and service to the community.

Respect, promote and enhance Aboriginal and Torres Strait Islander experience and culture.

Honest, transparent communication and collaboration.

Diversity, equality, recognition, respect.

Integrity and confidentiality.

Strategic direction

The Council worked over the past year to deliver on the 2021-22 Strategic Plan, with an aim to contribute to just sentencing outcomes and promote community understanding of sentencing. This annual report outlines the Council's achievements in line with its Strategic Plan.

Opportunities and challenges

We recognise the opportunities and challenges we face when delivering on our Strategic Plan. These include building a strong understanding of the implications of sentencing for Aboriginal and Torres Strait Islander peoples, growing our partnerships to progress dialogue and understanding on key sentencing issues, producing high-quality research and insights to promote community understanding of sentencing trends, funding constraints, and managing the continuing impacts of the COVID-19 pandemic.

We aim to manage these opportunities and challenges by establishing strategic partnerships and seeking to better understand the needs of our audiences.

Access to data

The Council does not have direct access to, or control over, Queensland criminal justice data. We rely on other agencies to provide relevant data to undertake our statutory functions. The Council is fortunate to have developed strong relationships with relevant agencies to ensure data is used and interpreted correctly and appropriately.

The Council acknowledges that other agencies are impacted by their own resource constraints and supporting our requests for data can be challenging. The data provided by our partner agencies does not always capture all the information required for the Council's purposes, and this presents additional challenges to the Council in accessing alternative information sources.

Secretariat staff invest a significant amount of time and skill into integrating and cleaning data to provide a comprehensive picture of people sentenced by Queensland's criminal justice system, including an accurate assessment of the range of offences, sentencing outcomes, current patterns and trends, and recidivism.

Attitudes to sentencing

The Council remains committed to increasing public knowledge and understanding of sentencing.

We aim to provide high quality, accurate and engaging information to improve community understanding and to challenge misconceptions about sentencing.

We look forward to recommencing face-to-face engagement activities, including hosting seminars and presenting at criminal justice conferences.

Our annual reputational survey provides insights into how our stakeholders view the credibility of our work, the relevance of the work we undertake and our ability to inform the community about sentencing through research and education.

This year, there were 66 responses to the survey, including from community members, teachers, representatives of government agencies, and legal and academic stakeholders.

Geographical scale

The geographical scale and decentralised population of Queensland provide challenges in engaging with the broader community.

Some Council and Aboriginal and Torres Strait Islander Advisory Panel members are from regional centres, which enhances our understanding of community views of sentencing in regional and remote areas.

In June 2022, we travelled to the regional centres of Mount Isa and Townsville to conduct focus groups with community members.

Recognising the website is our primary connection to the people of Queensland, the Council will undertake work in 2022-23 to modernise the Council's online presence, streamlining content and explaining legal terms and concepts.

We will also look to investing in the development of further digital resources that have a state-wide reach.

Council and Aboriginal and Torres Strait Islander Advisory Panel membership

One of the strengths of the Council and the Aboriginal and Torres Strait Islander Advisory Panel is their diversity and experience.

Our Panel members come from a wide range of professional backgrounds and all contribute their unique experiences and perspectives to enrich the Council's work.

The Council highly values the expertise of members of the Aboriginal and Torres Strait Islander Advisory Panel for providing insights into issues of over-representation and the experiences of Aboriginal and Torres Strait Islander peoples with the sentencing process.

Vacancies on the Council or the Panel sometimes require readjustment to working and governance arrangements.

Attracting and retaining skilled Secretariat staff

The Council is fortunate to be supported by such a talented and skilled Secretariat. 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 challenging to attract, recruit and retain.

Plans and priorities for 2022-23

The Council will develop its strategic plan for 2022-2023 following the appointment of members for the Council's new term.

After the successful delivery of the Council's last Terms of Reference reviewing the serious violent offences (SVO) scheme, the Council is looking forward to any new Terms of Reference that may be received.

Following challenges in delivering our education and engagement program due to COVID-19, we are pleased to be able to recommence hosting in-person education activities and events. These events will involve collaboration with key partners to continue to progress dialogue and understanding on key sentencing issues.

Our *Judge for Yourself* program will continue to provide important community engagement opportunities and is available as face-to-face sessions in the South-East region and online for those further afield.

For the general community to better understand sentencing, clarity and accessibility of information is crucial. The Council will redevelop its website to a mobile-responsive format. A full content review, with a focus on explaining complex terms and processes in plain English, will also help ensure that the Council's community-focused content is easily understood.

The Council's Research Strategy guides the Council's research outputs. The Council is in the process of establishing a Research Consultative Forum to closely engage with researchers and academics working on sentencing and other criminal justice issues.

The Council is also developing a Policy Priorities document to help guide the Council's work during the new term of the Council.

Inform

Promote community understanding of sentencing

Deliver well-designed and innovative sentencing products and make them accessible

Supporting Terms of Reference reviews

A significant amount of time and resources is devoted to advising the government on matters referred to the Council by the Attorney-General as Terms of Reference reviews.

In April 2021, we were asked to review the serious violent offences (SVO) scheme by the Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence, the Honourable Shannon Fentiman MP.

The Council made 26 recommendations in response to the Terms of Reference, with the final report publicly released in June 2022.

The Council conducted extensive analysis of data and case law, completed expert interviews with legal stakeholders, victim organisations and the judiciary and consulted widely.

While the review was underway, we issued 6 e-newsletters to keep over 160 interested stakeholders informed.

To better inform the wider community about the recommendations of the final report, we developed an illustrated plain English Community Summary document as well as a short explainer video, which has been viewed over 170 times. Further information on the Terms of Reference review can be found on page 14 of this report.

Sentencing Profiles series

The *Sentencing Profiles* series addresses a gap in publicly available and in-depth analysis of sentencing outcomes for different groups in the criminal justice system.

This series investigates sentencing trends and patterns for specific groups of people in Queensland. Each report provides context, a statistical overview of the demographic characteristics of individuals and the cases sentenced, as well as the distribution of penalties imposed using data from the Queensland courts database.

During the past year, the Council released a Sentencing Profile called *Kids in Court: the sentencing of children in Queensland*, which examined trends and patterns in the sentencing of children over a 14-year data period.

The *Sentencing Profiles* series is available to read and download for free on our website.

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

Progressing sentencing dialogue and research

The Council's research and work was cited 17 times in journal articles, non-government publications, submissions to inquiries, government publications and parliamentary reports. A full list of citations can be found on page 31 of the report.

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

We actively monitor the media and sentencing environment and engage with criminal justice agencies, legal stakeholders, victims, survivors and their families and the community to understand and respond to emerging sentencing issues.

Promote our role as a sentencing commentator

The Council released the first publicly available sentencing guide for children in November 2021. The guide aims to improve the community's understanding about the sentencing of children aged 10 to 17 years old.

The guide explains how Queensland courts sentence children found guilty of an offence and covers:

- information about the principles and factors that guide the sentencing of children in Queensland
- the role of the courts
- who is involved in the sentencing process
- how courts decide the sentence, and
- different penalty and sentencing options for children.

The guide was developed with input from legal and justice agencies, including the Aboriginal and Torres Strait Islander Legal Service (ATSILS), an academic from Bond University, Queensland

Health, Legal Aid Queensland, the Office of the Public Guardian, the Queensland Family and Child Commission, the Queensland Law Society (QLS), the Youth Affairs Network of Qld and the Department of Children, Youth Justice and Multicultural Affairs. The guide has been downloaded 432 times from our website since its release.

The Council has previously published the *Queensland Sentencing Guide*, which explores how adults are sentenced in Queensland. The guide was downloaded 1,641 times from our website this year.

Contributing to broader sentencing commentary and working with the media

We recognise the impact sentencing has on the community and our role in promoting and supporting broader sentencing commentary in Queensland.

In the past year, the Council had many opportunities to comment on emerging sentencing matters. We have received local and national coverage from traditional and new media outlets, including The Courier Mail, the Brisbane Times, and syndicated AAP publications. We have also received coverage across industry-specific publications and various metropolitan and regional Australian newspaper and radio syndications, including the National Indigenous Radio Service.

Engage

Engage effectively to gather views on sentencing

Deliver an engagement strategy, inclusive of regional and remote Queensland

Judge for Yourself

The Council's foundational community engagement program, *Judge for Yourself*, aims to raise awareness about the sentencing process and promote a better understanding of sentencing in the community.

In 2021-22, we presented 21 face-to-face and online *Judge for Yourself* sessions to schools and community groups in South-East Queensland. In 2022, the Council recommenced regular in-person *Judge for Yourself* sessions at schools across Queensland.

We also recorded more than 7,000 online *Judge for Yourself* interactions on the Council's website.

Our 4 *Judge for Yourself* teacher resources were downloaded 922 times and helped step teachers through how to conduct a *Judge for Yourself* session with their class over 2 lessons and provide learning exercises using legal principles from each court case.

Digital engagement

The Council continues to place the community and stakeholders at the centre of its digital engagement strategy.

This year, we trialled a mini social campaign, promoting our youth sentencing resources during Youth Week. The campaign reached over 12,000 Queenslanders with an above-average rate of engagement and was a cost-effective way to reach a wider audience. Our electronic newsletter, *Inform*, has also been positively received, with each quarterly issue receiving open rates of over 40 per cent.

Strengthen stakeholder networks to enhance our work

Stakeholder Engagement Framework

Our Stakeholder Engagement Framework continues to guide the Council's interactions with individuals and organisations and ensures its engagement is meaningful and appropriate. The framework explains how engagement promotes

continuous improvement towards achieving our strategic objectives.

In 2021-22, the Council's work and activities benefited from:

- Over 70 interviews conducted with subject-matter experts, including Supreme and District Court judges, prosecutors, criminal defence practitioners, Parole Board Queensland members and organisations providing information and support to victims and survivors in relation to our Terms of Reference on the serious violent offences (SVO) scheme.
- Input provided by members of the Council's consultative forum with representatives from the judiciary, legal profession and key government agencies, to share information and discuss sentencing issues.
- Meetings with key members of the judiciary to share information about the Council's work.
- Regular officer-level meetings with Magistrates Court Service and the Supreme, District and Land Courts Service to share information.
- Contributing to the work of the Key Users Reference Group of the Supreme Court Library.
- Participating in the Crime Research and Evaluation Network, a government stakeholder group focusing on criminal justice research and evaluation activities.
- Participating in the Streamlining the Criminal Justice System Committee meetings.

Obtaining community views

- We fulfilled our statutory functions this year by undertaking focus group research, exploring the public's understanding of sentencing matters and views on the purposes of sentencing.
- Approximately 80 people participated in eight 2-hour sessions, held across Brisbane, Townsville and Mount Isa, representing urban, regional and remote communities.
- We will use the insights from these focus groups to inform our future work, allowing the Council to design and deliver more targeted community education programs.

Work collaboratively with the Aboriginal and Torres Strait Islander Advisory Panel

The Council works with members of its Aboriginal and Torres Strait Islander Advisory Panel in a shared journey to build a stronger understanding of the implications of sentencing for Aboriginal and Torres Strait Islander peoples.

In recognising and prioritising the need to address the over-representation of Aboriginal and Torres Strait Islander peoples in Queensland's criminal justice system, the Council sees significant value in collaborating with the Aboriginal and Torres Strait Islander Advisory Panel to develop culturally appropriate materials about sentencing.

During the 2021-22 period, our Advisory Panel contributed to the Terms of Reference review regarding the SVO scheme, providing insights into how potential reforms would impact on Aboriginal and Torres Strait Islander peoples and their communities.

Advise

Provide evidence-based advice on sentencing

Respond effectively and professionally to all Terms of Reference

Serious Violent Offences (SVO) scheme

The Council was asked by the Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence, the Honourable Shannon Fentiman MP for our advice on the operation and efficacy of the serious violent offences (SVO) scheme. The Council identified a need for the scheme to be reviewed in its 2018 report on sentencing for criminal offences arising from the death of a child, as well as its review of community-based sentencing orders, imprisonment and parole options.

The Terms of Reference asked the Council to consider a number of matters related to the scheme in Part 9A of the *Penalties and Sentences Act 1992*, including how it is being applied, its effect on court sentencing practices in Queensland and whether it is impacting on victims' satisfaction with the sentencing process. The Council's comprehensive review of the SVO scheme included a literature review, as well as the release of 4 Background Papers covering the history of the scheme, how the scheme is being applied based on extensive data analysis, a review of case law and sentencing remarks, and a cross-jurisdictional analysis.

The Council also held 71 interviews with subject-matter experts and consulted extensively with a range of organisations and individuals, including victims and survivors of crime, to better understand how the scheme currently functions and whether reform was needed. In its Issues Paper, published in November 2021, the Council posed 34 questions and invited feedback from legal practitioners, government agencies, victims and survivors of crime and the community about the scheme's operation, potential reform options and alternative approaches to enhance community safety. We received 20 submissions, with a wide variety of opinions expressed.

In May 2022, the review concluded with the Council finding the state's scheme is not fully meeting its objectives and made 26 recommendations for reform. The Final Report – *The '80 per cent Rule' - The Serious Violent Offences Scheme in the Penalties and Sentences Act 1992 (Qld)* – recommends

changes that would:

- apply the scheme presumptively to certain serious offences sentenced to over 5 years' imprisonment. A court could still decide not to make a declaration if it finds this is in the interests of justice
- give judges discretion to set parole eligibility once a declaration is made within a set range of 50-80 per cent
- establish a new and separate schedule of offences that would be subject to the scheme. The Council recommends child exploitation material offences and the offences of choking, suffocation or strangulation in a domestic setting and female genital mutilation be included in the new schedule. The Council recommends other, less serious offences, included in the current schedule not be retained
- keep serious drug offences sentenced to 10 years' imprisonment or more in the scheme to recognise the serious harm these offences cause to the community, and
- change the name to the 'serious offences scheme' to better reflect that not all serious offences included in the scheme are violent, for instance serious drug offences.

While the review was complex and challenging, the Council believes the recommendations outlined in the report will allow the scheme to better meet its intended purposes.

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

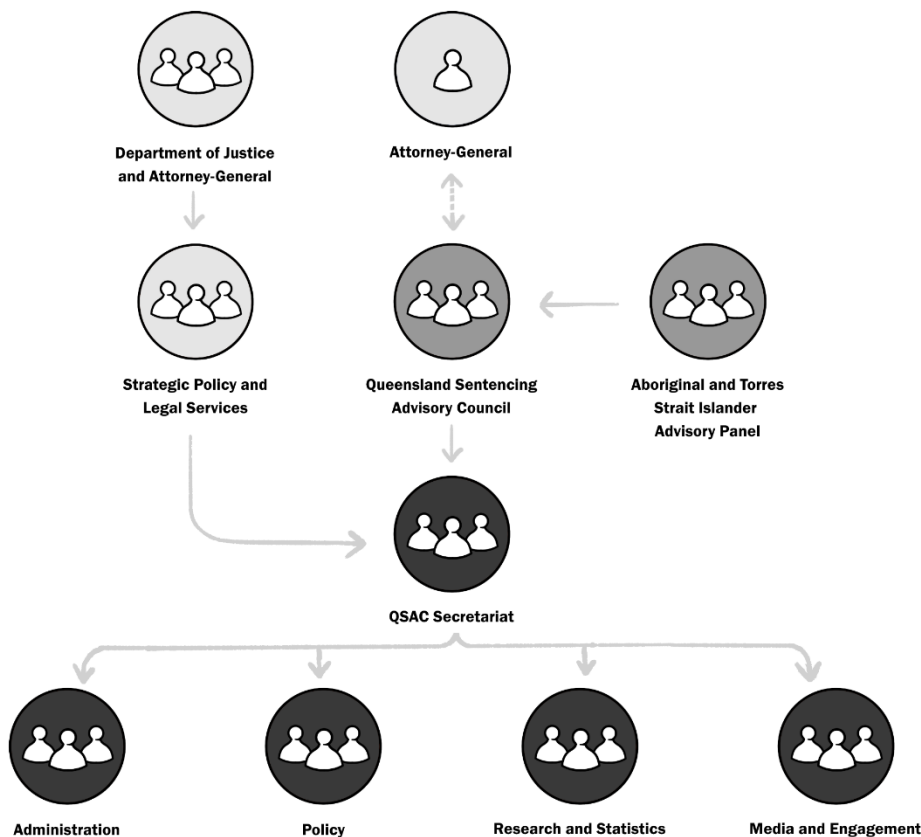
Breaking down court judgments in an easy-to-understand way, the *Case in Focus* series provides interactive summaries that run through points of law and sentencing principles discussed in high profile or interesting appellate court decisions. Designed to make cases readily accessible for everyone, *Case 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 guideline judgments

The Council was not asked by the Court of Appeal to give advice on a guideline judgment during the 2021-22 financial year. However, there is an agreed upon process for responding to such a request, should one be made in the future.

Our people

The Council



Appointed by the Governor in Council on recommendation by the Attorney-General, the Queensland Sentencing Advisory Council comprises up to 12 independent members. Members are appointed for up to 3 years.

In September 2021, Mr Costello passed away suddenly. A valued member of the Council since June 2018, Mr Costello was instrumental in establishing the organisation's Aboriginal and Torres Strait Islander Advisory Panel, of which he was the Chair. He regularly participated in public discussions and media interviews across Queensland about Aboriginal and Torres Strait Islander peoples' over-representation in the criminal justice system. Mr Costello has been sadly missed by everyone at the Council.

In June 2022, Katarina Prskalo was appointed an Acting Judge of the District Court from 30 May 2022 to 4 October 2022, pausing her work with the Council during this period.

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 supporting victims and survivors of crime, Aboriginal and Torres Strait Islander justice matters, domestic and family violence, 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, and
- oversight of the Council's budget and key budget decisions based on its work priorities.

Individual Council members also nominate to assume additional responsibilities on Project Boards, playing an important governance role on key Council projects, such as responding to Terms of Reference projects. The role of Project Board members is to monitor the progress of projects, manage risks, make key decisions about the Council's approach, and support Secretariat staff in undertaking project activities.

Code of Conduct

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.

Misconduct, conflicts of interest and other such matters are dealt with in accordance with procedures as required by the Queensland Government.

The Council's Code of Conduct is available via the Council's website.

Council Operating Guidelines

The Council has adopted a set of guidelines that form a key part of its governance framework. These 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 2021 and June 2022, with 1 extraordinary meeting occurring during this period on 24 February 2022.

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	Chair	11	6,240	7,089.70	157.80
Elena Marchetti	Deputy Chair	9	4,800	5,398.90	
Jo Bryant	Member	9	4,800	6,436.00	**
Mr Costello*	Member Chair, Aboriginal and Torres Strait Islander Advisory Panel	1			
Boneta-Marie Mabo	Member (Appointed in May 2021)	8	4,800	6,104.05	**
Debbie Kilroy OAM	Member	7	4,800	5,546.67	
Philip McCarthy QC*	Member Project Board Member, Serious Violent Offences (SVO) ToR	10			
Katarina Prskalo*	Member	10			
Dan Rogers	Member Project Sponsor, SVOToR	11	4,800	5,398.90	
Cheryl Scanlon APM*	Member	10			
Warren Strange	Member Project Board Member, SVO ToR	12	4,800	5,398.90	
Helen Watkins	Member Project Board Member, SVO ToR	12	4,800	5,398.90	
TOTALS			\$39,840	\$46,772.02	

* Public sector employees who are not paid fees unless approved by the government.

** In the 2020-21 annual report there was a variance between the approved annual fee and the actual fees received due to delayed processing of payments and the pay cut-off period for the 2020-21 FY. Remuneration was amended in the 2021-22 financial year to affected members.

Council Membership¹

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. He was a Judge of the Childrens Court of Queensland for his whole judicial career and President of that Court from 1999-2001. 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. He is presently a part-time judicial member in the Misconduct Division of the Queensland Civil and Administrative Tribunal.

Professor Elena Marchetti, Deputy Chair

Elena is a Professor and the Deputy Head of School (Research) at Griffith Law School, 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 a Queensland Patron of the Justice Reform Initiative and is on the editorial board of the *Australian and New Zealand Journal of Criminology*.

Jo Bryant

Jo is currently working in the Aged Care sector after a lengthy career in child protection. She remains as a Board Member of the Daniel Morcombe Foundation. From 2019-2021 she was employed as the Regional Visiting Manager Sunshine Coast, Community Visitor Program, Office of the Public Guardian, managing a team of local Community Visitors and advocating 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.

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

Mr Costello was a Wakka Wakka man and Elder within the Cherbourg community. He was a trained Secondary Teacher having studied with Griffith University and with 30 years' experience with Education Queensland. Mr Costello was Principal at the Silver Lining School in the South Burnett and the Chair of the Barambah Justice Group at Cherbourg. He was a respected Elder, leader and a Traditional Owner of his country and sat on the local Murri Court. Mr Costello was a founding member of the Ration Shed Museum, played rugby league at a professional level – representing Queensland – and served two terms as a local government councillor at Cherbourg. Mr Costello passed away suddenly in September 2021 and is missed by all.

Debbie Kilroy OAM

Debbie was first criminalised at the age of 13 and spent over two decades in and out of women's and children's prisons. Driven to end the criminalisation and imprisonment of girls and women, Debbie established Sisters Inside, as well as her law firm, Kilroy & Callaghan Lawyers. An unapologetic abolitionist, Debbie's activism work centres on dismantling the Prison Industrial Complex and all forms of carceral control and exile. With a firm belief that there should be 'nothing about us without us', Debbie established the National Network of Incarcerated and Formerly Incarcerated Women and Girls to centre the voices, experiences and aspirations of criminalised and imprisoned women and girls in order to change the face of justice in this country.

Boneta-Marie Mabo

Boneta-Marie is a Meriam (Torres Strait Islands), Munbarra (Palm Island) and South Sea Islander woman, a prison abolitionist and an award-winning artist. Boneta-Marie is the State Youth Programs Manager at Sisters Inside where she has worked for twelve years. Sisters Inside is an independent community organisation, which exists to advocate for the human rights of women and girls in the criminal legal system. Most of Boneta-Marie's professional career has been supporting criminalised and imprisoned girls. Boneta-Marie is a member of the Justice Policy Partnerships under the Coalition of Peaks

¹ Biographies are provided by the individual and do not reflect the views of the Council.

addressing Aboriginal and Torres Strait Islander justice policy for the government's National Agreement on Closing the Gap. Boneta-Marie is also a member of The Youth Affairs Network of Queensland Inc a peak community youth affairs body in Queensland, representing individuals and organisations from Queensland's youth sector.

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 Deputy Director of Public Prosecutions with the Office of the Director of Public Prosecutions (DPP) Queensland in 2021. 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 is a member of the Women's Safety and Justice Taskforce. Philip holds academic qualifications in Law and Science and is considered a valued mentor to aspiring legal professionals.

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. Katarina was appointed an Acting Judge of the District Court from 30 May 2022 to 4 October 2022.

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 and human rights. 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 Ethical Standards Command in December 2020 and, prior to this, was Assistant Commissioner for Security and Counter Terrorism Command. She has been a police officer for over 35 years with previous roles as Detective Chief Superintendent, Executive Director, Operations Support, Crime and Corruption Commission, and Detective Superintendent, Operations Commander, Child Safety and Sexual Crime Group. In February 2021, Cheryl was appointed by Premier Annastacia Palaszczuk to lead the Youth Justice Taskforce, which is responsible for implementing measures to reduce recidivist youth offending in Queensland. Cheryl holds tertiary qualifications in Adult and Vocational Education and Management (Policing and Emergency Services) and is a graduate of the Federal Bureau of Investigation's (FBI) National Academy, USA.

Warren Strange

Warren is the Chief Executive Officer of knowmore, a national community legal centre assisting victims and survivors of child abuse with their redress and justice options. knowmore also helps people who are applying to the Territories Stolen Generations Redress Scheme. More than 33% 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 2004-2010, 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. Helen operates a private practice offering criminological and psychological services in Australia and internationally. Her primary focus over the past several years has been in the area of counterterrorism, deradicalisation, and sovereign security. 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. She was a member of the Parole Board Queensland, the former Queensland Regional Parole Boards and the Mental Health Review Tribunal.

The Aboriginal and Torres Strait Islander Advisory Panel

The Aboriginal and Torres Strait Islander Advisory Panel is designed to give a stronger voice to Aboriginal and Torres Strait Islander communities and help the Council understand how Aboriginal and Torres Strait Islanders communities are affected by current sentencing practises. The Panel also advises the Council on issues of over-representation of Aboriginal and Torres Strait Islander peoples in the Queensland criminal justice system.

The Panel consists of independent members who provide expert advice to the Council regarding programmed work and referred reviews in response to Terms of Reference.

In September 2021, the Panel's Chair, Mr Costello, suddenly passed away.

Boneta-Marie Mabo assumed the role of Advisory Panel Chair in October 2021.

Code of Conduct

The 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 5 times between July 2021 and June 2022, with extraordinary meeting/s occurring on 7 March 2022.

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
Mr Costello* (Council Member/Chair)	1			
Laurie Bateman*	3			
Raymond Harrison	3	150	706.52	
Boneta-Marie Mabo	4	150	660	
Stephen Tillett*	1			
Graham White	6	150	990	
TOTALS		\$450	\$2,356.52	

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

Advisory Panel membership²

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

Mr Costello was a Wakka Wakka man and Elder within the Cherbourg community. He was also a member of the Queensland Sentencing Advisory Council – his complete biography can be found on page 18 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 Piadram, Munbarra, South Sea Islander woman. She is also a member of the Queensland Sentencing Advisory Council – her complete biography can be found on page 18-19 of this report.

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 descendent who grew up in the Rockhampton region. He is currently the Director of Sector Engagement and Communications with the Aboriginal and Torres Strait Islander Legal Service in Brisbane. He has extensive experience in the areas of Strategic and Operational Planning and Project Management. He has developed extensive experience working with several Queensland Government agencies. Graham is currently a member of the Queensland Sentencing Advisory Council, Aboriginal and Torres Strait Islander advisory group, a skills-based director with Kambu Aboriginal Corporation, and a Director of PCYC QLD. He has also been a board member of the 'Iman Native Title Company' at Rockhampton and the 'Aboriginal and Torres Strait Islander Legal Service', Brisbane.

² Biographies are provided by the individual and do not reflect the Council as a whole.

The Secretariat

Workforce profile

The Secretariat works to support the Council as it informs, engages and advises Queenslanders about sentencing matters. The 11 FTE Secretariat staff are employed by the Department of Justice and Attorney-General. There are 4 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.

The Administration team 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.

The Policy team provides legal policy support to the Council, drafting legal content for Council publications, 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.

The Research and Statistics team conducts research and quantitative analysis to establish an evidence-base on sentencing and deliver high quality information to the Council, key stakeholders and the community.

The Media and Engagement team is responsible for leading and delivering a proactive and strategic approach to external and internal communications, product delivery, and stakeholder engagement. This strengthens the Council's corporate reputation, enhances community and stakeholder comprehension and engagement, and supports overall Council objectives.

Strategic workforce planning and performance

During the last financial year, the Queensland Sentencing Advisory Council did undergo a formal organisational change. A full-time administration position was split into two part-time positions, one position continuing to support administration functions, while the other position created specialises in graphic design and web development. This organisational change was found to be the best way to continue to support the Secretariat to meet the Council's needs.

Health and wellbeing

To help our people live and function at their best, we look after all 4 dimensions of health – physical, mental, financial and social.

We empower people to create a safe working environment, with Secretariat staff made aware of health and safety arrangements to reduce preventable workplace injuries. Available through the Department of Justice and Attorney-General's online learning system, Evolve, staff undertake mandatory training on ergonomics, which has become even more important given the flexible working from home arrangements available to staff.

Flexible work arrangements support a positive work-life balance, with many choosing to access these options. This positively leads to staff being able to have more fulfilling social lives both inside and outside of the workplace.

Secretariat staff are encouraged to participate in the Department of Justice and Attorney General's DJAGBeWell program – a staff wellbeing program that provides webinars and other resources to improve individual health and wellbeing.

Staff are also supported to care for their mental health through a broad range of mental health and wellbeing initiatives and activities, including access to the Benestar Employee Assistance Program. The nature of the Secretariat's work can be confronting and measures are in place to reduce the risks of vicarious trauma to staff.

To develop a higher level of financial fitness, Secretariat staff have access to sessions on financial subjects through the Department of Justice and Attorney-General.

The Secretariat embraces an inclusive culture where everyone feels valued, respected and empowered to fully contribute their best to the workplace regardless of gender, race, age, sexuality or disability, and works to provide equitable access for all staff to opportunities and resources.

Professional development and creating capability

Investing in the development of staff at an individual and team level ensures the Secretariat continues to grow professionally and provide high-quality support to the Council.

Performance development plans are developed and updated regularly with Secretariat staff, providing an opportunity to set a solid foundation

for ongoing discussion, review and assessment of professional performance.

Staff are encouraged to engage in professional development opportunities to gain further skills and knowledge.

During 2021-22, Secretariat and Council members attended relevant conferences (online and face-to-face when possible), internal and external professional development courses including management training, and participated in temporary and short-term secondments to broaden skill sets.

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 2021-22.

Queensland public service values and Code of Conduct

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

The 5 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 upholds 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 online refresher course then provided.

Our risk management

We have 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 and Council with the Council Chair and Director being the accountable officers.

Further to the risk register, the Council uses the PRINCE2 (Projects in Controlled Environments) methodology to guide the planning and management of its projects. The PRINCE system ensures project risks are identified and documented, and that mitigation strategies associated with the risks are agreed upon and implemented early in the project planning process. A project closure step in this process enables the Council and Secretariat to continuously improve processes through reviewing lessons learned. The project management policy was reviewed and reapproved by the Council in November 2021.

Internal audit and external scrutiny

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

During 2021-22, 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.

Recordkeeping

We are committed to keeping accurate and complete records of the Council's activities. As a statutory entity, the Council has established a range of recordkeeping systems, procedures and practices to ensure it can effectively undertake 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 October 2021. The Operating Guidelines provide a description of Council member responsibilities regarding recordkeeping.

Right to Information

The Council was not subject to any Right to Information requests in the last financial year.

Performance

Terms of Reference delivered on time

The '80 per cent Rule': The Serious Violent Offences Scheme in the Penalties and Sentences Act 1992 (Qld): Final Report responding to the Terms of Reference from the Attorney-General was delivered on 12 May 2022. It was publicly released on 9 June 2022.

Number of recommendations accepted

The Queensland Government is still considering recommendations from the Council's most recently completed Terms of Reference review on the serious violent offences (SVO) scheme delivered in May 2022.

The Government has committed to legislate to give effect to all recommendations contained in the Council's *Penalties for Assaults on Public Officers: Final Report* delivered in August 2020 as one of its 2020 government election commitments.

Section 159A(1) of the *Penalties and Sentences Act 1992 (Qld)* (PSA) was amended in 2020 to remove the words 'and for no other reason' consistent with a recommendation made by the Council in its 2019 report on community-based sentencing options, imprisonment and parole options (Recommendation 55). The purpose of this amendment, which came into effect on 25 May 2020, is to provide courts with increased flexibility in relation to the consideration of pre-sentence custody.

In its 2018 report on sentencing for child homicide, the Council made 8 recommendations, including that a new aggravating factor be introduced in section 9 of the PSA to be applied when sentencing offenders for offences resulting in the death of a child under 12 years (Recommendation 1).

In May 2019, subsection 9(9B) was inserted into the PSA giving effect to the Council's recommendation regarding the inclusion of a new aggravating factor.

This subsection provides that: 'in determining the appropriate sentence for an offender convicted of the manslaughter of a child under 12 years, the court must treat the child's defencelessness and vulnerability, having regard to the child's age, as an aggravating factor'.

As reported in our 2020–21 Annual Report, in September 2020, the Queensland Parliament

passed the *Criminal Code (Child Sexual Offences Reform) and Other Legislation Amendment Act 2020* which implemented changes to the *Penalties and Sentences Act 1992 (Qld)* (PSA) in response to recommendations made by the Council in its report on the classification of child exploitation material for sentencing purposes ('CEM Report') (Recommendations 1 and 3).

The purpose of these amendments is to:

- ensure the PSA uses language that reflects the broad types of material which may be covered by CEM-related offences in the Criminal Code and similar offences in other Queensland legislation
- include additional sentencing guidelines in section 9 of the Act requiring a court when sentencing an offender for a CEM offence to consider:
 - an offender's conduct or behaviour in relation to CEM and child abuse objects; and
- any relationship between the offender and the child victim, and
- establish a statutory power under section 195E of the Act for a court to order that a report tendered at sentence be provided to Queensland Corrective Services (QCS) to support the timely delivery of these reports to QCS to inform offender program and treatment delivery.

These changes came into effect on 15 September 2020.

We consider sentencing impacts on Aboriginal and Torres Strait Islander peoples

The Council strives to better understand how Aboriginal and Torres Strait Islander peoples are affected by current justice system responses and consider what changes might be made to sentencing laws to improve outcomes.

In support of this commitment, the Council established the Aboriginal and Torres Strait Islander Advisory Panel to provide independent expert assistance and support to the Council when working with Aboriginal and Torres Strait Islander communities.

The Advisory Panel meets every 2 months and is instrumental in sharing with the Council the realities of Aboriginal and Torres Strait Islander peoples' experiences with the criminal justice system.

During the past year, the Council sought advice and input from the Advisory panel on several papers and products.

Annual feedback on quality

The Council's annual reputational survey was carried out in June 2022, receiving 66 responses which will assist the Council in planning future work and create new opportunities to inform, engage and advise Queenslanders about sentencing matters.

Judge for Yourself and online interactions

In the last financial year, the Council has presented 21 face-to-face sessions in South-East Queensland to community groups and high school students.

The Council now provides both online and face-to-face presentations, ensuring all events operate with a Covid-safe plan.

In 2021-22 *Judge for Yourself* received 7,186 online interactions.

Number of media and other citations

The Queensland Sentencing Advisory Council received more than 110 media mentions in 2021-22 across print, radio, television and online publications.

The Council's work was cited 19 times in numerous journal articles, books, non-government publications, submissions to inquiries, government publications and parliamentary reports. A full list of citations can be found on page 31 of this report.

Social media reach

Connecting 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 – 1.3K
- Twitter followers – 913
- The Queensland Sentencing Advisory Council website received 110,720 unique web page views.

Inform subscribers

In the 2021-22 financial year, the electronic newsletter, *Inform*, generated a 14 per cent increase in subscribers – attracting 130 new followers.

Services delivered within budget

In 2021-22, the Council received an allocated budget of \$1,751,900 to cover expenses related to employees, property, travel, products and resource, supplies and services, and miscellaneous expenses.

The Council's actual expenditure for the financial year was \$1,624,262 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 2021-22 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 2021-22 financial year.

Glossary

Term	Meaning
ARRs	<i>Annual report requirements for Queensland Government agencies</i>
CCG	Community Connection Group
CEM	Child exploitation material
COVID-19	Coronavirus
DJAG	Department of Justice and Attorney-General
eDOCS	Online document and record management system
FAA	<i>Financial Accountability Act 2009</i>
FPMS	<i>Financial and Performance Management Standard 2019</i>
FTE	Full-time equivalent
Online interactions	In this context an online interaction is where the participant answered at least one question within the interactive <i>Judge for Yourself</i> series.
PRINCE2	Projects in Controlled Environments
PSA	<i>Penalties and Sentences Act 1992 (Qld)</i>
QCS	Queensland Corrective Services
QSAC	Queensland Sentencing Advisory Council
Standard page view	A page view is triggered when any page is loaded by any visitor to your site. 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.
SVO	Serious Violent Offences
ToR	Terms of Reference
Unique page view	A unique pageview aggregates pageviews that are generated by the same user during the same session. A unique pageview represents the number of sessions during which that page was viewed one or more times. 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.

2021-22 citation list

Journal articles

- Monique Moffa, Michele Ruyters and Greg Stratton, 'Still No Bodies: Five Years of "No Body, No Parole" in Queensland, Australia' (2022) 55(2) *Journal of Criminology* 162
- Heather Douglas and Robin Fitzgerald, 'Proving Non-Fatal Strangulation in Family Violence Cases: A Case Study on the Criminalisation of Family Violence' (2021) 25(4) *The International Journal of Evidence and Proof* 350
- Susan Edwards and Heather Douglas, 'The Criminalisation of a Dangerous Form of Coercive Control: Non-Fatal Strangulation in England and Wales and Australia' (2021) 8(1) *Journal of International and Comparative Law* 87
- Reena Sarkar, et al 'Orfacial Injuries in Child Family Homicide: A Population Study' (2021) 17 *Forensic Science, Medicine and Pathology* 553
- Lorana Bartels Ed, 'Sentencing Review 2020-2021' (2022) 46 *Criminal Law Journal* 44
- Michael D Trood, et al 'Magistrates' Experiences of Judicial Supervision in Mainstream Courts' (2022) 31 *Journal of Judicial Administration* 115
- Sarah Kendall, 'Prosecution and Defence Strategies in Non-Fatal Strangulation Cases: Are They Influenced By Victim Brain Injury and PTSD' (2021) 45 *Criminal Law Journal* 297

Legal Judgments

- *R v Lee* [2021] QCA 233
- *R v Smith* [2022] QCA 89
- *YSD v Commissioner of Police* [2022] QDC 92

Reports and Submissions

New South Wales Sentencing Council

- New South Wales Sentencing Council, *Assaults on Emergency Service Workers: Report* (July 2021)

Victorian Sentencing Advisory Council

- Victorian Sentencing Advisory Council, *Sentencing Stalking in Victoria: Report* (March 2022)

Queensland Government Statistician's Office

- Queensland Government Statistician's Office, Queensland Treasury, *Breaches of domestic violence orders in Queensland, 2008-09 to 2017-18* (Crime Justice Report, December 2021)

Women's Safety and Justice Taskforce

- Submissions to *Discussion Paper 1: Options for legislating against coercive control and the creation of a standalone domestic violence offence*
 - Professor Heather Douglas, University of Melbourne
 - Prisoners' Legal Service
 - Queensland Law Society
 - Queensland Network of Alcohol and Other Drug Agencies
 - Women's Health Queensland

- Submissions to *Discussion Paper 2: Women and girls' experience of the criminal justice system*
 - Legal Aid Queensland
- Women's Safety and Justice Taskforce, *Hear Her Voice* (Report, 2021)
- Women's Safety and Justice Taskforce, *Discussion Paper 3: Women and girls' experience across the criminal justice system as victims-survivors of sexual violence and also as accused persons and offenders* (February 2022)

Conference presentations

- Judge Glen Cash QC, 'The Appellate Jurisdiction of the District Court: Making your Appeal More Appealing' (Conference Paper, Gympie District Law Association, 30 March 2022)
- Justice Peter Davis, 'Provocation – Where to Now? The Implications of the Peniamina Case' (Paper, Queensland Bar Association Annual Conference, 27 March 2022)

Other

- Magistrates Court of Queensland, *Domestic and Family Violence Protection Act 2012 Benchbook* (September 2021, 9th edition)

Compliance checklist

Summary of requirement		Basis for requirement	Annual report reference
Letter of compliance	<ul style="list-style-type: none"> A letter of compliance from the accountable officer or statutory body to the relevant Minister/s 	ARRs – section 7	4
Accessibility	<ul style="list-style-type: none"> Table of contents Glossary 	ARRs – section 9.1	3 30
	<ul style="list-style-type: none"> Public availability 	ARRs – section 9.2	2
	<ul style="list-style-type: none"> Interpreter service statement 	Queensland Government Language Services Policy ARRs – section 9.3	2
	<ul style="list-style-type: none"> Copyright notice 	Copyright Act 1968 ARRs – section 9.4	2
	<ul style="list-style-type: none"> Information Licensing 	QGEA – Information Licensing ARRs – section 9.5	2
General information	<ul style="list-style-type: none"> Introductory Information 	ARRs – section 10	6
Non-financial performance	<ul style="list-style-type: none"> Government's objectives for the community and whole-of-government plans/specific initiatives 	ARRs – section 11.1	7
	<ul style="list-style-type: none"> Agency objectives and performance indicators 	ARRs – section 11.2	8 24-26
	<ul style="list-style-type: none"> Agency service areas and service standards 	ARRs – section 11.3	24-26
Financial performance	<ul style="list-style-type: none"> Summary of financial performance 	ARRs – section 12.1	29f
Governance – management and structure	<ul style="list-style-type: none"> Organisational structure 	ARRs – section 13.1	15
	<ul style="list-style-type: none"> Executive management 	ARRs – section 13.2	15-19
	<ul style="list-style-type: none"> Government bodies (statutory bodies and other entities) 	ARRs – section 13.3	N/A
	<ul style="list-style-type: none"> Public Sector Ethics 	Public Sector Ethics Act 1994 ARRs – section 13.4	24
	<ul style="list-style-type: none"> Human Rights 	Human Rights Act 2019 ARRs – section 13.5	7
	<ul style="list-style-type: none"> Queensland public service values 	ARRs – section 13.6	24
Governance – risk management and accountability	<ul style="list-style-type: none"> Risk management 	ARRs – section 14.1	25
	<ul style="list-style-type: none"> Audit committee 	ARRs – section 14.2	25
	<ul style="list-style-type: none"> Internal audit 	ARRs – section 14.3	25
	<ul style="list-style-type: none"> External scrutiny 	ARRs – section 14.4	25
	<ul style="list-style-type: none"> Information systems and recordkeeping 	ARRs – section 14.5	26

Summary of requirement		Basis for requirement	Annual report reference
	<ul style="list-style-type: none"> Information Security attestation 	ARRs – section 14.6	26
Governance – human resources	<ul style="list-style-type: none"> Strategic workforce planning and performance 	ARRs – section 15.1	23
	<ul style="list-style-type: none"> Early retirement, redundancy and retrenchment 	Directive No.04/18 <i>Early Retirement, Redundancy and Retrenchment</i> ARRs – section 15.2	24
Open Data	<ul style="list-style-type: none"> Statement advising publication of information 	ARRs – section 16	26
	<ul style="list-style-type: none"> Consultancies 	ARRs – section 31.1	https://data.qld.gov.au
	<ul style="list-style-type: none"> Overseas travel 	ARRs – section 31.2	https://data.qld.gov.au
	<ul style="list-style-type: none"> Queensland Language Services Policy 	ARRs – section 31.3	https://data.qld.gov.au
Financial statements	<ul style="list-style-type: none"> Certification of financial statements 	FAA – section 62 FPMS – sections 38, 39 and 46 ARRs – section 17.1	N/A
	<ul style="list-style-type: none"> Independent Auditor's Report 	FAA – section 62 FPMS – section 46 ARRs – section 17.2	N/A

FAA *Financial Accountability Act 2009*
 FPMS *Financial and Performance Management Standard 2019*
 ARRs *Annual report requirements for Queensland Government agencies*



Queensland Sentencing
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