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Reference: TF23/400 – D23/6676

Mr John Robertson  
Chair  
Queensland Sentencing Advisory Council  
GPO Box 2360  
BRISBANE QLD 4001

via email: [submissions@sentencingcouncil.qld.gov.au](mailto:submissions@sentencingcouncil.qld.gov.au)

Dear Chair

Thank you for your letter dated 26 May 2023 regarding the Queensland Sentencing Advisory Council's (QSAC) review of sentencing for sexual violence offences and aggravating factors for domestic and family violence offences. The Queensland Family and Child Commission (QFCC) welcomes the opportunity to provide input into the development of issues papers to inform this review.

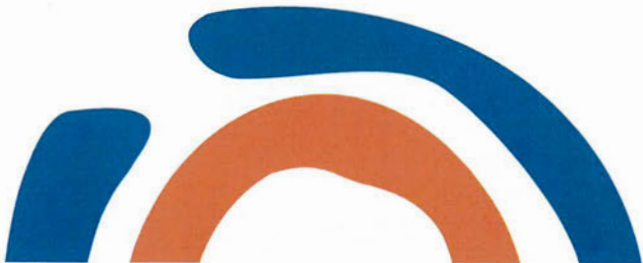
The QFCC's role is to influence systemic change that improves the safety and wellbeing of Queensland's children and their families. We do this by monitoring and reporting on system performance, amplifying the views of children and young people and advocating for the rights of children and families through our work. The QFCC also hosts the independent Child Death Review Board (the Board) which is responsible for undertaking reviews of the child protection system following the death of children known to the system.

As you may be aware, recent findings from the Australian Child Maltreatment Study reported that 28.5 per cent of Australians experienced sexual abuse and 39.6 per cent experienced exposure to domestic violence during childhood.<sup>1</sup> Experiencing violence can have a wide range of detrimental impacts on children's development, mental and physical health and general wellbeing. Further, young people exhibiting sexually violent behaviours are likely to have experienced significant childhood trauma and been exposed to neglect, physical, sexual and/or emotional abuse or other adversities.<sup>2</sup>

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<sup>1</sup> Haslam D, Mathews B, Pacella R, Scott JG, Finkelhor D, Higgins DJ, Meinck F, Erskine HE, Thomas HJ, Lawrence D, Malacova E. (2023). The prevalence and impact of child maltreatment in Australia: Findings from the Australian Child Maltreatment Study: Brief Report. Australian Child Maltreatment Study, Queensland University of Technology.

<sup>2</sup> Blackley R & Bartels L (2018), *Sentencing and treatment of juvenile sex offenders in Australia*, Australian Institute of Criminology, Trends & Issues in crime and criminal justice (No. 555 July 2018).



While this does not diminish the gravity of their offences, the unique experiences and needs of children and young people who experience or perpetrate violence must be included when reviewing and improving sentencing guidelines. Sentencing in the youth justice system is more beneficial to young offenders and victims if it operates on principles of restorative justice and rehabilitation, rather than purely punitive approaches. This provides an opportunity to address underlying causes that drive behaviours and reduce the likelihood of future offending.

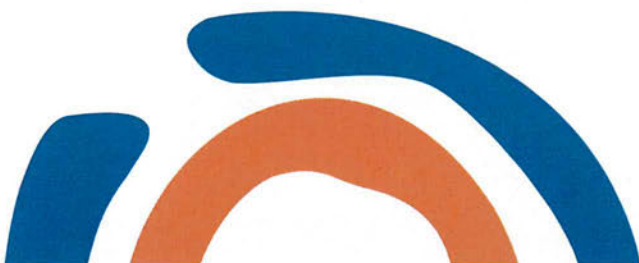
With this in mind, we offer the following feedback to support the development of the QSAC's issues papers:

- The Final Report of the Youth Sexual Violence and Abuse Steering Committee highlighted that communities most affected by youth sexual violence and abuse also experienced a higher prevalence of social, economic and intergenerational disadvantage, and that girls, young women and First Nations young people were disproportionately affected. The Report's recommendations aimed to provide a comprehensive response to youth sexual violence through delivery of local level solutions, strengthening data and evidence, building community awareness and tackling the underlying causes of youth sexual violence. Given the importance of treatment and rehabilitation in the justice system, the findings of this report; and initiatives to support young victims and address the causes of offenders' behaviours will be central to the QSAC's review.
- System responses and supports for domestic and family violence are not always tailored to the needs of young people who perpetrate it.<sup>3</sup> The Board has observed a high prevalence of domestic and family violence across the cases it reviews. In 2022, it published a report identifying recurring issues in system responses to children and families who are known to the child protection system and experiencing domestic and family violence. This included that the current system struggles to respond to young people who are both perpetrators and victims of violence, in part due to a lack of policies or programs specific to young people.<sup>4</sup>

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<sup>3</sup> The State of Queensland (Queensland Child Death Review Board), 2022, *Reviewing the child protection system's response to violence within families: Findings from an analysis of child death reviews involving domestic and family violence*, <https://www.cdrb.qld.gov.au/wp-content/uploads/2022/11/A-review-of-the-systems-response-to-violence-within-families-DFV-Report-for-publication.pdf>; Queensland Audit Office 2022, *Keeping people safe from domestic and family violence (Report 5: 2022-23)*, <https://www.qao.qld.gov.au/reports-resources/reports-parliament/keeping-people-safe-domestic-family-violence>

<sup>4</sup> The State of Queensland (Queensland Child Death Review Board), 2022, *Reviewing the child protection system's response to violence within families: Findings from an analysis of child death reviews involving domestic and family violence*, <https://www.cdrb.qld.gov.au/wp-content/uploads/2022/11/A-review-of-the-systems-response-to-violence-within-families-DFV-Report-for-publication.pdf>



We would welcome the opportunity to contribute further to your review by providing input on issues papers once developed. [REDACTED]

Yours sincerely

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Luke Twyford  
Principal Commissioner  
Queensland Family and Child Commission

21 June 2023

Natalie Lewis  
Commissioner  
Queensland Family and Child Commission

23 June 2023

