Queensland Sentencing Round-up

Queensland Sentencing Advisory Council

2024: First Quarter

Note to readers:

The Sentencing Round-Up summarises select sentencing publications and developments in Queensland between 1 January and 31 March 2024 as identified by the Council. It is not intended to be exhaustive. Decisions and cases in this document are as at date of publication and may be subject to appeal. The Council welcomes feedback on additional resources that might be referenced in future issues.

Supreme Court of Queensland sentencing remarks

Childrens Court of Queensland sentencing remarks and sentence reviews

District Court of Queensland s 222 decisions

Annual reports

Academic articles and reports of interest

Other resources

Focus On: Community understanding and views of crime harm and sentencing

Queensland Sentencing Advisory Council publications

Sentencing Spotlight on Rape (February 2024)

Released as part of the Council's *Sentencing Spotlight* series, this report contains updated information about the offence of rape *Criminal Code Act 1899* (Qld) sch 1 ('*Criminal Code* (Qld)'), the types of penalties imposed, demographic characteristics of those sentenced for this offence and data on recidivism (repeat offending). This publication updates the previous spotlight published by the Council in September 2022 to include two additional years' worth of data (2005-2023).

Sentencing Spotlight on Sexual Assault (February 2024)

Released as part of the Council's Sentencing Spotlight series, this report contains information about the offence of sexual assault (s 352 *Criminal Code* (Qld)), the types of penalties imposed, demographic characteristics of those sentenced for this offence and data on recidivism (repeat offending) over an 18-year data period (2005-2023).

Sentencing of Sexual Assault and Rape: The Ripple Effect – Consultation Papers (March 2024)

The Council has released two papers as part of its current review of sentencing for sexual assault and rape:

1. Consultation Paper: Issues and Questions – our main consultation document which summarises the key issues that have been identified as part of the Council's preliminary consultation and research. The paper identifies 25 questions for stakeholders to respond to.
2. Consultation Paper: Background – a detailed reference document for those who would like more information.

A Summary for the General Community has also been published.

Other supporting information, including a literature review prepared by the Griffith Criminology Institute, is available on our website.

Submissions are invited by 22 April 2024.

Practice Directions

Supreme Court Practice Direction No 1 of 2024: Citation of Authority (29 January 2024)

This Practice Direction applies to the Supreme Court Trial Division and Court of Appeal. It makes directions regarding citing authorities in Lists of Authorities and written submissions, citing passages and referring to subsequent judgments which have doubted or not followed an authority sought to be relied on. It also gives direction about selecting authorities to cite.

Supreme Court Practice Direction No 4 of 2024: Criminal Jurisdiction – Supreme Court (14 February 2024)

This Practice Direction outlines the court procedures for parties requiring an interpreter in the proceedings, prerecording of the evidence of affected children and disposal of summary offences under sections 651–652 of the *Criminal Code* (Qld) sch 1.

Supreme Court Practice Direction No 5 of 2024: Criminal List – Brisbane (28 February 2024)

This Practice Direction sets out procedures from indictment presentation to conclusion in the Supreme Court in Brisbane. In respect of sentencing, it sets out the forms required to be submitted to the Court. Unless otherwise ordered, sentences will be listed administratively and confirmed sentence will be listed within 3 months of indictment presentation (subject to judicial availability), unless the party seeking a delay justifies why the adjournment is necessary in the interests, or for the administration, of justice.

An information session about Practice Direction No 5 of 2024 is available to watch, presented by Justice Peter Callaghan and Ms Bronwyn Currie, Criminal Resolution Registrar.

Supreme Court Practice Direction No 6 of 2024: Repeal of Practice Directions (11 March 2024)

This Practice Direction repeals previous practice directions. The directions are still available on the Queensland Courts website under the 'repealed' tab.

Relevant Bills

Corrective Services (Promoting Safety) and Other Legislation Amendment Bill 2024

Introduced on 13 February 2024, the Bill includes amendments to the *Corrective Services Act 2006* and other legislation 'to promote the safety of victims of crime, frontline corrective services officers, offenders, and the broader community' (Exp Notes 1), including:

- to the Victim Register and in support of victims to:
    - allow referral entities, including victim support organisations, to obtain an eligible person's consent to forward their details for registration
    - clarify eligibility for registering against prisoners on post-sentence orders
    - allow victims of a homicide offence to register against a person who has completed their sentence but been returned to custody or supervision for subsequent offending
    - 'provide flexibility for the Board to accept a submission from an eligible person about a prisoner's parole application that is not in writing' (such as via a voice recording, by telephone or via video link) (Exp Notes 10–11), and
    - 'clarify what information the Victims Register may provide an eligible person where appropriate' (Exp Notes 11).
- 'to require representation for victims on the Parole Board Queensland' (Exp Notes 1)
- to require that at least one professional board member is a First Nations person
- to 'strengthen powers to respond to abuse of prisoner communication channels to protect the community from prisoners who seek to inflict harm from behind bars' (Exp Notes 1), including to allow contacts to be revoked, and
- to provide 'discretion for decision makers acting under the CSA not to disclose certain information in decision making' to 'protect the use of victim and intelligence information to support effective decision making' (Exp Notes 1,5).

Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024

Introduced on 15 February 2024, the Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Bill 2024 'establishes a decriminalised framework for the sex work industry based on the recommendations of the Queensland Law Reform Commission (QLRC) report: *A decriminalised sex-work industry for Queensland* (the QLRC Report)' (Exp Notes 1*).*

The Bill creates three new offences in Chapter 22 of the *Criminal Code* (Qld)*:*

- New section 217A creates an offence for obtaining commercial sexual services from a person who is not an adult. The maximum penalty is 10 years imprisonment. If the child is under 16 years of age the maximum penalty is 14 years imprisonment, and if the child is under 12 years of age the maximum penalty is life imprisonment.
- New section 217B creates an offence for allowing a person who is not an adult to take part in commercial sexual services. The maximum penalty is 14 years imprisonment.
- New section 217C creates an offence for conduct relating to the provision of commercial sexual services by a person who is not an adult. The maximum penalty is 14 years imprisonment.

These offences are to be included in Schedule 1C of the *Penalties and Sentences Act 1992* (Qld) ('PSA'), meaning they will be subject to the operation of Part 9D of the Act which establishes a circumstance of aggravation for serious organised crime offences.

Victims' Commissioner and Sexual Violence Review Board Bill 2024

Introduced on 16 March 2023, the Victims' Commissioner and Sexual Violence Review Board Bill 2024 establishes:

- a new statutory office of the Victims' Commissioner to promote and protect victims' rights; and
- a Sexual Violence Review Board to identify and review systemic issues in relation to the reporting, investigation and prosecution of sexual offences.

Under the Bill, the Victims' Commissioner's statutory functions include to identify and review systemic issues relating to victims, conduct research and consultation on victims' matters, deal with alleged contraventions of the Charter of Victims' Rights, provide advice and recommendations to the government on issues affecting victims and monitor recommendation implementation.

The Bill relocates the *Charter of Victims' Rights* from the *Victims of Crimes Assistance Act 2009* (Qld) to the new Act. Consequential amendments are made to the PSA ss 172A, 172C, 179I–179K.

The new Sexual Violence Review Board is to be chaired by the Victims' Commissioner and include four government members and four non-government members. The Board's functions are to:

- review government policy, practices, procedures and systems to identify systemic issues;
- review and analyse data and information held by government entities and nongovernment entities;
- make recommendations to the Minister, government entities and non-government entities about improvements to government policy, practices, procedures and systems as a result of a review carried out by the Board; and
- monitor the implementation of recommendations.

Legislative amendments

Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Act 2024

The Act, in addition to other changes, amends the law relating to sentencing and the substantive criminal law.

Relevant amendments which commenced on the date of assent (18 March 2024) include the addition of sentencing considerations in s 9 of the PSA and s 150 of the *Youth Justice Act 1992* (Qld) ('YJA') to require the court to consider:

- 'the hardship that any sentence imposed would have on the offender, having regard to the offender's characteristics, including age, disability, gender identity, parental status, race, religion, sex, sex characteristics and sexuality' (PSA s 9(fa); slightly different wording in YJA s 150(1)(ea)).
- 'the probable effect that any sentence imposed would have on a person with whom the offender is in a family relationship and for whom the defendant is the primary caregiver, or a person with whom the defendant is in an informal care relationship and where a defendant is pregnant, the probably effect of the sentence on the child, once born'. (PSA s 9(fb); slightly different wording in YJA s 150(1)(eb))
- the defendant's history of being abused or victimised (s 9(2)(gb)(iii)), and
- when sentencing an Aboriginal or Torres Strait Islander person, any cultural considerations, including the effect of systemic disadvantage and intergenerational trauma on the offender (PSA ss 9(2)(oa), s 9(2)(p)(ii), YJA ss 150(1)(ha), 150 (1)(i)(ii)).

There are several other relevant amendments, which will commence on a date to be fixed by proclamation.

Parliamentary inquiries and reports

Legal Affairs and Safety Committee, *Inquiry into Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Bill 2023* (Report No. 63, 57th Parliament)

Tabled on 19 January 2024, this report presents a summary of the Legal Affairs and Safety Committee's examination of the Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Bill 2023. The Committee recommended the Bill be passed and made 5 further recommendations, including that the Queensland Government should:

- develop and implement an education campaign that includes material that is age appropriate, culturally sensitive and suitable for people with impaired capacity to support the proposed reforms
- review the operation of the Criminal Code provisions relating to consent and the transition of serious diseases to ensure they capture appropriate diseases and consider amending the Bill to remove the provision relating to the transition of a serious disease, pending the outcome of that review
- review the proposed amendments within 24 months of the Bill's implementation and again at 5 years
- review the perpetrator diversion scheme within 24 months
- consider amending section 103ZZN(3) to require that when a complainant is of Aboriginal and Torres Strait Islander descent, publishing entities consult with relevant First Nations' organisations prior to publishing identifying details about the complainant.

High Court of Australia

Hurt v The King; Delzotto v The King [2024] HCA 8

Keywords: Commonwealth offences; statutory minimum sentences.

The High Court of Australia dismissed two appeals: one from the Court of Appeal of the Supreme Court of the Australian Capital Territory and one from the Court of Criminal Appeal in New South Wales.

The High Court considered the appropriate approach to the statutory minimum sentences under the *Crimes Act 1914* (Cth) s 16AAB. The Court found that the statutory minimum sentences provide two functions:

1. To restrict a court's sentencing power to the minimum period of imprisonment set out in legislation. This is subject to some exceptions, for example, if the person pleaded guilty or cooperated with law enforcement agencies in respect of a Commonwealth child sex offence; and
2. To operate as a yardstick representing Parliament's view of the least worst possible case warranting imprisonment against which the offence is to be measured and a starting point (before applying any potential discounts for a guilty plea or cooperation with law enforcement agencies).

Queensland Court of Appeal decisions

R v Moy [2024] QCA 4

Keywords: statutory parole eligibility date; pre-sentence custody taken into account and not declared; serious violent offence declaration not made.

Application for leave to appeal granted and appeal dismissed by majority of the Court of Appeal (2:1). Moy was sentenced to 8.5 years imprisonment for manslaughter (most serious offence). No parole eligibility date was set (meaning Moy would be eligible for release on parole after 50% of the sentence). Moy had spent 783 days in pre-sentence custody which was taken into account but not declared as time served (meaning the notional head sentence was 10 years, 7 months and 2 days imprisonment). Because the sentence was less than 10 years imprisonment, a serious violent offence declaration was not automatic.

The Court of Appeal all agreed there was a factual error at the original sentence hearing, requiring Moy to be re-sentenced by the Court of Appeal. Bond JA and Kelley J considered the original head sentence of 8.5 years imprisonment appropriately reflected Moy's plea of guilty and not declaring the pre-sentence custody gives Moy a 'very considerable advantage of not having to serve 80 per cent of the head sentence… no more is needed to justly recognise the impact of the various aggravating and mitigating factors' ([3]). Ryan J would have imposed the same head sentence but set an earlier parole eligibility date 'to justly recognise the pleas and other matters in mitigation, whilst still bearing in mind the seriousness of the offending' ([73]).

R v GBM [2024] QCA 10

Keywords: domestic violence offence; pre-sentence custody taken into account and not declared; risk of visa cancellation.

Application for leave to appeal against a head sentence of 2 years' imprisonment with immediate parole release refused. GBM pleaded guilty to punching his ex-partner more than 10 times in the causing a

laceration to her eye, cheek swelling and a fractured middle finger [assault occasioning bodily harm (domestic violence offence)]. The offending occurred while GBM was intoxicated and a domestic violence order prohibited him attending his ex-partner's address while intoxicated (contravention of a domestic violence order).

GBM had an extensive criminal history involving 37 appearances in the Magistrates Court, including previous offending against his ex-partner. He had a complicated background from Sudan and had refugee status in Australia. He was at risk of his visa being cancelled if required to serve actual custody. He had spent 317 days in pre-sentence custody. This was taken into account when imposing the head sentence, but not declared as time served. The Court of Appeal did not consider a 3-year notional sentence with immediate release on parole was manifestly excessive for 'serious criminal conduct in contravention of a domestic violence order' by a 'recidivist offender' ([13]).

R v Gordon [2024] QCA 16

Keywords: guilty after trial to alternative offence; weight given where offer to plead guilty previously rejected; serious violence offence declaration; parity.

Application for leave to appeal refused by majority (2:1) against a sentence of 7.5 years' imprisonment for grievous bodily harm (most serious offence) with a serious violent offence ('SVO') declaration (meaning Gordon would not be eligible for release on parole until after serving 80% of the sentence).

Gordon was originally charged with malicious acts with intent. Prior to trial, he offered to plead guilty to grievous bodily harm in the alternative. This was not accepted however a jury convicted Gordon of the alternative charge after trial. An issue for the Court of Appeal was the weight to be given to the offer to plead guilty. The Court of Appeal agreed the factual basis of the offer and the way the trial was conducted was a relevant consideration. In those circumstances, Gordon's previous offer was 'of little or no weight' ([27]; [98]).

Williams J considered there was a factual error in respect of Gordon's criminal history that was material to the sentence. It was further noted the co-offender received a lesser sentence for more serious offending (after a plea of guilty). Williams J considered the sentencing judge was required to give due weight to parity and Gordon's sentence should be varied to 7 years' imprisonment with no SVO declaration and no parole eligibility date set (meaning Gordon would be eligible for release on parole after serving 50% of the sentence).

R v Al Majedi [2024] QCA 27

Keywords: Commonwealth offence; Crimes Act 1914 (Cth); s 19B bond.

Application for leave to appeal against sentence of 2 months' imprisonment, released immediately on the applicant giving a recognisance in the sum of $500, to be of good behaviour for 12 months. A conviction was recorded. The offending involved the applicant possessing 722kg of tobacco, owned by her father and stored in her flat. Her father had not paid almost $1 million duty on the tobacco. The sentence was reduced to a recognisance in the sum of $500 to be of good behaviour for 6 months, without conviction.

The Court of Appeal discussed the considerations for a section 19B bond and considered this to be an exceptional case. The Court of Appeal noted the applicant had experienced trauma, adversity and abuse and lived as directed by her father. She was studying to be a nurse and a conviction would impact her 'establishing a decent way of life for herself and her children' ([24]). As the applicant's offending was the result of her obeying her father and it was not her choice to be involved, the need for general deterrence in relation to tobacco smuggling was not as relevant as it would be in other cases of this kind ([25]).

R v McPherson [2024] QCA 33

Keywords: cumulative sentences; possession of dangerous drugs; offending on suspended sentence; rehabilitation; early plea of guilty

Application for leave to appeal refused against a total sentence of 3.5 years' imprisonment (a sentence of 2 years' imprisonment cumulative on 18 months' imprisonment from a previous suspended sentence that was activated in full). McPherson would be eligible for release on parole after effectively serving one-third of

the 2 years' imprisonment and not the total 3.5 years term.

The Court of Appeal noted the sentence was complicated because McPherson had committed drug offences within one month of being on the 18-month suspended sentence for an operational period of 3 years. The sentencing court considered the new offending would result in a sentence of 3 years' imprisonment, meaning the total sentence would be 4.5 years' imprisonment with the suspended sentence activated. Because of totality, the new sentence was reduced from 3 years to 2 years.

McPherson argued that no appropriate weight was given to his rehabilitation which included abstinence from drugs, regular drug testing and references in respect of his good prospects for work. Kelly J noted the sentencing judge was not obliged to give credit in 'any particular way' and the structure of the sentence with an early parole eligibility resulted in significant mitigation in addition to being mitigated for an early plea of guilty ([23]).

Supreme Court of Queensland sentencing remarks

R v Samuel (a pseudonym) [2024] QSC 11

Keywords: youth offender; detention only appropriate sentence; conviction recorded

Samuel pleaded guilty to one count of manslaughter. He was aged 17 years and 8 months at the time of the offence and 19 years at sentence. Samuel deliberately drove his 4-wheel drive across into oncoming traffic, attempting to hit another car. He struck the back bumper of one car, which swerved to avoid him. He struck a second car around 900m later, while travelling between 100 and 115 kilometers per hour. The driver was killed instantly. As Samuel was under 18, he was sentenced under the YJA. At the time of the offending, Samuel was suicidal because he was a victim of an online sextortion scam.

His Honour determined a restorative justice process was not suitable because the victim's family did not want to participate in one, nor was it recommended by either counsel as appropriate. His Honour declined to find the case as 'particularly heinous' (following *R v Maygar; ex parte Attorney-General; R v WT; ex parte Attorney-General* [2007] QCA 310). This meant Samuel was subject to a 10-year maximum penalty instead of life imprisonment. His Honour declined to make a conditional release order (YJA, s 221) due to the severity and harm of the offending. Although 'a non-custodial sentence is better in promoting rehabilitation, detention is the only appropriate sentence' (YJA, s 152(e)).

Samuel was sentenced to 3 years' detention to be released after serving 50 per cent of that period and disqualified from holding a driver's licence for 18 months. The proportion of the sentence to be served prior to release was reduced from 70 per cent to 50 per cent due to the existence of special considerations (YJA, s 227(2)). A conviction was recorded, following President Sofronoff's remarks in *R v Patrick (a pseudonym): Ex parte Attorney-General* (2020) 3 Qd R 578.

R v Brutton [2024] QSC 24

Keywords: automatic cancellation of parole under Corrective Services Act 2006 (Qld) s 209; offending on parole.

Brutton pleaded guilty and was being sentenced for possessing dangerous drugs and refusing to provide a PIN code for a mobile phone. At the time of the offending, he was subject to board ordered parole for previous sentences. When arrested for the new offending, he was returned to custody and his parole was suspended. He served approximately 8 months remaining on his previous sentences.

When sentenced for his new offending, an issue at sentence was whether Brutton's new sentence of imprisonment would require him to serve the 8 months (approx.) of the previous sentence. This is because of

the wording of the *Corrective Services Act 2006* (Qld) ss 209 and 211.

Her Honour noted:

> *In a case such as the present, there is no unexpired portion of the previous sentence – it has already been served in full. But in a case where a defendant reoffends, whilst on parole, and remains in the community for some time after that before returning to custody (as in Smith, Bliss and Hall), they do remain liable to serve that time (that they were in the community, after reoffending). How that is dealt with, in terms of the legislation, seems to depend on a number of variables…* [31].

Her Honour discussed the construction of s 211(3) and commented 'given these provisions concern the liberty of individuals, it is unsatisfactory that they are confusing and unclear' ([37]).

***R v Puglia* [2024] QSC 31**

Keywords: non-parole period; impact to victims of crime and community; domestic violence offences

Puglia pleaded guilty to 2 counts of murder (DV offences) and was sentenced to life imprisonment with a non-parole period of 30 years.

Prior to the offences, Puglia was increasingly aggressive and violent towards his parents and on multiple occasions they asked him to stop living at their house. He bludgeoned both of his parents to death with a sledgehammer. Rather than seek help, Puglia fled the state and was arrested by police near Newcastle. Family members who came to celebrate Mrs Puglia's 60th birthday later found the deceased. Puglia entered a late plea of guilty, saving the cost of a trial and family members needing to give evidence. His Honour recognised the plea in not increasing the non-parole period but was clear that it was not a demonstration of remorse. His Honour observed that 30 years was the 'minimum period that justice requires to reflect the enormity and brutality of [his] crimes, [his] lack of remorse, and the consequences for [his] many victims of these heinous crimes', and that the Parole Board 'may consider [his] conclusion that it would have been open to [him] to extend the period to 35 years' (4).

***R v Johnston* [2024] QSC 36**

Keywords: non-parole period; impact to victims of crime and community; domestic violence offences

Johnston pleaded guilty and was sentenced to life imprisonment for the murder of his wife (DV offence), Kelly Wilkinson. He was also sentenced for a breach of a Temporary Protection Order ('TPO'). The TPO related to pending criminal offences Johnston allegedly committed against Ms Wilkinson. His Honour ordered the maximum penalty of 3 years for the breach of the TPO because 'this was the worst kind of breach…that is possible' (4). This was concurrent with his life sentence.

Johnston went to Ms Wilkinson's home dressed in black with a black mask on his head, carrying a 20-litre can of petrol and a camouflage bag containing zip ties, duct tape and sedative powder. He stabbed her multiple times in the neck and chest, before setting her on fire, which killed her. The couple's 3 children were at home and witnessed much of the violence against their mother. It was accepted by His Honour that Johnston had gone to the address with a premeditated plan to silence his wife from being a witness to the pending proceedings. His Honour acknowledged that many victims were impacted by this offence, including Ms Wilkinson's children, her family and friends and other victims of domestic violence who may 'feel insecure and afraid that the same thing might happen to them' (3). His Honour took into account the plea of guilty and Johnston's instructions to not cross-examine his children by not extending the non-parole period beyond the mandatory minimum 20-year period. He made clear in his remarks that but for those 2 mitigating factors, he would have extended the non-parole period 'to reflect the enormity and brutality of [his] crime and the consequences for [his] many victims of this heinous crime' (4).

TKA v Director of Public Prosecutions [2023] QChC 35

Published 12 January 2024

Keywords: cumulative or concurrent sentences; revoking an existing conditional release order; sentence review; special circumstances to justify release at 50%.

TKA plead guilty and was sentenced to 6 months' detention, to serve 70 per cent, for 5 property and fraud related offences (22 days spent in presentence detention). There was an existing 4-month detention order to be served by conditional release order 'CRO', but no order was made to revoke the CRO (YJA s 246(2)). On 21 April, the magistrate made an order in chambers without any notification to the parties or appearance from them, to revoke the CRO and order that TKA serve the original period of 4 months in detention cumulatively with the new sentence. There was no consideration of TKA's compliance on the CRO, whether special circumstances existed for earlier release or submissions on whether it should be served cumulatively or concurrently.

On sentence review, the judge confirmed that while a 6-month detention order for the new offending was adequate and proportionate, the order for it be served cumulatively with the CRO failed to recognise TKA's plea of guilty, the lower-level nature of offending and the matters raised in the pre-sentence report. The judge ordered that release be set at 50 per cent, as there were special circumstances (YJA s 227). With respect to the reopening by the magistrate in chambers without appearances or submissions for the existing CRO, the judge found this to be an error. The judge reduced the existing 4-month period of detention by 12 days to reflect TKA's compliance on the CRO, and ordered for it to be served concurrently, with release after serving 50 per cent.

BDA v Director of Public Prosecutions [2023] QChC 34

Published 12 January 2024

Keywords: sentence review, probation, good behaviour order.

BDA plead guilty to 35 charges committed over a 7-month period (predominantly property-related offences, with some lower-level violence) and was sentenced to 12 months' probation, with no conviction recorded. A sentence review was granted, and the original sentence discharged and substituted with a good behaviour order of 3 months pursuant to YJA s 175(1)(b).

The judge found that the sentencing magistrate had fallen into error, having regard to BDA's very young age (11 years), lack of criminal history, personal circumstances, compliance with a conditional bail order and the 15 days spent in pre-sentence detention. The judge considered that BDA had already completed 2 months and 27 days of probation and reduced the order he otherwise would have imposed (a starting point of between 4- and 6-months' probation), to 'recognise that which cannot be turned back' ([25]).

VGF v Director of Public Prosecutions [2024] QChC 1

Keywords: mandatory consideration of referral to a restorative justice process; consideration of victim harm

VGF plead guilty and was sentenced to 6 months' probation (no conviction recorded) for offences of entering a dwelling and commit an indictable offence, unlawful use of a motor vehicle at night, and attempted stealing. A sentence review was granted, and the original sentence was discharged and substituted with a referral to a restorative justice conference pursuant to YJA s 163(1)(d).

The judge found that the magistrate had failed to properly consider the option of a restorative justice process as required by the YJA s 162. The judge concluded the learned magistrate failed to consider the relevant factors and had 'placed too much weight on "the interests of the victim" and ...the issue as to

whether the victim would attend' ([18]). The judge observed that the magistrate had not referred to relevant mitigating factors in their original sentence. These included VGF's age (16), lack of criminal history, early plea of guilty, a recognition of the impact of the offending on the victim, an expression of remorse, support by his mother and an expressed intention of entering the workforce. The Director of Public Prosecutions agreed restorative justice would be a more appropriate outcome.

District Court of Queensland s222 decisions

Hamilton v Commissioner of Police [2024] QDC 18

Keywords: large volume of offences; crushing sentence; cumulative sentences; totality principle

Appeal dismissed against a head sentence of 2.5 years imprisonment with parole release after 10 months (one-third) for 60 offences, including charges of fraud, property and driving-related offences. Hamilton also failed to appear on 4 occasions (resulting in mandatory cumulative periods of imprisonment).

Hamilton appealed his sentence on the grounds that it was manifestly excessive, arguing that the magistrate made errors which informed an 'inflated total', including that the magistrate was 'overborne' by the number of offences and incorrectly applied the totality principle.

In dismissing the appeal, His Honour considered that the totality principle 'requires the sentencer to assess the overall criminality balanced by matters in the offender's favour, then stand back and consider whether the sentence imposes a crushing blow likely to defeat the interests of rehabilitation' ([16]). The judge considered the sentence was neither excessive nor crushing for a seasoned offender.

Pinchin v Queensland Police Service [2024] QDC 29

Keywords: firearms possession; approach to sentencing for offences involving a minimum mandatory term; cumulative sentence; whether sentence imposed manifestly excessive; whether appellant denied natural justice

Pinchin pleaded guilty to 9 drug and summary offences, including 1 offence of possessing a shortened firearm, which attracts a minimum mandatory sentence of 12 months imprisonment (to be served wholly in a correctional facility). The offences were committed whilst Pinchin was on parole for armed robbery (3-year imprisonment sentence with release after serving 4 months), as well as other offences committed on release (6 months' imprisonment, with parole eligibility on the day of sentence). Pinchin was sentenced to 15 months' imprisonment, with eligibility for parole after serving 15 months (99 days of pre-sentence custody was declared). He appealed his sentence on the basis that the sentence was manifestly excessive and that he had been deprived of natural justice, arguing that the magistrate failed to declare that he was considering ordering the sentences to be served cumulatively and had failed to consider various mitigating factors.

In dismissing the appeal, the judge recognised that while the magistrate did not state he was intending to impose a cumulative period of imprisonment, defence counsel would have been aware the magistrate could impose a higher sentence than the minimum mandatory period given Pinchin's extensive criminal history, the firearm was loaded and the offending was committed while on parole. The judge found that the approach taken to accumulate two sentences to achieve a head sentence of 15 months imprisonment was not incorrect. Further, the judge found that while the magistrate failed to state in open Court that he took account of the guilty plea as required by the PSA s 13(3), it was apparent the guilty plea was taken into account by ordering the sentence to be served concurrently with the 3-year sentence he was already serving for armed robbery, rather than cumulatively (as it was open to do so). The respondent raised various other issues, which were dismissed.

WART v Cleveland Police Prosecutions [2024] QDC 33

Keywords: contravention of a domestic violence order; extension of a domestic violence order

On 27 September 2023, WART plead guilty to 2 charges of contravening a domestic violence order ('DVO') on 2 separate occasions, and was sentenced to 18 months' imprisonment, with parole release after serving 6 months in custody. The existing DVO was extended by 20 years. WART appealed the sentence on grounds that it was manifestly excessive. The breach conduct involved sending a large amount of text messages, Facebook messages, making many phone calls and leaving voice messages to the complainant, in breach of a no contact condition. He also threatened to kill her. He also met with the complainant in breach of the order.

In granting the appeal, the judge considered various comparable decisions and accepted that a sentence of 18 months' imprisonment was outside the range in all the circumstances. WART was resentenced to 12 months' imprisonment, with immediate parole release (132 days of pre-sentence custody was declared) and convictions recorded. With respect to the extension the judge found the 20-year period to be excessive and reduced it to 5 years from the date of appeal, as the offending did not involve actual physical violence, WART had not previously breached this order or offended against the aggrieved, and there were no children involved. The judge further corrected an error with the charges regarding the date the DVO was initially made, which was a fundamental error that required WART to be resentenced.

RAJ v The Commissioner of Police [2024] QDC 26

Keywords: considerations to record a conviction; traffic offences.

RAJ plead guilty to 3 driving-related offences (including unlicensed driving, driving an unregistered vehicle and driving an uninsured vehicle) and was ordered to pay $300 in fines, with convictions recorded. No action was taken upon his license. At the time of sentence, RAJ was applying for work as a delivery driver. He subsequently appealed the sentence on the ground that it was manifestly excessive by virtue of recording convictions.

On appeal, the judge considered the circumstances relevant recording of a conviction (PSA s 12(2)). The judge outlined the relevant consideration was whether the recording of a conviction could have an 'impact on the offender's chances of finding employment'. The judge determined it could, as RAJ's 'antecedents, particularly his low-average intelligence, suggest his chances of finding employment may already be more restricted than a person of average intelligence' ([15]). The judge further considered RAJ's young age (18 years at the time of the offending and 19 years at sentence), lack of prior criminal convictions, personal circumstances (including that he had been on a disability pension since he was 16), cooperation with police and expression of remorse.

Alexander v Queensland Police Service [2024] QDC 32

Keywords: compensation order; compensation as a degree of rehabilitation; serious assault.

Appeal allowed against a sentence of 9 months imprisonment suspended after 3 months for a serious assault of a person over 60. The sentence was reduced to 6 months imprisonment, suspended for an operation period of 12 months with an order for Alexander to pay $1,000 compensation within one month (in default imprisonment of one month).

At the original sentence, Alexander had offered to pay $1,000 compensation which the Magistrate did not refer to when sentencing. This was an error. On appeal, the judge noted "[i]n cases involving an offence against the person, in my respectful opinion, it is important that compensation payments be encouraged, because… it does show some degree of rehabilitation and compensates the victim for the harm done to them" ([20]).

In reducing the sentence, the judge considered it was an unprovoked attack on a person over 60 however Alexander stayed with the victim, pleaded guilty, had no prior criminal history, good work history and that the injuries to the victim were lower level.

Tang v Commissioner of Police [2024] QDC 28

Keywords: offence of fraud committed by a Queensland solicitor; reparation as demonstration of remorse

Appeal allowed against a sentence of 9 months imprisonment with parole release after 3 months for dishonestly offences. The sentence was reduced to 9 months imprisonment, suspended after 43 days for an operational period of 12 months (being the time already spent in custody). Had Tang not spent time in custody, the sentence may have been wholly suspended.

Tang was employed as a solicitor and the offending involved him transferring $10,000 from the firm's trust account to his own personal account. Tang initially lied when confronted, but later made admissions to the offending, expressed remorse, returned all the money to the firm and pleaded guilty.

In granting the appeal, the judge found that the learned magistrate had given insufficient weight to the full reparation made, as well as the psychiatric report which explained the offending occurred within the context of Tang having undiagnosed depression. Tang had engaged in psychological intervention since the offending, had demonstrated remorse, was low risk of reoffending and would be vulnerable in prison.

Seboa v Commissioner of Police [2024] QDC 34

Keywords: whether it was unjust to order the appellant to serve the whole of the suspended term of imprisonment

Appeal dismissed against a sentence of 120 hours community service with a conviction recorded for driving a motor vehicle under the influence of liquor. Seboa was also disqualified from holding or obtaining a driver's license for 8-months. This offending was committed during the operational period of a 12-month suspended sentence which was activated and Seboa was released on parole immediately.

On appeal, the judge noted that the magistrate had clearly taken into account the injuries sustained by Seboa (including a brain bleed and fractured ribs, shoulder, foot and eye socket) when determining the most appropriate sentence. The judge further considered that the magistrate was not precluded from dealing with the suspended sentence even though there was limited information regarding the factual circumstances of that offence. Finally, it was not unjust for the learned magistrate to have activated the whole of the suspended sentence when having regard to the seriousness of the offence of driving under the influence in the context of Seboa's criminal and traffic history. In considering the totality of the offending, the judge found that the initial sentence was not manifestly excessive.

BRD v Commissioner of Police [2023] QDC 254

Keywords: contravention of a domestic violence order; probation; no conviction recorded

Appeal allowed for the offence of contravention of a domestic violence order and breach of a bail condition. BRD was sentenced to 3 months' imprisonment, wholly suspended for 9 months. On appeal, BRD was resentenced to 18 months' probation for each offence, with no conviction recorded.

The offending involved BRD attending an address in breach of a bail condition and contravening the domestic violence order by going within a certain distance of the aggrieved. BRD had no criminal history at the time of sentence but was later sentenced to 18 months' probation for other offences, including two contraventions of a domestic violence order. On appeal, it was held that the Magistrate had limited information at the sentence, including not being informed that BRD had spent 3 days in pre-sentence custody. The appeal was allowed and BRD re-sentenced to 18 months' probation with no conviction recorded (commencing the date of sentence).

Annual reports

Several annual reports for 2022-23 were released in March 2024:

- Office of Director of Public Prosecutions, *Annual Report 2022-23*
- Supreme Court of Queensland, *Annual Report 2022-23*
- District Court of Queensland, *Annual Report 2022-23*
- Magistrates Court of Queensland, *Annual Report 2022-23*
- Queensland Child Death Review Board, *Annual Report 2022-23*

Academic articles and reports of interest

Queensland Treasury, Queensland Government Statistician's Office, *The Victim-Offender Overlap Among Young People In Queensland: Crime Research Report* (January 2024)

This report examines the victim-offender overlap for young people based on police administrative data between 1 July 2008 and 30 June 2021. It found that 1 in 12 young people had been the victim of a personal crime, 1 in 9 had been charged with an offence and 1 in 6 had some form of police contact (as a victim or offender). There were marked differences based on gender and Indigenous status. The findings highlight the potential impact of personal crime victimisation on young people on their level of contact with the criminal justice system, including an increased probability of revictimisation and reoffending (personal, property and/or other offence). The report suggests the relatively high prevalence victim-offender overlap among Aboriginal and Torres Strait Islander young people, and girls in particular, points to the importance of culturally-sensitive, community-based justice responses to support a reduction in criminal justice system demand and a decrease in the disproportionate representation of Aboriginal and Torres Strait Islander young people in the youth justice system.

Queensland Treasury, Queensland Government Statistician's Office, *The Overlap Between Offending And Victimisation In Queensland: Crime Research Report* (January 2024)

This report examines the association between offending and victimisation for personal crimes in Queensland. This association was found to be consistent across time, place, offence types and for sub-groups of the population. The project used Queensland police administrative data between 2008-09 and 2019-20, focusing on individuals who had police contact a as an offender and/or as a victim between 1 July 2012 and 30 June 2016 (for the index event). Most individuals had contact with police as an offender (88% vs 24% respectively), with 1 in 7 offenders also being a victim of crime (14%). Almost half of victims were also offenders (51%). Aboriginal and Torres Strait Islander women had the highest proportion of victim-offenders (39%), followed by Aboriginal and Torres Strait Islander men (17%), non-Indigenous women (15%) and lastly, non-Indigenous men (9%). The report suggests these findings highlight the importance of responding to victimisation, including victimisation experienced by offenders and the importance of effective trauma-informed interventions for victims.

Queensland Treasury, Queensland Government Statistician's Office, *Insights Into The Abuse Of Older Queenslanders: Crime Research Report* (January 2024)

This report examined police and courts data to determine if the volume of recorded personal crime

victimisation and DVOs involving older people has changed over time and provide insight into the characteristics of older people experiencing abuse. The report examined data between 2008-09 and 2020-21. Over the data period, more than 7 in 10 personal victimisations involving older Aboriginal and Torres Strait Islander victims were perpetrated by a person known to them compared to less than half (45.4%) of offences involving non-Indigenous victims. While older people were underrepresented among victims and aggrieved, rates of abuse perpetrated by known persons increased over the observation period and this growth was larger in magnitude than that observed for young people. The majority of DVOs for older Aboriginal and Torres Strait Islander and non-Indigenous people were made in a familial rather than an intimate partner context.

House of Commons Justice Committee, *Public Opinion and Understanding of Sentencing: Government and Sentencing Council Responses to the Committee's Tenth Report of Session 2022-23* (January 2024)

This report of the UK Government and Sentencing Council for England and Wales responds to the Justice Committee's report, *Public Opinion and Understanding of Sentencing* published on 25 October 2023 (discussed below). The Sentencing Council's response discusses future community engagement and research activities, such as new 'You Be the Judge' videos to be released shortly.

Freya Rock, Sentencing Academy, *Victim Personal Statements: A Review of Recent Research and Developments* (February 2024)

This report sets out the nature and role of Victim Person Statements ('VPSs') in England and Wales and examines key research findings between 2013 and 2023. Empirical research on the use of VPSs is very limited. The report makes recommendations relating to the VPS scheme, including renaming them to victim impact statements and increased flexibility in relation to when a VPS is taken. Recommendations for future research include understanding the reasons behind low notification and uptake rates, how VPSs are used by judicial officers, qualitative exploration with victims who have made a VPS to understand why, and their experiences and the impact a VPS has on an offender.

Victorian Sentencing Advisory Council, *Sentencing Occupational Health and Safety Offences in Victoria: A Statistical Report and Sentencing Occupational Health and Safety Offences in Victoria: Consultation Paper* (February 2024)

The Victorian Sentencing Advisory Council ('VSAC') is undertaking a review of sentencing of occupational health and safety ('OHS') offences. To support that review, VSAC released consultation paper seeking stakeholder feedback and a statistical profile of sentencing outcomes for OHS offences sentenced in Victoria between 1 July 2005 and 30 June 2021. The consultation paper sets out potential reforms to improve sentencing of OHS offences in Victoria and poses 19 questions to investigate issues such as the effectiveness and enforcement of sentences for OHS offences and the involvement of victims and their families in sentencing proceedings.

Magistrates Court Services, *Department of Justice and Attorney General, High Risk Youth Court Evaluation Report* (2023)

The evaluation of the High Risk Youth Court in Townsville is based on its operation from February 2017 to 30 June 2022. To provide a comparative lens, the evaluation included observations of 5 Childrens Courts at Beenleigh, Richlands, Brisbane, Mackay and Townsville, and analysis of lodgments of charges in those court locations over five years. It makes 5 recommendations, including to identify practice and administrative changes that would reduce the time of a matter in court, unnecessary adjournments and the length of time to finalisation (recommendation 3) and improvements in the (timeliness and relevance of) information provided to the court to assist judicial decision making and facilitate other engagement (recommendation 4).

Note: This report dated January 2023 was published in February 2024.

Matthew Goode, 'Sentencing with Mandatory Minima and Element Analysis', *Criminal Law Journal*, Vol 47(1) (2024)

This paper analyses the ACT Court of Appeal decision, *Hurt v the Queen* (2022) 18 ACTLR 272 and the method by which to calculate a sentence where the Parliament has legislated a mandatory minimum penalty. The case was concerned with Commonwealth child abuse material offences (*Criminal Code 1995* (Cth) ss 474.22(1)(a)(ii); 474.22(1)(a)(i); 474.22A(1)). On 23 June 2020, the *Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Act 2020* (Cth) came into effect, inserting a mandatory minimum penalty of 4 years' imprisonment for certain child abuse material offences when a person has previous a conviction for a child sexual abuse offence (ss 16AAA, 16AAB and 16AAC). This paper reviews the ACT Court of Appeal's examination of the 2 ways a mandatory minimum sentence may be calculated and the caselaw in other Australian jurisdictions.

Note: This decision was the subject of an appeal to the High Court which was dismissed. See above.

Calum A.F. Henderson and Melissa Bull, 'Sentencing and the Over-Representation of People With Cognitive Disability in the Australian Criminal Justice System', *Current Issues in Criminal Justice*, Vol 36(1) (2024)

This paper reports on a project which examined 34 sentencing remarks from Queensland's Supreme and District Courts between 2019 and 2021 in which a person with a cognitive disability was sentenced. Their aim was to identify 1) the characteristics of people with cognitive disability ('PWCD') and 2) the factors judges considered in sentencing of PWCD. Cognitive disability refers to a range of diagnostic labels, including neurodevelopmental disorders, intellectual disability and associated impairments, disorders of intellectual development and the characteristics and experiences of some people on the autism spectrum, with an acquired brain injury or foetal alcohol syndrome disorder. Researchers found judges conceptualise the subjectivities of PWCD in contradictory ways and this had the potential to contribute to the over-representation in the criminal justice system. Sentencing judges appeared to be navigating conflicts between different purposes of sentencing through consideration of apparently conflicting subjectivities of PWCD. In particular, trying to strike a balance between principles of community protection and rehabilitation.

Victims of Crime Commission (Victoria), *Silenced and Sidelined: Systemic Inquiry into Victim Participation in the Justice System* (2023)

The Victorian Commissioner undertook her first systemic inquiry focused on victim participation in the justice system. The Commissioner examined victims' experiences of participating in the justice system and whether new laws or policies are needed to help victims participate in keeping with what they are legally entitled to under the Victims' Charter Act 2006 (Vic) ('Victims Charter'). The report made 55 recommendations, including strengthening the victims' rights framework under the Victims' Charter and the Charter of Human Rights and Responsibilities Act 2006 (Vic) (recommendations 1, 2, 3, 5 and 6), enhanced standing and independent legal representation during criminal trials for victims of sexual offences (recommendations 22 and 33) and legislative amendments to enable victims to be consulted in relation to sentence indications in the higher courts (recommendation 36). The report further recommended that the Victorian Sentencing Advisory Council undertake a review of the sentence indications under the *Criminal Procedure Act 2009* (Vic) (recommendation 39) and made several recommendations relating to making Victim Impact Statements (recommendations 37, 38, 40, 41- 44).

Note: This report dated 2023 was published in March 2024.

Sentencing Council for England and Wales, *Aggravating And Mitigating Factors in Sentencing Guidelines and Their Expanded Explanations: Research Report* (March 2024)

The Sentencing Council for England and Wales is responsible for developing sentencing guidelines, assessing the impact of the guidelines on sentencing practice and promoting public confidence in the criminal justice system. Sentencing guidelines typically follow a stepped approach. Step 1, sentencers assess the offender's culpability and the harm caused by the offence and determine the sentence starting point and at step 2, any aggravating or mitigating factors are taken into account. Some of those factors have expanded explanations. The Council undertook research to assess how judicial officers interpret and apply the Council's expanded

explanations and test potential reforms to the guidelines. The research found judicial officers were using the guidelines and expanded explanations appropriately, however some factors such as good character and/or exemplary conduct highlighted identification and interpretation can be complex. For example, no previous convictions was sometimes conflated with good character. Focus groups were held on potential introduction of 3 new mitigating factors to the guidelines – pregnancy and maternity, deprived and/or difficult background or personal circumstances and prospects of or in work, training or education. The prevailing view was that these factors were already accounted for where appropriate, and it was unnecessary to formally include these in sentencing guidelines.

Debbie Kilroy, 'Beyond Bars: Toward Abolitionist Justice in Australia', *Griffith Law Journal*, Vol 11(2) (2023)

This article examines the carceral system in Australia, focusing on Queensland, Victoria and the Northern Territory. Using firsthand experiences and empirical data, it questions the efficacy of punitive measures the increased use of prison as responses to social issues. The article considers the disproportionate impact of incarceration on marginalised communities, particularly Aboriginal and Torres Strait Islander peoples and women. It explores alternatives to imprisonment, such as Participatory Defence, emphasising community empowerment and restorative justice principles. The author calls upon legal practitioners and policymakers to engage in transformative justice practices and envision a future without incarceration and punitive systems.

Australian Institute of Health and Welfare, *Youth Justice in Australia 2022–23* (March 2024)

This report presents information about the number and rate of young people under youth justice supervision in Australia during 2022–23. Key findings of the report include:

- On an average day in 2022–23, 4,542 young people aged 10 and over were under youth justice supervision in Australia and most were male (81%);
- Rates of supervision varied among the states and territories, from 4.7 per 10,000 in Victoria to 79 per 100,000 in the Northern Territory (in Queensland, the rate was 21 per 10,000);
- Of young people under supervision on an average day, 82% were supervised in the community, the remainder in detention;
- The number of young people under supervision on an average day fell by 20 per cent between 2018–19 and 2022–23;
- First Nations young people made up 57 per cent of those aged 10–17 under youth justice supervision on an average day (in Queensland this figure was 66%).

A *factsheet summarising key findings for Queensland* is available on the AIHW's website.

Other resources

Scottish Sentencing Council, *Community Sentencing Orders: Video* (January 2024)

The Scottish Sentencing Council released a video on community sentencing in Scotland with various contributors sharing their views and experiences. The short film includes interviews with an offender who was sentenced to a community payback order ('CPO') and a victims' expert who describes how community sentences are viewed by those who have been impacted by crime. A leading criminologist also provides detail on what a person is required to do under a CPO and how they compare to other types of sentencing orders, while a Sheriff talks about how sentencing decisions are reached. Lastly, the video includes an interview with a journalist on his experience as a crime reporter. This is the first in a series of videos planned for release about sentencing.

FOCUS ON: Community understanding and views of crime harm and sentencing

Janet Ransley and Kristina Murphy, *Working Paper on the Development of the Queensland Crime Harm Index* (March 2024)

This working paper describes a collaborative project between Griffith Criminology Institute researchers and the Queensland Police Service (QPS). The project's goal was to develop an evidence-based tool for QPS in the form of a Queensland Crime Harm Index.

The working paper draws on prior published and unpublished work conducted by team members and funded by QPS – updated and expanded for this review, at the request of the Queensland Sentencing Advisory Council. It reports on:

- existing research on crime harm and different ways it has been understood and measured;
- the researchers' approach to developing a Queensland Crime Harm Index and the results of phase 1 of that approach, a representative survey of community perceptions of crime harm in Queensland, and;
- the methodology for adjusting those results to incorporate a measure of community consensus or agreement on the harmfulness of particular crime types, to deliver a weighted Queensland Community Crime Harm Index (see Table 13 of the working paper, at pages 37 and 38).

House of Commons Justice Committee, *Public Opinion and Understanding of Sentencing* (25 October 2023)

The UK Government's Justice Committee held an inquiry to explore what the public knew about sentencing, how information is accessed and how understanding of sentencing might be improved. The inquiry also considered public opinion on sentencing and the extent to which it should inform sentencing policy and practice.

As part of the inquiry, a public survey was conducted with 2,057 adults in England and Wales about their knowledge and views on sentencing, as well as a deliberative engagement exercise with 25 adult participants conducted over 3 half-day sessions. The inquiry found 'a significant portion of the public do not know which bodies are responsible for deciding sentencing policy', with only 22 per cent of respondents identifying Parliament as responsible for setting maximum penalties for criminal offences.

The inquiry concluded that while public opinion is important, it must be informed. The Committee made 17 recommendations on a range of sentencing issues, including increased resources for the Sentencing Council of England and Wales to expand its communication work, and for the judiciary to consider adopting the model of press judges used in Finland and the Netherlands.

The Committee also recommended the Government review 'the statutory purposes of sentencing to consider whether greater emphasis should be placed on achieving justice for the victims of crime and their family'.

Read the responses to the Committee's report above in Academic articles and reports of interest: House of Commons Justice Committee, *Public Opinion and Understanding of Sentencing: Government and Sentencing Council Responses to the Committee's Tenth Report of Session 2022-23* (January 2024)

In case you missed it

The Queensland Sentencing Advisory Council released a research paper in April 2023, *Understanding of Sentencing: Community Knowledge of Sentencing Terms and Outcomes*. Findings included:

- Of the 66 Queenslanders who participated in focus group sessions, most people tended to overestimate their sentencing knowledge when it came to defining terms like 'life sentence', 'probation' and 'parole';
- Many people misunderstood 'life sentence' to mean the person would be in prison for the term of their natural life without the opportunity for release on parole, and most could not explain the difference between parole and probation;
- When asked to estimate imprisonment rates for burglary, murder and trafficking in dangerous drugs, participants generally underestimated the proportion of offenders who are sentenced to imprisonment (the correct figures are 40-49% for burglary, 100% for murder and 70-79% for trafficking in dangerous drugs);
- When asked to nominate the length of prison sentences for these 3 offences, most people tended to underestimate the minimum time to be spent in prison (based on the parole eligibility) for burglary and murder, but to overestimate the length of time to be served for trafficking in dangerous drugs (with the assumption that drug traffickers are typically a 'king pin');
- Participants' understanding generally changed throughout the focus group session as they learned more and discussed different scenarios.

Current research

As part of its current review of sentencing practices for sexual assault and rape, the Queensland Sentencing Advisory Council has commissioned the University of the Sunshine Coast to undertake research exploring community views. The research aims to explore:

1. What the community views are about the importance specific sentencing purposes in sentencing for sexual assault and rape offences; and
2. How the community ranks the seriousness of sexual assault and rape offences in comparison to other offences in Queensland.

The findings will be published later this year once this research has been finalised.

For more information about the Council's review, *visit our website.*