

Queensland Sentencing Advisory Council

2020-21 Annual Report

Accessibility

The report provides detailed information about the Queensland Sentencing Advisory Council's non-financial performance for 2020-21.

Information about the Council's financial performance is available in the Department of Justice and Attorney General's annual report 2020-21 available via www.justice.qld.gov.au.

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

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



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

If you have difficulty in understanding the annual report, you can contact us by phone on (07) 3738 9499 or 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 2020-21.

Feedback

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

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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 have passed away.

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

Our location

Level 25
State Law Building
50 Ann Street Brisbane, Queensland 400

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Statement of compliance

Monday, 16 August 2021

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 Annual Report 2020-21 for the
Queensland Sentencing Advisory Council.

I certify this annual report complies with the detailed requirements set out in the Annual Report
Requirements for Queensland Government agencies.

A checklist outlining the annual reporting requirements can be found on page 33 of this annual report.

Yours sincerely



John Robertson
Chair
Queensland Sentencing Advisory Council

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Queensland Sentencing Advisory Council

From the Council Chair and Director

Another mighty year has come and gone in the life of the Council. We have all - the Council, the Aboriginal and Torres Strait Islander Advisory Panel and the Secretariat - worked together well to overcome the challenges of a post-COVID world, continuing to work remotely when needed, and planning around COVID restrictions and considerations.

The rest of this report documents the key outcomes we achieved together in 2020-21. We particularly wanted to spend some time in this section of the report thanking our many stakeholders for their continuing support of our work, without which we would not have delivered on what we set out to do at the beginning of the year.

Firstly to our legal stakeholders, who have given so generously of their time in meeting and consulting with us on various projects, we are indebted to you. In these busy times it is no mean feat to sit down and review an Issues Paper or a draft report to give meaningful and considered feedback in the timeframes we set. This is an opportunity for the work of the Council to properly reflect the reality of the sentencing task, the perspectives of all those who play a role in delivering a just and fair system – police, legal advocates, prosecutors, judges and magistrates, Corrections officers and Parole Board representatives – have all contributed in large and small ways to ensure the Council is on track to provide credible and effective advice about sentencing.

To our non-legal stakeholders, such as the workers unions who engaged with us on the Terms of Reference on sentencing for assaults on public officers, victims of crime representatives who gathered stories from people who experience crime firsthand, and the many teachers across Queensland who we engage with when we deliver *Judge for Yourself* to school groups. These contributions to our work are considerable and we continue to be grateful for the work that is done to assist the Council and gather information on our behalf.

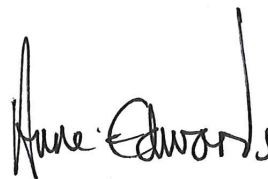
And to the public service network – everyone who provided officer-level support in providing submissions on our References, or data and information for us to undertake sentencing analyses. Many of these people are working tirelessly behind the scenes to keep the wheels turning. We thank you for your diligence and effort to deliver critical public services to Queenslanders and to contribute to our work as well.

With deep gratitude, we acknowledge the work of our Council members who devote precious time from their work lives to shape recommendations, contribute their knowledge and experience and share the tasks of delivering on the Council's functions. To our Advisory Panel members who give so much of themselves to represent their communities and do justice to their mob – again, our thanks. And to the members of the Secretariat itself, who work on behalf of the Council to see all of this realised, we recognise the many hours of effort that goes into running the operational side of the Council, ensuring we have what we need, and for your great creativity in producing materials.

We have much to be grateful for. This small group of dedicated people are in a truly unique position to contribute to the criminal justice system in Queensland. We love engaging with the community, speaking with stakeholders, undertaking research and policy analysis and delivering on our functions. And we look forward to doing so for many years to come.



John Robertson
Chair



Anne Edwards
Director

About us

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

Re-established in May 2016 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 has a full complement of 12 members who are appointed by the Governor in Council on recommendation of the Attorney-General. Members are accountable to the community and to the Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence, the Honourable Shannon Fentiman MP. Members' fields of expertise include legal professionals and community advocates with extensive experience across criminal law, domestic and family violence, victims of crime, Aboriginal and Torres Strait Islander justice issues and youth justice.

Established in 2018, the Council's Aboriginal and Torres Strait Islander Advisory Panel plays an essential role in assisting us to understand the over-representation of Aboriginal and Torres Strait Islander peoples in Queensland's criminal justice system.

Since its introduction, the Advisory Panel has given a stronger voice to Aboriginal and Torres Strait Islander communities, helping to build the Council's knowledge of the implications of sentencing, sharing how Aboriginal and Torres Strait Islander communities are affected by criminal justice responses, and providing insight and specialised advice into what changes might be made to improve outcomes for First Nations Peoples. The Advisory Panel has up to eight members.

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

Operating environment

The Council's role within Queensland's criminal justice system and broader community is maturing, as strong interest in sentencing matters continues.

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

The Council performs an independent role in providing advice on sentencing reform, which has a broader impact on Queensland's criminal justice system.

Response to the COVID-19 pandemic

We have adapted to a new way of operating in light of the COVID-19 pandemic.

Through remote working practices and enhanced use of technology to connect and share information with stakeholders and the community, the Council and Secretariat continue to operate under challenging constraints to deliver on our core functions in a cost-effective and responsible manner.

Response to the Queensland Government's objectives for the community

The Queensland Sentencing Advisory Council's Strategic Plan 2020-22 outlines our priorities for the community under the strategic pillars of inform, engage and advise.

The Council's strategy supports the Queensland Government's objectives for the community which are built on the *Unite and Recover – Queensland's Economic Recovery Plan*, a plan to combat the long-term challenges created by the COVID-19 pandemic.

Human Rights

The Council continued its work to ensure compatibility with the *Human Rights Act 2019* during the 2020-21 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 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 Queensland Sentencing Advisory Council released its updated 2020-22 Strategic Plan in February 2021.

Consultation and engagement by the Council and Secretariat to better understand our position as an authority on sentencing matters helped to inform the plan which reflects our desire to contribute to just sentencing outcomes and to bridge knowledge gaps across the Queensland community.

The achievements outlined in this report are a direct result of the Council successfully executing its strategic objectives.

Opportunities and challenges

We recognise the opportunities and challenges associated with delivering on our Strategic Plan.

These include prioritising the needs of Aboriginal and Torres Strait Islander peoples while building a strong understanding of the implications of sentencing for First Nations Peoples, growing our partnerships to progress dialogue and understanding on key sentencing issues, funding constraints, managing the continuing impacts of the COVID-19 global health pandemic, and ensuing the provision of quality research supporting community understanding of sentencing trends.

Our Strategic Plan seeks to manage these challenges by partnering with key stakeholders and developing our products and services, while providing timely, impartial, independent advice on sentencing matters.

COVID-19 pandemic response

The COVID-19 pandemic has had a significant impact on Council and Advisory Panel members, staff, and our services and initiatives. At the same time, our response to the pandemic has produced innovations in our work.

During our initial response to COVID-19, we temporarily paused our community engagement activities in line with state government health requirements.

Our COVID-19 response provided further opportunities to focus on the safety and wellbeing of our people. We embed safety messaging in everyday practices to promote

occupation health and safety and to ensure our people stayed mentally and physically safe.

Access to data

The Council does not have direct access or control of Queensland criminal justice data; we rely on other agencies to provide relevant data to undertake our statutory functions.

We have worked to cultivate strong relationships with relevant agencies to ensure data is used and interpreted appropriately. The Council acknowledges that other agencies are impacted by their own resources and priorities 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 sourcing alternative information.

The Council's Secretariat invests a significant amount of time 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, sentences and victims linked to those sentences, as well as some measures of recidivism.

Attitudes to sentencing

With significant interest from the community and media on criminal justice issues, sentencing outcomes and victim impacts, the Council is committed to increasing public knowledge and understanding of sentencing.

The Council strives to ensure high quality, accurate and engaging information is developed to improve community understanding and to challenge misconceptions about sentencing that can exist in the community. While we cannot comment on individual cases, the Council provides information to the community on sentencing issues and trends in a range of ways, including through media commentary, and is seen as a reliable and independent commentator. This work provides opportunities to help the community to understand and have confidence in sentencing.

Our annual reputational survey provides insights into how our stakeholders view the credibility of the Council and its 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 91 responses to the survey, including from community members, teachers, representatives of government agencies, and legal and academic stakeholders.

Geographical scale

The geographical scale of Queensland and our decentralised population provides challenges in engaging with all Queenslanders.

The Council has fostered a range of innovative and accessible resources to address these obstacles. Our website is the primary medium for disseminating sentencing information and has several interactive elements to make the site more engaging.

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

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.

As our members have professional careers and responsibilities outside their involvement with the Queensland Sentencing Advisory Council, it can prove challenging to find time to devote to the Council's projects and initiatives.

Members are sometimes promoted or moved in their professional roles, presenting a challenge to the organisation. Vacancies within the Council or the Panel sometimes require readjustment to working and governance arrangements.

Attracting and retaining skilled Secretariat staff

The unique nature of the Council's work relies on specialist skills – research and statistical analysis, legal policy and media and community engagement – that are not always easy to attract, recruit and retain.

Plans and priorities for 2021-22

The Strategic Plan 2021-22 outlines the Council's vision for just sentencing and community understanding in Queensland.

Having experienced the versatility offered by technology through the COVID-19 pandemic, the Council will continue to 'virtually' bridge the geographical distance of our state to connect and engage with communities in regional and remote areas.

The establishment of a Community Connection Group (CCG) later in 2021 with representation from across Queensland will provide the Council with a proactive forum for consultation, engagement and insight in regional, rural and remote areas.

Judge for Yourself presentations and a new presentation on *Maximum and mandatory penalties in Queensland*, will provide important engagement opportunities - available as face-to-face sessions in the South-East region and online for those further afield.

Further development of educational resources and information about sentencing matters will occur over the upcoming period to help instil community confidence in sentencing, as will improving our understanding of community views on sentencing matters and the implications of sentencing for First Nations people.

In a first for the Council, we will publish a dedicated guide to the sentencing of children in Queensland. This will complement the existing Queensland Sentencing Guide which focuses on the sentencing of adults.

The Council will be strongly focused on delivering a response to the Terms of Reference issued by the Attorney-General on the serious violent offences (SVO) scheme. The Council's final report is due to be submitted by 11 April 2022.

Over the next twelve months, we will build on our research resources and publications, including our *Sentencing Profiles* and *Case in Focus* series, which will continue to deliver statistics on sentencing outcomes for various offence categories and summarise points of law and sentencing principles in interesting appellate court decisions.

The conclusion of the 2021-22 Strategic Plan coincides with the end of the current Council members' terms of appointment.

Inform

Promote community understanding of sentencing

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

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.

Our *Sentencing Profiles* series is available to read and download for free on our website. During the 2020-21 financial year, the Council released two *Sentencing Profiles*.

The *Baseline report: the sentencing of people in Queensland* brought together 14 years of data, framing a solid picture of the people and offences sentenced across the state, as well as the penalties imposed by the courts. The report presented detailed facts about offending patterns, trends in offences and recidivism, and descriptions of sentencing outcomes.

Connecting the Dots: the sentencing of Aboriginal and Torres Strait Islander peoples in Queensland examined courts data for cases involving Aboriginal and Torres Strait Islander peoples sentenced in Queensland between July 2005 and June 2019. Unique to this *Sentencing Profile* was the inclusion of insights and reflections from members of the Council's Aboriginal and Torres Strait Islander Advisory Panel.

Examining sentencing issues through data

During Domestic and Family Violence Prevention month in May 2021, the Council released its first paper in a new *research brief series*, which explores the impact of domestic violence as an aggravating factor on sentencing outcomes.

Examining the difference in sentencing outcomes for cases involving common assault or assault

occasioning bodily harm (AOBH) revealed cases sentenced in Queensland criminal courts as domestic violence offences were more likely to result in custodial penalties compared to non-domestic violence cases.

The Council will release future papers in the research brief series answering specific research questions on sentencing issues in Queensland.

Supporting Terms of Reference reviews

A significant amount of time and resources is devoted to advising the government on Terms of Reference reviews, when requested.

In the 2020-21 financial year, the Council provided advice on [The penalties for assaults on police and other frontline emergency service workers, corrective service officers and other public officers](#).

The Council made 13 recommendations in response to the Terms of Reference, with the final report publicly released in October 2020.

In April 2021, we were asked to review the [serious violent offences \(SVO\) scheme](#) by the Attorney-General. Among a range of other work undertaken for this Reference, the Council has commissioned a literature review by the University of Melbourne to provide a broader understanding about the effectiveness of minimum non-parole period schemes for serious violent, sexual and drug offenders and evidence-based approaches to community protection, deterrence and rehabilitation. We are to report on our findings and recommendations by 11 April 2022.

Australian Institute of Criminology report

A report by our Council and staff '[Sentencing for child homicide offences: Assessing public opinion using a focus groups approach](#)', was published by the Australian Institute of Criminology in June 2021.

Building on the existing literature on public attitudes to the criminal justice system, this study aimed to explore community views on this issue using a focus group methodology. A group of 103 participants was recruited by a market research company from a mix of urban and rural locations in Queensland.

After completing a series of questionnaires, participants were assigned a 'punitiveness score' and assessed the seriousness of three separate child homicide vignettes.

The study found that the vulnerability and defencelessness of the child victim was consistently raised as a key consideration when assessing the suitability of sentences imposed, as well as the nature of the offence and the conduct of the offender.

Online sentencing trends tool

In January 2021, the Council launched its first online [Sentencing Trends tool](#), going beyond the usual web browsing experience to help the community find accurate information about sentencing.

The first two data sets available on the Sentencing Trends resource cover a 14-year (2005–06 to 2018–19) and a 15-year (2005–06 to 2019–20) sentencing period.

The resource includes interactive graphs and information to support people in exploring sentencing trends for adults and children. Short summaries of each chart provide context for the data which can be filtered to help personalise what people are looking for.

The online tool is user-friendly and easily accessible for all Queenslanders.

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

Doing Justice Differently

The Council added to its [Doing Justice Differently series](#) in October 2020, when it released an animated video focusing on sentencing in the [Murri Court](#).

A culturally appropriate court process, the Murri Court respects and acknowledges Aboriginal and Torres Strait Islander cultures while also supporting individuals to understand the personal and cultural circumstances that might have contributed to their offending.

In developing the *Doing Justice Differently* series and working with the specialist courts and community groups, we are focusing attention on the many ways the court system is working to invest in people to keep communities safe.

The Council's innovative work in this space received recognition at the Department of Justice and Attorney-General's Strategic Policy and Legal Services annual divisional award ceremony. The *Doing Justice Different* series, specifically the Murri Court animation, received a highly commended award in the 'Partnership' category.

Progressing sentencing dialogue and research

By attending and presenting at key conferences and symposiums, the Council is able to share the results of its research with interested stakeholders.

During 2020-21, members of the Council and Secretariat attended fewer events than in previous years due to COVID-19-related cancellations. Despite this, Council members and Secretariat staff attended six in-person and online conferences and symposiums – presenting at four of those events.

Our attendance and participation builds on, and promotes, our sentencing research and policy work, and provides opportunities to discuss and learn about sentencing matters with community members and other leaders in sentencing.

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

The Council and the Queensland University of Technology have postponed a collaboration to hold a national conference on sentencing. It was agreed that the conference was not viable due to the challenges presented by the COVID-19 pandemic, including restrictions on indoor gatherings and interstate and international travel.

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

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

We actively engage with government organisations, police, the judiciary, victims and families, legal stakeholders, the media, the community and individuals, to understand or respond to emerging issues, with strategic consideration given prior to the Council's response.

Promote our role as a sentencing commentator

Sentencing guide expanded and simplified

Acting on feedback from stakeholders and community members, the Council released a new version of the *Queensland Sentencing Guide* in January 2021.

The new edition of the Guide is easier to understand, clarifying the sentencing process for adults, and making the information more accessible for the community.

Available for free from the Council's website, the Guide explains how the state's courts operate, the different types of courts, how sentences are decided when a person has been found guilty of an offence, different penalty types (from absolute discharge and fines to imprisonment and other orders), information about parole and sentence appeals.

The Council will release a specific guide on the sentencing of children in the later part of 2021, bridging a gap in publicly available information.

Contributing to broader sentencing commentary

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

Of note in 2020-21 was Council Chair John Robertson's interview with *The Australian* on restorative justice options in Queensland. The article responded to a youth sentencing issue unfolding in Queensland and focused on a restorative justice approach.

Another public discussion of note involved Mr B Costello, Council member, Chair of the Aboriginal and Torres Strait Islander Advisory Panel, Wakka Wakka man and Elder in the Cherbourg community, and Chair John Robertson, providing interviews across Queensland media about Aboriginal and Torres Strait Islander peoples overrepresentation in the criminal justice system.

Working with the media

2020-21 has seen many opportunities for the Council to comment on emerging sentencing matters or discuss the Queensland criminal justice system with media professionals.

We have received significant local and national coverage from traditional and new media outlets

including *The Australian*, *The ABC*, *The Courier Mail* and *Brisbane Times*, Channels 7, 9 and 10 News, and 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 better understand community perceptions of sentencing and to raise awareness about the sentencing process.

During the past financial year, we delivered 18 face-to-face *Judge for Yourself* sessions to schools and community groups in south-east Queensland – engaging with almost 450 people. We delivered our first virtual *Judge for Yourself* session to 10 TAFE South Brisbane students in May.

We recorded more than 6,420 online *Judge for Yourself* interactions, where individuals answer at least one question within the *Judge for Yourself* platform hosted on the Council's website.

To further develop the next generation's understanding of sentencing, the Council worked with Queensland education and curriculum experts to develop four workbooks to support the four *Judge for Yourself* programs for secondary school students.

The resources step teachers through how to conduct a *Judge for Yourself* session with their class over two lessons and provide learning exercises that focus on key curriculum areas using legal principles from each court case. This allows teachers – especially those in rural and remote areas – to effectively engage with the Council's resources.

Digital engagement

One year into the Council's strategy to further strengthen understanding of sentencing across the state, particularly in regional and remote areas, the Council continues to place the community and stakeholders at the centre of its revised digital engagement strategy.

Under this strategy, this year we have seen a 22 per cent increase in Facebook followers, a 14.4 per cent increase in Twitter followers and 91,266 unique web page views.

Our electronic newsletter, *Inform*, has also been positively received, with a 24.9 per cent increase in subscribers.

In a first for the Council, a targeted electronic newsletter was developed to keep interested stakeholders informed about The penalties for assaults on police and other frontline emergency service workers, corrective service officers and other public officers Terms of Reference review.

Strengthen stakeholder networks to enhance our work

Stakeholder Engagement Framework

Our updated Stakeholder Engagement Framework guided the Council's interactions with individuals and organisations and ensured its engagement was meaningful. The framework explains how engagement promotes continuous improvement towards achieving our strategic objectives.

In 2020-21 the Council's work and activities benefited from:

- Convening a stakeholder consultative forum with representatives from the judiciary, legal profession and key government agencies, to share information and discuss sentencing issues.
- Consultations conducted with subject matter experts in relation to our Terms of Reference on the serious violent offences (SVO) scheme.
- Periodic meetings with key members of the judiciary to share information about the Council's work and understand any concerns relating to community understanding of sentencing.
- Regular officer-level meetings with Magistrates Court Services and the Supreme, District and Land Courts Services to share information.
- The provision of pre-briefings to key stakeholders and the media before the public release of the *Penalties for assaults on public officers: Final Report*.
- 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 matters.
- Participating in the Streamlining Criminal Justice Committee.

Obtaining views

Our multi-pronged approach to obtaining community views about sentencing, allows the Council to gain insights from a diverse intersection of the state's population.

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

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 overrepresentation 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 2020-21 period, our Advisory Panel also assisted us to connect with community Elders involved with Community Justice Groups to seek much valued cultural guidance and advice on the development of the Murri Court animation project.

Advise

Provide evidence-based advice on sentencing

Respond effectively and professionally to all Terms of Reference

Penalties for assaults on public officers

The Council was asked in December 2019 by the then Attorney-General and Minister for Justice, the Honourable Yvette D'Ath, to review [the penalties for assaults on police and other frontline emergency service workers, corrective service officers and other public officers.](#)

The Terms of Reference recognised assaults on frontline public officers continue to raise concern in the community for the safety of these officers as well as the adequacy of penalties imposed on offenders convicted of these offences.

The review concluded with the Council recommending important changes to the structure of offences and penalties for assaults in the workplace, making 13 recommendations to the state government.

The proposed changes acknowledge the unique occupational vulnerability of frontline and emergency workers through a stand-alone Criminal Code offence while giving express legislative recognition to the increased seriousness of assaults and other forms of violence on any person who is vulnerable because of their job, no matter what their job is, through the introduction of a new aggravating factor.

A 2020 election commitment has been made to implement all the Council's recommendations.

Serious Violent Offences (SVO) scheme

The Council has been 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, for our advice on the SVO scheme.

The Terms of Reference ask the Council to consider a number of matters related to the SVO scheme in 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 victims' satisfaction with the sentencing process.

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 and its review of community-based sentencing orders, imprisonment and parole options.

The Council is working on an Issues Paper, to be publicly released in September 2021, and must deliver a final report with its findings and recommendations to the Attorney-General by 11 April 2022.

Previous recommendations enacted

In September 2020, the Queensland Parliament passed the *Criminal Code (Child Sexual Offences Reform) and Other Legislation Amendment Act 2020*. This Act 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.

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, the latest cases in the series involve matters where an SVO declaration was made.

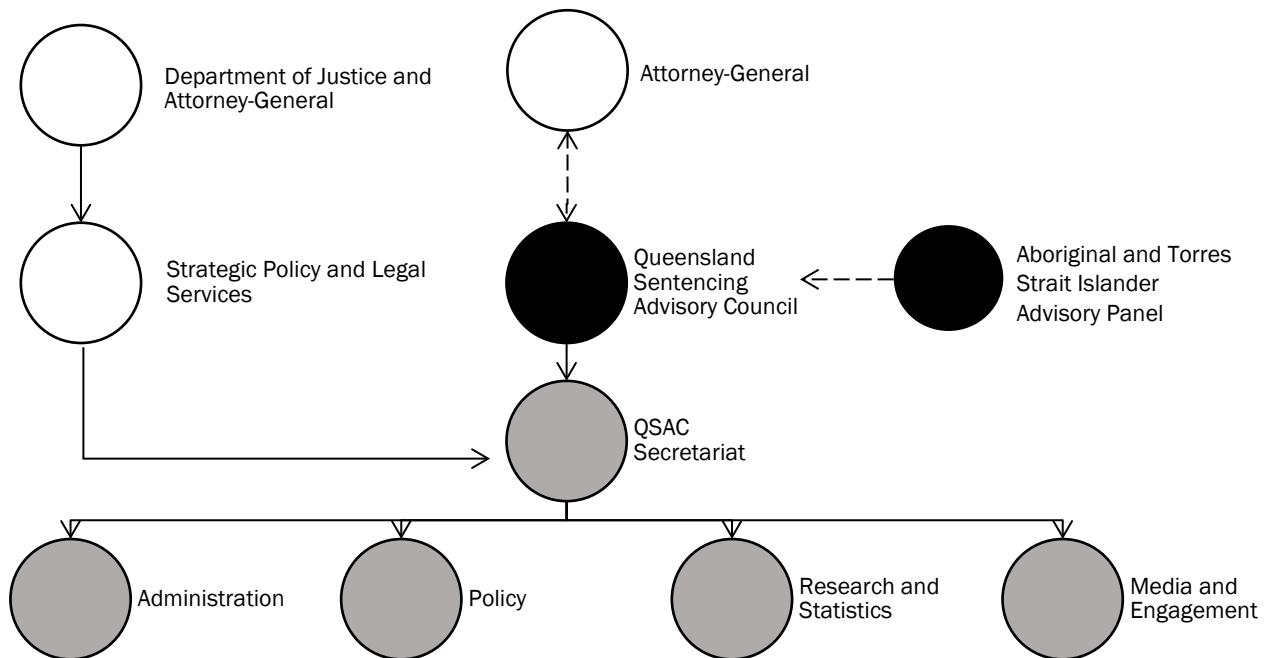
Case in Focus is another way the Council is working to promote community understanding of sentencing matters.

Provide views to the Court of Appeal, if asked, about guideline judgements

The Council was not asked by the Court of Appeal to give advice on a guideline judgment during the 2020-21 financial year. However, during 2022-21 the Council agreed on a process for responding to such a request, should one ever be made.

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 three years.

In July 2020, Kathleen Payne resigned from the Council following her appointment to the Magistrates Court.

Boneta-Marie Mabo was appointed to the Council in May 2021, bringing the number of Council members back to a full complement.

All Council members are currently appointed until July 2022.

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

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

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

Individual Council members also nominate for additional responsibilities on Project Boards, playing an important governance role on key Council projects, such as responding to Terms of Reference. The role of Project Board participants is to monitor the progress of projects, manage

risks, make key decisions about the Council's approach, and support Secretariat staff in 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 was reviewed and updated in March 2021 and is available via the [Council's website](#). Advice was sought prior to the updating of the Code of Conduct from the Legal Advice and Advocacy Unit within the Department of Justice and Attorney-General (DJAG), and the updated version of the Code of Conduct aligns with the advice provided.

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 2020 and June 2021, with one extraordinary meeting occurring during this period.

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

Name	Position	Attendance	Approved annual fee	Actual fees received	Out of pocket expenses
John Robertson	Chair	12	\$6,240	\$6,480	\$960.20
Elena Marchetti	Deputy Chair	8	\$4,800	\$4,984.74	
Jo Bryant ¹	Member	10	\$4,800	0.00	
Mr B Costello*	Member Chair, Aboriginal and Torres Strait Islander Advisory Panel	7			\$335.20
Boneta-Marie Mabo ¹	Member (Appointed in May 2021)	1	\$4,800	0.00	
Debbie Kilroy OAM	Member	9	\$4,800	\$4,984.74	
Philip McCarthy QC*	Member	8			
Kathleen Payne	Member		\$4,800	\$369.24	
Katarina Prskalo*	Member	9			
Dan Rogers	Member Project Sponsor, Serious Violent Offences (SVO) ToR	9	\$4,800	\$4,984.74	
Cheryl Scanlon APM*	Member Project Sponsor, Penalties for Assaults ToR	7			
Warren Strange	Member	10	\$4,800	\$4,984.74	
Helen Watkins	Member Project Sponsor, Intermediate sentencing options and parole ToR	12	\$4,800	\$4,984.74	\$67.00
TOTALS			\$44,640	\$31,773	\$1,362.40

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

¹ The variance between the approved fee per meeting and the actual fees received is due to delayed processing of payments and the pay cut-off period for the 2020–21 financial year. Remuneration will be achieved in the 2021–22 financial period through additional payments to the 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 was appointed as the Regional Visiting Manager Sunshine Coast, Community Visitor Program, Office of the Public Guardian in July 2019, managing a team of local Community Visitors and advocates on behalf of vulnerable children and young people in care and adults with impaired capacity. She was the CEO of Protect All Children Today Inc., from September 2004 to July 2019, a not-for-profit organisation that supports children and young people aged 3–17 required to give evidence in criminal court hearings as victims or witnesses to crime. Jo has consistently advocated for vulnerable people’s rights and facilitated change through evidence-based feedback. Jo received the 2018 Professional Nongovernment Child Protection Week Award and became a Commissioner of Declarations in 2007.

Mr B Costello, Chair of the Aboriginal and Torres Strait Islander Advisory Panel²

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 had 30 years’ experience with Education Queensland. Mr Costello was Principal at the Silver Lining School in the South Burnett and was 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. He 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.

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

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

² Mr Costello passed away in September 2021.

criminalised and imprisoned women and girls in order to change the face of justice in this country.

Boneta-Marie Mabo

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

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.

Dan Rogers

Dan is Principal at private criminal defence firm Robertson O'Gorman Solicitors. He is a Queensland Law Society accredited criminal law specialist and represents clients as a solicitor-advocate in all court levels across Queensland. He is published in various legal texts and journals on criminal law. Dan is also President of the Caxton Community Legal Centre, an organisation that supports vulnerable people facing the criminal justice system. Dan is a member of the Queensland Law Society Ethics Committee and is the Chair of the Queensland Law Society Human Rights and Public Law Committee.

Cheryl Scanlon APM

Assistant Commissioner Scanlon was appointed to the Queensland Police Service 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 33 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 Anastacia 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. More than 30% of knowmore's clients identify as Aboriginal and Torres Strait Islander peoples. In this, and other previous roles, including as the Director of Criminal Law at Legal Aid Queensland from 2004 to 2010, Warren has considerable experience working with client groups experiencing vulnerability and disadvantage, including youth and homeless people. Prior to joining knowmore Warren was the Assistant Commissioner, Misconduct at the Crime and Misconduct Commission (as it was then known).

Helen Watkins

Helen is a criminologist and psychologist dedicated to excellence in forensic and clinical assessment and treatment. She was a member of the Parole Board Queensland, and a member of the former Queensland Regional Parole Boards and the Mental Health Review Tribunal. Helen operates a private practice offering criminological and psychological services in Australia and internationally. Helen previously worked as a psychologist in maximum- and high-security correctional centres in South East Queensland where she conducted intensive risk assessment and treatment of offenders in custody.

The Aboriginal and Torres Strait Islander Advisory Panel

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

The Panel consists of independent members who provide expert advice to the Council as it works to understand the over-representation of First Nations peoples in Queensland's criminal justice system.

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 six times between July 2020 and June 2021, with one extraordinary meeting occurring on 8 December 2020.

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

Name	Attendance	Approved fee per meeting	Actual fees received	Out of pocket expenses
Mr B Costello* (Council Member/Chair)	4			
Laurie Bateman*	2			
Raymond Harrison	4	\$150	\$900	
Boneta-Marie Mabo ¹	6	\$150	\$1,200	
Stephen Tillett*	3			
Graham White ¹	7	\$150	\$1,650	
TOTALS		\$450	\$3,750	

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

¹ The variance between the approved fee per meeting and the actual fees received is due to delayed processing of payments and the pay cut-off period for the 2019–20 financial year. Remuneration was achieved in the 2020–21 financial period through additional payments to the affected members.

Advisory Panel membership³

Mr B Costello, Chair of the Aboriginal and Torres Strait Islander Advisory Panel⁴

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 19 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 Brewarinna, 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 Mabiliaug, 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 20 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 man through his grandmother's connection to the Taroom Mission and then at the Woorabinda Mission. He is currently the Director of Sector Engagement and Communications at the Aboriginal and Torres Strait Islander Legal Service, Brisbane. His role is progressing engagement and communications with Aboriginal and Torres Strait Islander communities, legal sector stakeholders and the human services sector to improve outcomes for clients state-wide. Graham has worked in Queensland Government for more than 15 years, in roles that have involved policy, program, human resources and service delivery to Aboriginal and Torres Strait Islander communities. Graham is an active participant in mainstream and Aboriginal and Torres Strait Islander community organisations as a director, manager, coach and member.

³ Biographies are provided by the individual and do not reflect the Council as a whole.

⁴ Mr Costello passed away in September 2021.

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

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, 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 to strengthen the Council’s corporate reputation, enhance community and stakeholder comprehension and engagement, and support overall Council objectives.

Strategic workforce planning and performance

During the last financial year, the Queensland Sentencing Advisory Council did not undergo any formal organisational changes.

In the wake of the COVID-19 health pandemic several day-to-day business practices and long-term projects were modified or suspended to ensure the health and safety of the Council, Secretariat and the community.

Health and wellbeing

A holistic approach is taken to support the health and wellbeing of the Secretariat to ensure the team is high-performing and can meaningfully contribute to Queensland sentencing reform and discussion.

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

Focusing on empowering people to create a safe working environment, Secretariat staff are made aware of health and safety arrangements that reduce the number of preventable workplace injuries. Available through the Department of Justice and Attorney-General’s online learning system, Evolve, staff undertake mandatory training on ergonomics, 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, subject to operational requirements, such as part-time work, career breaks, telecommuting, variable work hour lengths and patterns, and access to leave. This 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

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

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

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

During 2020-21 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 2020-21.

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 five values are:



Customers first

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



Ideas into action

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



Unleash potential

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



Be courageous

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



Empower people

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

Our risk management

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.

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 PRINCE (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 re-approved by the Council in December 2020.

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 2020-21, 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 December 2020. 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 *Penalties for assaults on public officers: Final Report* responding to the Terms of Reference from the Attorney-General was delivered on 31 August 2020.

Number of recommendations accepted

There were 13 recommendations arising from the Council's *Penalties for assaults on public officers: Final Report* which the Queensland Government committed to implement in the lead up to the 2020 state election.

We consider sentencing impacts on First Nations peoples

The Council strives to understand and address the drivers of over-representation of Aboriginal and Torres Strait Islander people in the criminal justice system.

This includes better understanding of how Aboriginal and Torres Strait Islander people are affected by current justice system responses and considering 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 in 2018 to provide independent expert assistance and support to the Council when working with Aboriginal and Torres Strait Islander communities.

The Advisory Panel meet every two months and is instrumental in sharing with the Council the realities of First Nations people's experiences with the criminal justice system.

Number of products designed with, about and for First Nations peoples

During 2020-21 financial year, the Council developed and launched several resources to inform First Nations peoples and others about sentencing.

***Doing Justice Differently* – Murri Court**

We produced an animated video on the Murri Court as part of the *Doing Justice Differently* series.

The Council collaborated with the Aboriginal and Torres Strait Islander Advisory Panel, with valuable input provided by the Brisbane Murri

Court and the Brisbane Murri Elders Community Justice Group, Brisbane Murri Court Magistrate Tina Previtara, and the Court Innovation Program's Indigenous Justice Program.

The five-minute video shows how through the Murri Court process, before a defendant is sentenced, they are encouraged to take responsibility for their offending, reconnect with community and increase their awareness of the consequences of their actions for victims and the community.

Connecting the dots – sentencing of Aboriginal and Torres Strait Islander peoples in Queensland

Released in March 2021, *Connecting the dots: The sentencing of Aboriginal and Torres Strait Islander peoples in Queensland*, examines trends and patterns in the sentencing of Aboriginal and Torres Strait Islander peoples.

Unique to *Connecting the dots* is the inclusion of insights and reflections of members of the Council's Aboriginal and Torres Strait Islander Advisory Panel which lend a personal context to the statistics and give a greater understanding of why the report findings are significant.

Waka Waka man, Council member and Chair of the Aboriginal and Torres Strait Islander Advisory Panel, Mr B Costello, believed explaining the broader context of why Aboriginal and Torres Strait Islander peoples might offend and the factors that may impact their sentencing is key to understanding over-representation in the criminal justice system.

Annual feedback on quality

The Council's annual reputational survey was carried out in June 2021. The online survey resulted in 91 responses which will assist the Council in improving areas that are identified through this feedback.

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

Judge for Yourself and online interactions

In the last financial year, the Council has presented 18 face-to-face sessions in South-East Queensland to community groups and high school students. Council resumed face-to-face

presentations in October following a relaxation of COVID-19 restrictions.

In 2020-21 *Judge for Yourself* received 6,421 online interactions, 10,929 unique page views, and 15,628 standard page views.

Number of media and other citations

The Queensland Sentencing Advisory Council received more than 318 media mentions in 2020-21 across print, radio, television and online publications.

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

Social media reach

Connecting with our key stakeholders and the Queensland community through digital platforms is an increasingly important way the Council can deliver on its strategic objectives.

In the past financial year, we have seen:

- Facebook followers increase by 226 users or 22 per cent to 1,252 followers
- Twitter followers increase by 109 users or 14.4 per cent to 867 followers
- The Queensland Sentencing Advisory Council website received 91,266 unique page views – a 10.5 per cent increase on the previous year. The *Judge for Yourself* platform received 10,929 unique page views, while 'Maximum penalties' was the most visited webpage for the Council with 11,619 unique page views.

Inform subscribers

In the 2020-21 financial year, the electronic newsletter, *Inform*, generated a 24.9 per cent increase in subscribers – attracting 166 new followers.

Services delivered within budget

In 2020-21 the Council received an allocated budget of \$1,676,300 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 \$1,650,199 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 2020–21 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 2020–21 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.
PRINCE	Projects in Controlled Environments
PSA	<i>The 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.

2020-21 citation list

Journal articles:

- Dr Melissa Hamilton, 'The Effectiveness of Sentencing Options: A review of key research findings', *Sentencing Academy* (January 2021)
- Clara Herz, 'Striving for Consistency: Why German Sentencing Needs Reform' (2020) 21(8) *German Law Journal* 1625
- Lorana Bartels Ed, Sentencing Review 2019-2020, *Criminal Law Journal* (2020) 44.
- Joseph Lelliott et al, 'More Scope for Murder: Reckless Indifference in Queensland Criminal Code', *Criminal Law Journal* (2020) 44
- Gabrielle Wolf et al, 'Towards a Coherent Sentencing Jurisprudence for Animal Cruelty Offences', *Australian Law Journal* (2021) 95
- Athula Pathinayake, 'Electronic monitoring: A first step towards an integrated correctional system', *Australian Bar Review* (2020) 49
- Debbie Kilroy AOM, '#FreeHer: Reducing the number of women on remand', PRECEDENT 161 (November/December 2020)
- Isabella K. Damaris et al, 'Gendered judicial discourse in the sentencing of sexual offenders: a new explanatory model', *Current Issues in Criminal Justice* 33(2) (2020)

Legal judgements:

- McGrath and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs (Migration) [2020] AATA 3442 (8 September 2020)

Reports and Submissions:

New South Wales Sentencing Council

- New South Wales Sentencing Council, *Homicide: Report* (May 2021)
- Submissions to the above review (Review of sentencing for murder and manslaughter):
 - Bravehearts
 - Australian Lawyers for Human Rights
- Submissions to the review on 'Assaults on emergency services workers'
- Office of the Director of Public Prosecutions (NSW)

Victorian Sentencing Advisory Council

- Victorian Sentencing Advisory Council, *Threat Offences in Victoria: Sentencing Outcomes and Reoffending* (June 2021)

Tasmanian Sentencing Advisory Council

- Tasmanian Sentencing Advisory Council, *Sentencing for Non-Fatal Strangulation: Research Paper 5* (May 2021)

Queensland Government Statistician's Office

- Queensland Government Statistician's Office, Queensland Treasury, *Wise practice for designing and implementing criminal justice programs for Aboriginal and Torres Strait Islander peoples: Research Report* (April 2021)

Queensland Domestic and Family Violence Death Review and Advisory Board

- Queensland Domestic and Family Violence Death Review and Advisory Board, *2019-20 Annual Report* (Tabled in Parliament on 21/01/21)

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 	<i>Queensland Government Language Services Policy</i> ARRs – section 9.3	2
	<ul style="list-style-type: none"> Copyright notice 	<i>Copyright Act 1968</i> ARRs – section 9.4	2
	<ul style="list-style-type: none"> Information Licensing 	<i>QGEA – Information Licensing</i> 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 27-29
	<ul style="list-style-type: none"> Agency service areas and service standards 	ARRs – section 11.3	27-29
Financial performance	<ul style="list-style-type: none"> Summary of financial performance 	ARRs – section 12.1	29
Governance – management and structure	<ul style="list-style-type: none"> Organisational structure 	ARRs – section 13.1	16
	<ul style="list-style-type: none"> Executive management 	ARRs – section 13.2	16-21
	<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 	<i>Public Sector Ethics Act 1994</i> ARRs – section 13.4	25
	<ul style="list-style-type: none"> Human Rights 	<i>Human Rights Act 2019</i> ARRs – section 13.5	7
	<ul style="list-style-type: none"> Queensland public service values 	ARRs – section 13.6	25
Governance – risk management and accountability	<ul style="list-style-type: none"> Risk management 	ARRs – section 14.1	26
	<ul style="list-style-type: none"> Audit committee 	ARRs – section 14.2	26
	<ul style="list-style-type: none"> Internal audit 	ARRs – section 14.3	26
	<ul style="list-style-type: none"> External scrutiny 	ARRs – section 14.4	26

Summary of requirement		Basis for requirement	Annual report reference
	• Information systems and recordkeeping	ARRs – section 14.5	26-27
	• Information Security attestation	ARRs – section 14.6	26-27
Governance – human resources	• Strategic workforce planning and performance	ARRs – section 15.1	24-25
	• Early retirement, redundancy and retrenchment	Directive No.04/18 <i>Early Retirement, Redundancy and Retrenchment</i> ARRs – section 15.2	25
Open Data	• Statement advising publication of information	ARRs – section 16	29
	• Consultancies	ARRs – section 33.1	https://data.qld.gov.au
	• Overseas travel	ARRs – section 33.2	https://data.qld.gov.au
	• Queensland Language Services Policy	ARRs – section 33.3	https://data.qld.gov.au
Financial statements	• Certification of financial statements	FAA – section 62 FPMS – sections 38, 39 and 46 ARRs – section 17.1	N/A
	• Independent Auditor's Report	FAA – section 62 FPMS – section 46 ARRs – section 17.2	N/A



Queensland Sentencing
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