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22 November 2021

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

Via email: [info@sentencingcouncil.qld.gov.au](mailto:info@sentencingcouncil.qld.gov.au)

Dear Mr Robertson

Thank you for your letter of 8 November and for the opportunity to provide feedback regarding the Queensland Sentencing Advisory Council's Issues Paper – *The '80 per cent rule': The serious violent offences scheme in the Penalties and Sentences Act 1992 (Qld)*.

The issues paper is very comprehensive, identifying a range of issues for consideration in relation to the legislation and its impact on victims, offenders, and the criminal justice system.

From the perspective of people with impaired decision-making ability, the cohort I represent, I am supportive of legislative reform that provides for judicial discretion in regard to sentences for serious violent offences. This is particularly important for vulnerable and marginalised cohorts, including people with disability from Aboriginal and Torres Strait Islander backgrounds, or from culturally and linguistically diverse backgrounds. People in these cohorts can benefit enormously from a longer period of time on parole in the community, rather than a significant proportion of their sentence being spent mandatorily in prison. This extra time allows for the establishment and consolidation of the cultural and service supports (including those funded by the NDIS) that people in these groups often need to assist with their rehabilitation and re-entry to membership of the general community, which are rarely available when in prison.

I recognise that it will be important, in considering any legislative reform in this area, to endeavour to find an appropriate balance between the potential for improved rates of rehabilitation for offenders while on community parole (as opposed to being in prison) and the concerns held by victims of crime about the risk of the person re-offending, against either themselves or others.

Again, the opportunity to provide feedback on this issues paper is appreciated. Should you require any clarification in relation to the issues raised in this letter, please do not hesitate to contact me.

With kind regards



John Chesterman (Dr)  
**Public Advocate**