

I believe Queensland wants to be its best self. The state seems focussed on creating, innovating and upgrading to do the best job to support its people now and confidently into the future. In terms of the QLD Justice System, it's comforting to know that the Attorney-General issued a request to the Queensland Sentencing Advisory Council with Terms of Reference for sentencing reforms being considered by Government in relation to sexual offences. The Council's Sentencing DataHub is invaluable for making sentencing data and information more accessible, and highlights sexual offences as a highly underreported crime.

"This means that the number of sentenced cases reported on in this publication does not reflect the prevalence of this type of offending in the community. [...] According to official crime statistics in Australia, rates of sexual violence, including sexual assault, have been increasing over the past decade. It is unclear to what extent this is due to increases in the number of these offences being reported, as compared to an increase in the incidence of sexual violence in the community. [...] There are many barriers to victim survivors reporting sexual offences. These include:

- fear they will not be believed;*
- shock, confusion, guilt, or shame about the offence;*
- unsupportive community attitudes about women, racism, and rape myth acceptance;*
- difficulty identifying sexual violence;*
- lack of trust in the justice system or authorities and concerns about the justice system process*

This is validated by The Sentencing DataHub's examination of sexual assault reporting and custodial and non-custodial penalties, revealing that most perpetrators of sexual violence either never face the rule of law, or receive wholly suspended sentences.

State-wide, national and global research is clear on the reasons for the low reporting rate, but one has to question why serious crimes are getting such weak sentencing. And personally I wonder if Queensland's - and Australia's - view of sexual violence is that the perpetrator just couldn't stop themselves because they wanted it too much - *"It is not entirely clear what your motivation was, but you must have felt some fondness towards the complainant... and in light of that you gave in to temptation."* Said by the judge in the sentencing of the Brisbane health practitioner who was found guilty of sexually assaulting his patient. As the 1 in 4 Australians who are made victim to sexual violence, the low percent who report, the low percent of cases who make it to trial, where a low percent of perpetrators are found guilty, I'm curious to understand the precedents for sexual offence sentencing. Is the high percentage of wholly-suspended sentences a Queensland approach or Australia-wide? Does Queensland need to advance their rule of law, or is QLD stepping up as the trailblazer for Human Rights through sentencing reform? As a victim-survivor with direct experience of the Queensland Justice System, and its impact on the Queensland Health System, it's clear there's strong potential for systems change and social justice through sentencing reform.

Proposed Sentencing Reform: Prison Term

I'm unfamiliar with the merits or shortcomings of the Australian prison system, so I can't comment

Proposed Sentencing Reform: Perpetrator Professional Impact

1. Proposed sentencing of immediate exclusion from any positions of power over vulnerable people, including all positions within the healthcare system, education system, legal system and justice system
2. Proposed collaboration and agreement between the Public Prosecutor's Office and all state governing bodies in terms of perpetrator convictions, sentencing and the professional implications towards community protection.

Following the guilty verdict, it took 18 months of me petitioning the QLD Health Ombudsman to have the perpetrator banned from his position as a health practitioner with power over vulnerable people. A year and a half of time, energy, focus and resilience on top of a criminal trial, four years of legal process and the experience and ongoing effects of the crime. And a Health Ombudsman representative who'd been assigned to my case telling me that "at least it's not as bad as a real doctor who really raped someone and went back to work", and that he personally would go to a doctor who had sexually assaulted a woman because he can assume that as a man he will be safe.

There is a need for sentencing to better ensure community and patient safety and health. The judge presiding over my case said to the perpetrator in his sentencing *"I should also record that I have had close regard to what has been said to me by your barrister about the likely and, I accept, almost inevitable consequences of your reporting of this conduct to the Health Ombudsman and to the Australian Kinesiology Association. I consider that that is a relevant consideration, both in terms of recognising the lack of likelihood of reoffending and the imposition of punishment upon you for your conduct."*

I trust the judge never intended for me to be the one ensuring that the Queensland Health System was better informed by the Queensland Justice System.

Proposed Sentencing Reform: Rehabilitation - Perpetrator Personal Development

3. Proposed sentencing of mandatory personal development for all convicted perpetrators of crimes related to sexual violence.

When the judge justified the motivation as "giving in to temptation" it highlighted the need for individuals to have self-connection, self-control, and a social conscience beyond their own immediate wants. Whether through therapy, counselling, a support groups for perpetrators of sexual violence, or other integrative wellbeing approaches, personal development is essential for perpetrator accountability and wellbeing, and community safety.

Proposed Sentencing Reform: Community Service Orders

4. Proposed sentencing of mandatory community service for all convicted perpetrators in the form of either
 - community service order
 - graffiti removal order

- intensive corrections order
- commonwealth community service order

For the purpose of reparation through service work contributing to

- cleaning up public spaces
- nature conservation
- garden and lawn work
- assisting volunteer organisations to prepare food
- sorting second-hand goods for charity

There are so many people involved in the process of protecting society from sexual violence - let the Judge's sentencing

- uphold justice
- be a measure of the severity of the crime
- inform a strong legal process with serious consequences
- encourage perpetrator accountability and reparation
- contribute to healthy social perspectives and trust in the justice system
- inspire respectful behaviour that honours basic human rights for all
- Lead to a decline in the rate of sexual violence
- Advance restorative justice

There are so many steps to take between being made victim to sexual violence and the perpetrator facing the full consequences of their actions. In my experience,

The Australian Kinesiology Association - in their capacity as a national association in the complementary health industry with a strict code of ethics, who told me to report my experience to the police.

Australian health professionals - 29 health practitioners around the country responded to my email with their answers to a question about the practice of kinesiology, reflecting that in my case a crime had been committed.

Police and investigators - The Broadbeach Police Station spent hours taking my statements, and got my case into the hands of the Brisbane investigator who carried it all the way through me undergoing a covert recording with the perpetrator, which led to his arrest, and in to a criminal trial, every step of the way affirming my trust in the Queensland legal system.

Victims Assist - Who are like angels of strength and support through the challenges of experiencing a criminal trial as a victim.

Public Prosecutor - who represented my human rights

Jury - who were called on and gave up a week of their life and work and family responsibilities to serve the Queensland Justice System, who saw the truth and voted for justice

Judge - who's sentencing highlights the need for sentencing reform because after everything that went into the perpetrator being found guilty of sexual assault, the wholly suspended sentence allowed him to walk out of the Brisbane Courtroom straight out of the criminal trial, and back into his life and work putting him in a position of power over vulnerable people.

References:

1. [The Sentencing DataHub](#)
2. [The petition to Queensland Health Ombudsman](#)
3. *Criminal Trial Transcript*