

## Question on Notice

No. 1515

Asked on Thursday, 8 September 2011

**MR BLEIJIE** asked the Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State (MR LUCAS)—

QUESTION:

With reference to offences under the Criminal Code – offences against morality—

- (1) How many people were sentenced for an offence of rape, indecent treatment of a child under 16, possessing child exploitation material and using the internet to procure children under 16, in 2009-10 and 2010-11 (reported separately by offence and for each year)?
- (2) How many people sentenced in (1) in 2009-10 and 2010-11 (to date) were sentenced to a term of actual imprisonment of more than six years, three to six years actual imprisonment, one to three years actual imprisonment and less than one year imprisonment (reported by imprisonment length and by year)?

ANSWER:

I thank the Honourable Member for Kawana for his question.

The Bligh Government has always been, and continues to be, tough on sex offenders. Protection of the community remains the primary goal of this Government in developing policy and legislative responses to sexual offending.

In 2003, the Labor Government passed the *Dangerous Prisoners (Sexual Offenders) Act 2003* (Dangerous Prisoners Act), which provides for the continuing detention of serious sexual offenders.

Since the Dangerous Prisoners Act was introduced, it has been continually reviewed to ensure that supervision orders of released prisoners meet the objective of ensuring community safety.

The *Dangerous Prisoners (Sexual Offenders) and Other Legislation Amendment Act 2010* made a number of reforms to Queensland's public protection legislation. The amendments enable judges to impose indefinite sentences for many more crimes, including torture, incest, maintaining a sexual relationship with a child and indecent treatment of a child under 16 years of age.

The amendments also ensure that declared dangerous sex offenders are subject to a mandatory supervision period of at least five years once they are released from prison. Declared dangerous sex offenders will also face the prospect of having their supervision orders extended, with the Government able to apply for an extra period of supervision when an existing order expires. This legislation remains the toughest in Australia and aims to protect the community from dangerous sex offenders.

The Government has a strong track record of being tough on child sex offenders. In 2003 the Government amended the Criminal Code and the *Penalties and Sentences Act 1992* (Penalties and Sentences Act) to ensure that sentences imposed on child sex offenders reflect the significant physical and psychological consequences of these offences.

The maximum penalties which apply for the offence of indecent treatment of children under 16 were significantly increased. In relation to a child under 12 years, the maximum was increased from 14 to 20 years imprisonment and with regards to a child aged 12 years or over, the maximum was increased from 10 to 14 years imprisonment.

The Bligh Labor Government also established the Queensland Sentencing Advisory Council (the Council), which met for the first time on 20 December 2010. The Council is an independent statutory body designed to help bridge the gap between community expectations, courts and government on the complex issue of sentencing criminal offenders. Members of the public and victims of crime will have a voice through the Council, along with experts in law enforcement, criminal law, and juvenile and Indigenous justice issues.

The Council was asked to examine the appropriate offences to which a standard minimum non-parole period should apply; and the appropriate length of the standard non-parole period for each of the offences identified. A minimum standard non-parole period is a legislated non-parole period. It is the minimum length of time a prisoner must spend in prison for a particular offence before being eligible to apply for release on parole. The aim of such a scheme is to promote consistency and transparency in sentencing, and to ensure that proper consideration is given to the community expectation that the punishment fits the crime.

The Council has reported back to me. I expect that legislation creating this new sentencing regime will be introduced into the Queensland Parliament this year.

I have also directed the Council to review the sentences imposed on offenders convicted of sexual crimes against children. This Government is concerned that the penalties imposed upon child sex offenders need to meet community expectations. The Council is due to report back to me in February 2012.

In 2009-10, there were 99 defendants sentenced for rape, 310 defendants for indecent treatment of a child under 16, 120 defendants for possessing child exploitation material, and eight defendants for using the internet to procure children under 16.

In 2010-11, there were 144 defendants sentenced for rape, 342 defendants for indecent treatment of a child under 16, 127 defendants for possessing child exploitation material, and 28 defendants for using the internet to procure children under 16.

Of the above sentences, in 2009-10, 31 defendants received actual imprisonment of more than six years, 45 defendants received actual imprisonment of more than three years to six years, 140 defendants received actual imprisonment of more than one year to three years, and 78 defendants received actual imprisonment of less than or equal to one year.

In 2010-11, 48 defendants received actual imprisonment of more than six years, 53 defendants received actual imprisonment of more than three years to six years, 161 defendants received actual imprisonment of more than one year to three years, and 90 defendants received actual imprisonment of less than or equal to one year.