Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025

Amendments during consideration in detail to be moved by Meaghan Scanlon, Member for Gaven

1   After clause 2

Page 4, after line 9—

insert—

Part 1A   Amendment of Penalties and Sentences Act 1992

2A   Act amended

This part amends the *Penalties and Sentences Act 1992*.

2B   Amendment of s 9 (Sentencing guidelines)

(1)   Section 9(1)—

insert—

(ca) to recognise the harm done by the offender to a victim of the offence; or

(2)   Section 9(2)(f), after 'character,'—

insert—

antecedents,

(3)   Section 9—

insert—

(3A)   Subsections (3B) to (3D)—

(a) apply in sentencing an offender for an offence of a sexual nature if the offender is determined to be of good character; but

(b) apply in relation to the offender's good character only to the extent the good character is based on 1 or more of the following—

    (i) a character reference for the offender;

    (ii) the offender's standing in the community;

    (iii) the offender's contributions to the community.

(3B) The court may treat the offender's good character as a mitigating factor only if the good character is relevant to the court's consideration of—

(a) the offender's prospects of rehabilitation; or

(b) the risk of the offender reoffending.

(3C) However, the court may decide not to treat the offender's good character as a mitigating factor, having regard to the nature of the offence and how serious the offence was, including—

(a) any physical, mental or emotional harm done to the victim of the offence; and

(b) the vulnerability of the victim.

(3D) If subsection (4) also applies in sentencing the offender, subsections (3B) and (3C) are subject to subsection (6A).

(4) Section 9(6A)—

omit, insert—

(6A) However, for subsection (6)(h), if the offender is determined to be of good character, the court must not treat the good character as a mitigating factor if it assisted the offender in committing the offence.

(5) Section 9(7AA)—

omit, insert—

(7AA) However, for subsection (7)(d), if the offender is determined to be of good character, the court must not treat the good character as a mitigating factor if it assisted the offender in committing the offence.

(6) Section 9—

insert—

(9BA) In determining the appropriate sentence for an offender convicted of an offence against the Criminal Code, section 349 or 352 committed against a child of 16 or 17 years, the court must treat the child's age as an aggravating factor, unless the court considers it is not reasonable because of the exceptional circumstances of the case.

(9BB) For subsection (9BA), in deciding whether there are exceptional circumstances, the court may have regard to the closeness in age between the offender and the child.

2C Amendment of s 179K (Giving details of impact of crime on victim during sentencing)

Section 179K(5)—

omit, insert—

(5) The fact that a victim impact statement is absent at the sentencing, or that details of the harm caused to a victim by the offence are otherwise absent at the sentencing, does not, of itself, give rise to any inference that the offence caused little or no harm to the victim.

2D Insertion of new pt 14, div 26

Part 14—

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insert—

Division 26   Transitional provisions for Making Queensland Safer (Adult Crime, Adult Time) Amendment Act 2025

263 Definition for division

In this division—

amendment Act means the *Making Queensland Safer (Adult Crime, Adult Time) Amendment Act 2025*.

264 Application of s 9 to sentencing offenders after commencement

Section 9, as amended by the amendment Act, applies to the sentencing of an offender after the commencement whether the offence or conviction happened before or after the commencement.

265 Application of s 179K to sentencing offenders after commencement

Section 179K, as amended by the amendment Act, applies to the sentencing of an offender after the commencement whether the offence or conviction happened before or after the commencement.

2   Long title

Long title, after 'amend'—

insert—

the *Penalties and Sentences Act 1992* and