




Our ref: AG/11/03957; 540079/1

Your ref: Petitions

**Attorney-General
Minister for Local Government
and Special Minister of State**

22 SEP 2011

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Laurie 

Re: Petition received by the Queensland Legislative Assembly No. 1753-11

I refer to your letter dated 25 August 2011 regarding petition number 1753-11 received by the Queensland Legislative Assembly on 24 August 2011 about truth in sentencing.

The Bligh Government has a track record of being tough on crime and Queensland's crime rates are going down. The Queensland Police Service Statistical Review 2009/2010, reported that under this Government the overall rate of crime has dropped by 28% in the last ten years. The rate of property offences has almost halved, dropping by 48%, and the rate of offences against the person has decreased by 20%.

Our laws are sending a strong message to the community. Over the past five years, the rate of reported assaults on police has decreased by nearly 50%. Furthermore, the Australian Bureau of Statistics' 2010 Prisoner Characteristics report states that Queensland's rate of imprisonment is 161.6 per 100,000 of the adult population. This is significantly higher than the Victorian rate of imprisonment of 105.5 per 100,000 of the adult population. This indicates that Queensland's courts are not being more lenient towards offenders.

In Queensland, the criminal justice system is based on the clear separation of powers between the Parliament that makes the laws, the government departments that administer those laws and the courts that enforce the laws. Legislation prescribes the maximum penalties for offences and provides for the principles to be considered by the courts in passing sentence.

Judicial discretion is vital to a fair and just criminal justice system. In reality, two crimes are rarely identical, either in the conduct of the offender or the impact upon the victim and community. Judicial discretion allows the court to consider the individual features of each case in order to establish an appropriate penalty for that particular offender.

Email AttorneyGeneral@ministerial.qld.gov.au
Level 12 Executive Building
100 George Street Brisbane 4000
PO Box 15009 City East
Queensland 4002 Australia
Telephone +61 7 3224 4600
Facsimile +61 7 3224 4781
Email deputypremier@ministerial.qld.gov.au
ABN 65 959 415 158

Structuring the appropriate sentence is complex and difficult. In addition to the nature and severity of the offence, the judge must balance a number of competing issues. These include the circumstances and consequences of the offence, as well as the offender's cooperation with the administration of justice and his or her character, age and other personal circumstances. The judge is obliged to consider the community's expectations, the need to deter the offender and others from future offending and the prospects for the offender's rehabilitation. Rehabilitation is not just for the benefit of the offender but also for the community by aiming to re-establish the person as a law-abiding citizen.

This Government recognises that sentences must meet community expectations. The Sentencing Advisory Council (the Council) was established in 2010 to give the community a greater say in the state's sentencing regime. The Council includes victims of crime representatives and people from our communities. Since its establishment, the Government has made three significant referrals to the Council.

In October 2010, the Queensland Government announced its intention to introduce a tough new regime of standard minimum non-parole periods for certain serious violent offences and sexual offences.

A standard minimum 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 standard minimum non-parole periods 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 been 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 those offences.

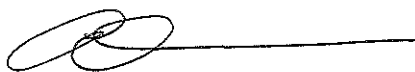
The Council released a discussion paper for public consultation on standard minimum non-parole periods. Although the time for consultation has now closed, the paper is available from the Council's website: www.sentencingcouncil.qld.gov.au. The Council will provide its final report to the Attorney-General by 30 September 2011.

The Council is also examining the sentencing practices for sexual offences against children. This examination includes an assessment of the impact of the legislative reform this Government has made to toughen the approach to dealing with these offenders. The final report is due to the Attorney-General by 31 January 2012.

Further, the Council has been asked to examine the sentences imposed for the offence of armed robbery, in particular where the weapon used is a firearm or knife. The Queensland Government is committed to ensuring that the sentences imposed for such offences meet community expectations. The Council is to report back to the Attorney-General on this issue by 31 July 2012.

I trust this information is of assistance.

Yours sincerely

A handwritten signature in black ink, consisting of a stylized, cursive 'A' followed by a horizontal line extending to the right.

ANNASTACIA PALASZCZUK MP
Acting Attorney-General,
Minister for Local Government
and Special Minister of State