



Hon Cameron Dick MP

Member for Greenslopes

In reply please quote: J/09/08159, 525407/1

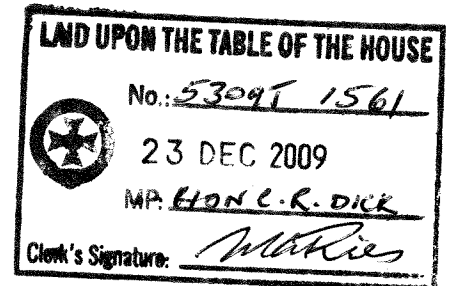


Queensland  
Government

Attorney-General  
and Minister for Industrial Relations

22 DEC 2009

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



Dear Mr ~~Laurie~~ Neil,

I am writing to provide my response to item 2 of petition number 1310-09 lodged by Mrs Rosemary Menkens MP, Member for Burdekin and received by the Legislative Assembly on 16 September 2009 which has been referred to me by the Honourable Neil Roberts MP, Minister for Police, Corrective Services and Emergency Services.

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. Accordingly, given this separation, the Government does not dictate to the judiciary how they are to sentence an offender, other than by prescribing maximum penalties for offences, and by outlining in legislation the purposes of sentencing and principles to be considered by the court in passing sentence.

The task of structuring the appropriate sentence is complex and difficult; it requires the balancing of many competing considerations. The court must construct a sentence which not only reflects the seriousness of the crime, the need for punishment, deterrence and that the community denounces the sort of conduct engaged in by the offender but also one which provides conditions that will enable the rehabilitation of the offender.

Judicial discretion is an important element of the Queensland criminal justice system. It allows the court to consider the subjective features of each case in order to establish the appropriate penalty. When sentencing offenders, the court must do so according to established legal principles. Legislation requires the court to take into account a number of factors including the circumstances, seriousness and prevalence of the offence; any physical or emotional harm done to a victim; the presence of any aggravating or mitigating factors; the offender's character (including previous criminal convictions), age and intellectual capacity.

Level 18 State Law Building  
50 Ann Street Brisbane  
GPO Box 149 Brisbane  
Queensland 4001 Australia  
Telephone +61 7 3239 3478  
Facsimile +61 7 3220 2475  
Email attorney@ministerial.qld.gov.au  
ABN 65 959 415 158

The system ensures that the court considers each case on its merits and tailors a sentence that appropriately reflects the nature and seriousness of the offending.

The only offence, for which judicial discretion has been removed in terms of setting the appropriate head sentence, is murder. Murder carries a mandatory term of life imprisonment to reflect that it is the most heinous offence. However, even with such an offence, it must be accepted that there may be subjective features particular to a case that warrants at least the prospect of parole eligibility. It is important to note that parole eligibility does not guarantee parole release.

In Queensland, significant changes were made to the parole regime in 2006 with the introduction of a system of court-ordered parole. The legislation ensures that if paroled, a prisoner remains under the supervision of the Department of Community Safety for the balance of the sentence; it therefore means that a prisoner serves the whole sentence either in custody or in the community under parole supervision thus ensuring truth in sentencing. For a "life prisoner" this means that, if granted parole, they are subject to supervision for the balance of their life.

It is noted that for all sexual offenders, serious violent offenders and other prisoners serving periods of imprisonment of more than three years, parole is granted on a case-by-case basis upon assessment of whether the particular offender is ready for release back into the community. An automatic entitlement to parole release for these types of offenders, irrespective of behaviour or participation in rehabilitation programs, is not the position in Queensland.

In addition, the *Penalties and Sentences Act 1992*, which sets the sentencing framework in Queensland and the sentencing options, makes provision for an offence to be declared a serious violent offence (Part 9A), which means that the offender must serve 80% of the sentence imposed before being eligible to apply for parole release. An offence is *automatically* declared to be a serious violent offence if it is a Schedule Offence, such as Robbery, Grievous Bodily Harm, and Burglary with violence and/or whilst armed, and the offender is sentenced to 10 years imprisonment or more for that offence.

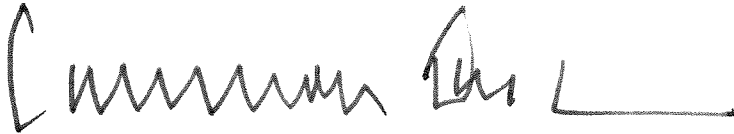
The Court also has the *discretion* to make such a declaration where the penalty imposed for a Schedule Offence is between five years but less than 10 years imprisonment, or if the offence involved serious violence against another person or resulted in serious harm to another person.

Furthermore, I, as the Attorney-General, may appeal to the Court of Appeal against any sentence; and thereafter the Court, in its unfettered discretion, may vary the sentence and impose any sentence it considers proper (s669A Criminal Code). This right of appeal is an essential means by which the community, through the Parliament, can inform the sentencing process. This right of appeal is one that has been exercised by me on a number of occasions resulting in the imposition of higher sentences for particular offenders.

In order to fully understand and appreciate why a judge imposes a particular sentence or makes a particular order, the sentencing remarks and judgements of the Queensland's courts are accessible to the public via the following website: [www.courts.qld.gov.au](http://www.courts.qld.gov.au).

I trust this information is of assistance.

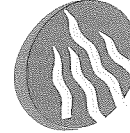
Yours sincerely

A handwritten signature in black ink, appearing to read 'Cameron Dick', with a horizontal line extending to the right.

**Hon Cameron Dick MP  
Attorney-General  
and Minister for Industrial Relations**



**Hon Neil Roberts MP**  
Member for Nudgee



**Queensland  
Government**

Our Ref: P/09/01445

QPS Ref: 10021 F12 TA

**Minister for Police, Corrective Services  
and Emergency Services**

11 NOV 2009

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

Dear Mr Laurie,

I am writing to provide my response to petition number 1310-09 lodged by Mrs Rosemary Menkens MP, Member for Burdekin and received by the Legislative Assembly on 16 September 2009.

The petition relates to police resources and crime issues in the Home Hill area. It also contains issues regarding punishment and the enforcement of stronger laws, which fall within the responsibilities of the Honourable Cameron Dick MP, Attorney-General and Minister for Industrial Relations.

I referred this matter to the Queensland Police Service which has provided the following information on the policing issues raised in the petition.

The Home Hill Police Station, within the Townsville Police District, has a staffing strength of three police officers and one administration officer. Policing at Home Hill is supplemented by the 21 officers attached to Ayr Police Division, including two Traffic Branch officers and two designated detectives attending to criminal investigations. Local police are also supported by officers attached to the Clare, Giru and Townsville police divisions during special events or when otherwise required.

Further support to Home Hill Police is provided by Townsville Police District specialist units, including the Traffic Branch, Tactical Crime Unit, Crime Prevention Unit, Criminal Investigation Branch, Child Protection and Investigation Unit and Dog Squad.

I am advised the Home Hill Police Station is resourced in accordance with the Queensland Police Service's Staffing Allocation Model which is used to determine police staffing allocations across the State. Officers are allocated throughout the State in accordance with the needs and priorities identified by the Police Service, including to coastal islands and rural communities. The model is continually revised and updated on the basis of assessments of relative workloads and police staffing needs of all areas as identified through crime, population and traffic statistics, and various other service delivery factors common to all communities.

Level 24 State Law Building  
50 Ann Street Brisbane 4000  
PO Box 15195 City East  
Queensland 4002 Australia  
**Telephone +61 7 3239 0199**  
**Facsimile +61 7 3221 9985**  
**Email [police@ministerial.qld.gov.au](mailto:police@ministerial.qld.gov.au)**  
ABN 65 959 415 158

The Police Service is satisfied the current staffing level at Home Hill is sufficient for the area. However, the District Officer, Townsville District and the Operations Coordinator, Northern Police Region, will continue to monitor and evaluate the use of police resources within the area to ensure an effective and responsive policing service at Home Hill is maintained.

The Bligh Government is committed to ensuring police have the resources they need to fight crime and provide policing services to communities throughout Queensland. The Government continues to allocate the funding to increase the number of police officers each year. The Queensland Police Service's budget for 2009-10 is a record \$1.706 billion - an increase of \$133.9 million or 8.5 percent on the 2008-09 budget.

The 2009-10 budget also provides for the continuation of a key Government commitment to increase police numbers by 203 additional police positions, including 53 specialist traffic positions as part of the Government's road safety package. These extra 203 police positions are the first instalment in this Government's commitment to deliver 600 new police positions over three years.

By March 2012, there will be 10 600 police officers in Queensland committed to reducing crime and improving community safety. This will more than meet this Government's commitment to maintain a police to population ratio equal to or better than the national average.

Police numbers have also been boosted as a result of the Police Service's civilianisation strategy which has released officers for frontline policing to the community. The Police Service now employs over 300 staff members under the civilianisation program in roles such as watchhouse officers and counter and administrative support. As a result of this, additional front-line officers are available for deployment, and will continue to be allocated throughout the State in accordance with the needs and priorities identified by the Police Service.

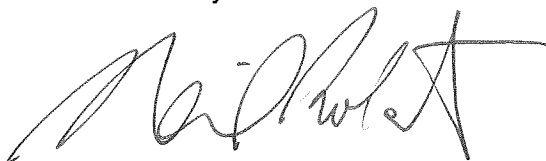
In respect to the provision of assistance to strengthen the community's capacity to prevent crime, the Police Service advises that the Divisional Inspector regularly attends meetings of the Burdekin Community Action Group Against Crime (the Action Group) to identify and discuss concerns raised regarding crime related issues in the Burdekin area. I understand a number of crime prevention booklets and pamphlets were distributed at a recent meeting of the Action Group. The Inspector engages in free and open communication on crime prevention issues.

Additionally, the Townsville District Crime Prevention Coordinator has been active within the Burdekin community promoting crime prevention strategies. An electronic Crime Bulletin has been commenced specifically for the Burdekin and is distributed bi-monthly.

Inspector Ian Haughton, Townsville Police District, is available on 4799 8962 to provide any further assistance you may require.

I trust this information is of assistance.

Yours sincerely



Neil Roberts MP  
**Minister for Police, Corrective Services  
and Emergency Services**