



Hon Paul Lucas MP



Queensland
Government

Our ref: 537644/1; AG/11/01899

Your ref: Petitions

Deputy Premier and Attorney-General
Minister for Local Government and
Special Minister of State

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
Corner Alice and George Streets
BRISBANE QLD 4000

Dear Mr Laurie

I refer to your letter dated 13 May 2011 regarding petition number 1609-11 received by the Queensland Legislative Assembly on 10 May 2011.

The Queensland Government has no existing plans to establish a specialised sex offenders court. The Queensland judiciary and the Queensland Courts are capable of performing this function.

I can assure the petitioners that this Government has a strong track record of being tough on sex offenders, in particular, child sex offenders.

This Government has increased the maximum penalties which apply for the offence of indecent treatment of children under 16 and has amended the *Penalties and Sentences Act 1992* to ensure that an actual term of imprisonment must be imposed on a child sex offender unless there are exceptional circumstances.

The *Dangerous Prisoners (Sexual Offenders) Act 2003*, introduced by this Government, allows me as Attorney-General to apply to the Supreme Court for an order seeking the post-sentence preventative detention, or supervision, of prisoners serving sentences for serious sexual offences who pose a serious danger to the community upon release from prison.

Under the previous National Party Government, sex offenders walked free at the end of their sentence without this strict supervision.

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.

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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.

Further, as recently announced, Queensland's tough regime of monitoring and supervising sex offenders living in the community is to be further enhanced with the introduction of GPS technology to monitor them.

The Queensland Government acknowledges community concerns about sentencing and recognises that there is sometimes the perception that the sentence does not seem to fit the crime.

The 2010 Report on Government Services Delivery compares prison populations, and showed that Queensland at 5,692 and Victoria at 4,299. These figures are of interest when you consider that there are more than 1,000,000 more people in Victoria than in Queensland.

While prison population should not be the sole basis on which we judge the justice system, what these figures indicate is that Queensland courts are not being more lenient towards offenders than other jurisdictions.

However, sentencing must meet community expectations and on 25 October 2010, this Government announced its intention to introduce a tough new regime of minimum standard non-parole periods for certain serious violent offences and sexual offences.

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.

Queensland's Sentencing Advisory 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 the offences identified.

The Council will report back to me by 30 September 2011 and I intend introducing amending legislation into the Parliament by the end of the year.

I trust this information is of assistance to the petitioners.

I would like to thank the petitioners for bringing their views to the attention of Parliament and as Attorney-General, assure them that I will continue to consider and develop options to improve the justice response in relation to the prosecution and sentencing of sex offenders and will take the petitioners' views into account when leading policy development on these complex issues.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Paul Lucas', with a long horizontal flourish extending to the right.

PAUL LUCAS MP
Deputy Premier and Attorney-General,
Minister for Local Government
and Special Minister of State