



Hon Cameron Dick MP  
Member for Greenslopes



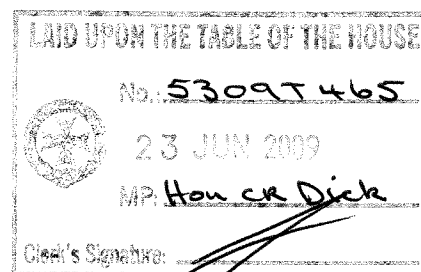
Queensland  
Government

In reply please quote: 518686/1, J/09/01498

Attorney-General  
and Minister for Industrial Relations

22 JUN 2009

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



Dear Mr <sup>Neil,</sup> Laurie

I refer to your letter dated 9 October 2008 addressed to Ms Judy Spence MP, former Minister for Police, Corrective Services and Sport, enclosing Petition No. 1134-08 (the Petition) which was received by the Queensland Legislative Assembly on 8 October 2008. I apologise for the delay in responding to you.

I note that Ms Spence provided you with a response on 20 February 2009 and forwarded a copy of that letter and the petition to Mr Kerry Shine MP, former Attorney-General so that he could provide a reply to the issue listed at no. 2 of the Petition. This issue concerns the 'enforcement of stronger laws and harsher punishment by the courts to deter re-offenders'.

In relation to the issue of stronger laws, the Government understands the importance of Queensland communities feeling safe and secure and accordingly criminal laws and penalties are constantly under review by the Government.

The *Criminal Code and Civil Liability Act 2007* (the Act) amended Queensland's Criminal Code (the Code) to increase the maximum penalties for the offence of dangerous operation of a vehicle causing death or grievous bodily harm and to expand the existing aggravating circumstances generally to include: travelling at excessive speed; racing or speed trialling; and leaving the scene of the offence. These amendments were in response to growing community concern about dangerous driving offences and the incidence of hit-and-run traffic offences particularly where death or serious injury was caused.

In recognition of the fact that technological advances had resulted in a corresponding growth in the crimes committed through the use of technology, the Act also amended the Code to insert a new offence of identity fraud which prohibits a person from misusing another entity's identification information.

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](mailto:attorney@ministerial.qld.gov.au)  
ABN 65 959 415 158

In 2008, the *Criminal Code and Other Acts Amendment Act 2008* was introduced by the Government and passed by the Queensland Parliament. The *Criminal Code and Other Acts Amendment Act 2008*, which was the outcome of an extensive review of the Criminal Code, modernised the law relating to criminal offences and resulted in new offences being created and penalty increases for a number of existing offences including breach of the peace, endangering the life of a child by exposure, aggravated fraud and accessories after the fact.

The Government has also recently introduced the Crime and Misconduct and Summary Offences Amendment Bill 2009 (the Bill). The Bill which was passed by Parliament on 21 May 2009, inserts a new offence into the *Summary Offences Act 2005* that applies to rock throwing and other specified conduct which endangers or is likely to endanger the safe use of vehicles. This offence, which is a response to the community's concern about the potential danger of rocks and other objects being thrown at travelling vehicles or onto roads, is punishable by a maximum penalty of two years imprisonment and complements existing laws which would apply to this conduct.

In relation to sentencing, Queensland's 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. Given this separation, the Government does not have the power to dictate to the judiciary how they are to sentence an offender, other than prescribing maximum penalties for offences and the principles to be considered by the court when exercising its sentencing discretion.

It is the function of the court to determine what sentence to impose after considering the particular facts of each case. This function is often a difficult one as it requires the court to balance various competing considerations. The court must attempt to construct a sentence which balances, on the one hand, society's and the victim's interest in punishment and deterrence and, on the other, society's and the offender's interest in rehabilitation.

When the courts sentence offenders, they must do so according to established legal principles. Pursuant to legislation, the courts must take into account a number of factors including the circumstances, seriousness and prevalence of the offence, the offender's age and character (including previous criminal convictions), any medical or psychiatric conditions and whether the offender pleaded guilty or proceeded to trial.

Judicial discretion is an important element of Queensland's criminal justice system as it allows the particular facts of each case, the impact on the victim or community, and the circumstance of the offender to be taken into account.

As an additional safeguard, the State may appeal to the Court of Appeal if a sentence is manifestly inadequate. The Court of Appeal then has the power to change the sentence if they agree that it is inappropriate. This is an important safeguard in ensuring the courts reflect community attitudes.

Finally, judges are often criticised for the sentences they impose on offenders. In order to fully understand why a judge imposes a particular sentence, all the information placed before the judge must be considered. The community can access this information from the Queensland Courts website at: [www.courts.qld.gov.au](http://www.courts.qld.gov.au). This website provides public access to the judgments of various Queensland Courts including the District and Supreme Courts and Queensland's Court of Appeal.

I trust this information is of assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Cameron Dick', followed by a long horizontal line.

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