



Attorney-General and Minister for Justice
Minister for Training and Skills

In reply please quote: 566155/1, 2821477

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Mr Neil Laurie
The Clerk of the Parliament
Parliament House
Cnr Alice and George Streets
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Dear Mr ^{Neil}Laurie

I refer to petition 2313-14 calling for the introduction of mandatory sentences for offenders convicted of home invasion.

There is no doubt that 'home invasions' are very serious, and often traumatic examples of criminal offending.

The Queensland Criminal Code contains a number of offences that may be relevant in the prosecution of what is often referred to as a home invasion. The most common are: robbery, stealing, burglary, wilful damage and assaults. These offences carry significant penalties up to a maximum of life imprisonment.

Under our system of government, Parliament passes laws which set the maximum penalties for offences and also provide guiding sentencing principles. These principles are primarily contained in the *Penalties and Sentences Act 1992* (the Act) and are designed to promote a consistent approach to sentencing.

The Act also enables certain offenders to be declared a 'serious violent offender'. Where such a declaration is made by the court, the offender must serve 80% of the term of imprisonment imposed before being eligible for parole release. This regime applies to a number of offences listed in a schedule to the Act, including the offences of robbery and also burglary if the offender uses or threatens to use violence or pretends to be armed under the Criminal Code.

The judge or magistrate who sentences an offender is responsible for deciding the appropriate sentence in individual cases. In doing this, the judge or magistrate applies the sentencing principles, which include considering the maximum penalties as well as other factors such as the physical, mental and emotional harm done to the victim.

This Government is opposed to mandatory sentencing and has confidence in the ability of Queensland courts to impose appropriate penalties. Giving judges and magistrates discretion in sentencing is important because no two offences are the same. Sentencing is a complex process that requires the balancing of a number of competing issues. Sentences must however still reflect community expectations. In this respect, there are adequate appeal mechanisms in place to appropriately deal with situations where the court may err.

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It is also important to note that incarceration rates in Queensland have been rising and have reached unacceptable levels particularly in our Indigenous communities.

The Queensland Government has committed to investigate options to reduce incarceration, including but not limited to, justice reinvestment and court-ordered parole. The Queensland Government has also committed to the reestablishment of the Sentencing Advisory Council (the Council). The Council will undertake research into the effectiveness of various sentencing practices in reducing crime.

I trust this information is of assistance.

Yours sincerely



YVETTE D'ATH MP
Attorney-General and Minister for Justice
Minister for Training and Skills