

In reply please quote: 2005/01797

Your reference: 454-05

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

Dear Mr Laurie

Thank you for your letter dated 29 March 2005 in relation to a petition received by the Queensland Legislative Assembly numbered 454-05. I note that Mr Graham Sollitt of Tully is the principal petitioner.

At the outset, I note that I understand the feelings of the petitioners in relation to the loss and hardship suffered by the victims in this matter.

The Government presently has no plans to increase penalties in relation to offences against property. Past amendments of this kind have not achieved any reduction in the incidence of property crime in Queensland.

The Government remains committed to decreasing the incidence of property crime in Queensland. Recent initiatives in this area include the Drug Court, which targets recidivist property offenders. The Government is presently exploring a range of other innovative diversionary and sentencing options which have been trialled in other jurisdictions and have reduced property crime.

Pursuant to the constitutional principle of judicial independence, the Government can not dictate to the judiciary how they are to sentence. Parliament determines the maximum penalty for offences, but it is for the courts to determine what sentence to impose in the particular circumstances.

The *Penalties and Sentences Act 1992* provides broad sentencing options for the judiciary to apply to attempt to correct offending behaviour. The *Penalties and Sentences Act* also provides for the enforcement of such orders.

It must be acknowledged that sentencing is one of the most difficult functions undertaken by the courts. 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 judges sentence offenders, they must do so according to established legal principles. Pursuant to sentencing legislation, the courts must take into account such factors as the circumstances and seriousness of the offence; any injury or damage caused; the impact on the victim; 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.

Pursuant to section 669A of the *Criminal Code*, I may appeal against any sentence imposed by a Queensland Court for an indictable offence. Following the imposition of the sentence in the matter referred to in the petition, I closely examined the sentencing judge's remarks and an advice provided by the Director of Public Prosecutions. After careful consideration I determined that any appeal by me in this matter would have no reasonable prospects of success.

Thank you for providing me with an opportunity to respond to this petition.

Yours sincerely

Rod Welford MP