

Summary of mandatory sentences in Qld

Particular offences

Offence (and section)	Applicable mandatory sentence	Criteria / pre-condition
Dangerous operation of a motor vehicle <i>Criminal Code 328A</i>	Imprisonment as whole or part of the punishment (<i>not actual custody though</i>)	(3) Where previously convicted of the same offence with COA of being adversely affected; OR Where twice previously convicted of 328A or a prescribed offence which also includes: <ul style="list-style-type: none"> - Any drink driving offence including low range - Driving with relevant drug present - Driving above no alcohol limit
Driving under the influence of drugs or liquor <i>TORUM 97(1)</i>	Imprisonment as whole or part of the punishment (<i>not actual custody though</i>)	If twice previously convicted within 5 years of: <ul style="list-style-type: none"> - Another DUI offence - Offence on indictment in connection with or arising out of driving a motor vehicle by offender - Summarily of an offence under s 328A (DOMV) OR Has previously been convicted (no time limit) of: <ul style="list-style-type: none"> - Another DUI offence AND on indictment in connection with or arising out of a driving a motor vehicle by the offender; or - Another DUI offence AND a summary conviction under s 328A (DOMV) - On indictment any offence in connection with or arising out of driving of motor vehicle

		by the offender AND summarily of an offence under s 328A (DOMV)
Evasion offence <i>PPRA 754</i>	Minimum 50 PU or 50 days imprisonment served wholly in a CSF	Nil
Murder <i>Criminal Code 302 and 305</i>	<p>Mandatory life sentence under s 305</p> <p>Minimum NPP of 20 years</p> <p>Minimum NPP of 25 years</p> <p>Minimum NPP of 30 years</p>	<p>Nil</p> <p>‘simpliciter’ (CSA 181(2)(c))</p> <p>If knowingly killed a police officer (CC 305(4))</p> <p>if being sentenced for more than 1 murder or has a previous conviction for murder (CC 305(2))</p>
Possession of a weapon <i>Weapons Act 50</i>	<p>18 months imprisonment served wholly in a CSF</p> <p>12 months imprisonment served wholly in a CSF</p>	<p>Where person possess a firearm for the purpose of committing or facilitating an indictable offence; and</p> <ul style="list-style-type: none"> - Possesses 10 or more weapons - Possesses a C or E weapon <p>Where person possesses 10 or more firearms or a category D, H, R, C or E weapon; and</p> <p>If possesses firearm for the purpose of committing or facilitating an indictable offence; OR</p> <p>If possesses a <u>short firearm</u> in a public place without a reasonable excuse</p>

	9 months imprisonment served wholly in a CSF	If possesses a category A, B or M firearm and uses to commit an indictable offence
	6 months imprisonment served wholly in a CSF	If possesses a category A, B or M firearm for the purpose of committing or facilitating an indictable offence
Supply of weapons <i>Weapons Act 50B</i>	3 years imprisonment served wholly in a CSF	Supplies 5 or more weapons where at least 1 is a category D, E, H or R AND at least one of the weapons unlawfully supplied is a short firearm
	2.5 years imprisonment served wholly in a CSF	Supplies a category D, H or R short firearm
Trafficking in weapons <i>Weapons Act 65</i>	5 years imprisonment served wholly in a CSF	Offence relates to category H or R weapon and at least one of the weapons is a firearm
	3.5 years imprisonment served wholly in a CSF	Offence relates to category A, B, C, D or E or cat M crossbow or explosives and at least one of the weapons is a firearm
Unlawful striking causing death <i>Criminal Code 314A</i>	80% or 15 years, whichever is less	Does not apply if sentenced to an ICO or wholly suspended term

Other mandatory sentencing regimes

Repeat serious child sexual offences (Part 9B of the PSA)

‘serious child sex offence’ defined in s 161D as an offence under schedule 1A committed against a child under 16, namely:

- Maintaining
- Rape
- Incest

- Sexual assaults
- Taking child for immoral purposes
- Unlawful carnal knowledge
- Owner etc permitting abuse of children on premises

161E: if convicted of a serious child sex offence that is committed after conviction for another while an adult, the offender is liable to imprisonment for life or an indefinite sentence under part 10

Serious violent offence regime (part 9A of the PSA)

Applies if convicted of an offence under schedule 1 or of counselling or procuring a sch 1 offence and receives a SVO declaration either by mandatory declaration (10 years or more) or discretionary if less than 10 but 5 or greater

182 of the CSA: PED is the *lesser of* 80% of the term imposed for the SVO or 15 years

Serious organised crime (part 9D of the PSA)

If convicted of a prescribed offence with a SOG circumstance of aggravation, court must impose a base component (sentence of imprisonment imposed under the law) AND

A mandatory component, which is the *lesser of the two following periods*: 7 years imprisonment or the maximum penalty for the prescribed offence, to be served CUMULATIVELY upon base component and wholly in a CSF

If there are multiple 161Q offences at sentence, the court must impose the mandatory component for 1 part only.

Control order under s 161V must also be made.

Mandatory Community Service Orders (PSA, s 108B)

Applies where offender is convicted of a prescribed offence with COA that offender was in a public place while adversely affected by an intoxicating substance. Standard hours apply (40 to 240)

Court must make CSO, irrespective of any other others, unless satisfied that the offender is not capable of complying due to a physical, intellectual or psychiatric disability.

Upon a breach and re-sentence, the court may, but need not, impose another CSO

Graffiti removal order (PSA, s 110A)

Applies where court convicts offender of graffiti offence (wilful damage by graffiti or possess graffiti instrument under CSA).

Court must make GRO, irrespective of any other others, unless satisfied that the offender is not capable of complying due to a physical, intellectual or psychiatric disability.