

## **Making Queensland Safer Bill 2024**

**Submission No:** 19  
**Submitted by:** Natalie Merlehan  
**Publication:**  
**Attachments:** See attachment  
**Submitter Comments:**

## ***Making Queensland Safer Bill 2024 –***

### ***Submission of Natalie Merlehan on behalf of Voice for Victims***

My thanks to the committee for taking the time to hear me and read my submission. My submission is made from a personal experience and also as a member of Voice for Victims, who I am representing at the Committee. This submission is in support of the proposed changes as outlined in the *Making Queensland Safer Bill 2024*, in principle.

My name is Natalie Merlehan, and as some of you may or may not be aware; I was involved in the incident at Alexandra Hills on 26 January 2021 which sadly took the lives of Matt Field, Kate Leadbetter and their unborn Son Myles. This day also stripped me of various functions of my body and the ability to lead an otherwise normal life. I have a background in Criminology and have worked in the space for over 15 years. I bring to you my comments and notes with criminological perspective and also firsthand experience as a survivor of a significant youth crime incident, along with being a member of Voice for Victims. A community led and run group of likeminded people who have been assisting and supporting each other over the past 2 years through the ongoing youth crime epidemic.

I wish to make it clear to the Committee that Voice for Victims and myself consider the following points, key areas which should underpin a functioning justice system, youth justice included and hope that as the Committee considers the *Making Queensland Safer Bill 2024* these and the underpinning focus behind them are reviewed and considered fulsomely to ensure that this Bill makes a significant positive impact to Queensland.

- Recognition of Victims, current and ongoing support for victims from both government and non-government agencies.
- Community safety as an underpinning principal and focus.
- Significant intervention and rehabilitation opportunities to offenders and their families and support networks to break the cycle of offending and support them through custodial and non-custodial sentences and beyond.

The incident which I was involved in has, and will continue to impact my employability, my physical and mental health and the ability for me to be a present and functioning mother, wife and friend for the rest of my life. These issues are compounded by the fact that I am not recognised as a victim, due to the charges brought against the offender and me being considered a ‘complainant’ not a victim due to the way in which the current system categorises motor vehicle events.

During the time following the offence I attempted to contact both QPS and the Courts to receive relevant information to allow me access to the Court and an ability to read a victim impact statement. Unfortunately, due to the matter which I was involved in and me not being recognised as a victim and other systemic failures I was never given this opportunity.

I have since, however met with Todd Fuller KC Director of Public Prosecutions on 12 October 2024 at my request to seek to understand and gain closure around this matter. I have attached to my submission a letter from him dated 7 November 2024 for your consideration and to assist in the understanding of issues that myself and victims like me face after being involved in offending against them.

As a victim of crime, whether currently recognised by the definition or not, I am and have had to continue to advocate for myself and others in similar situations to be recognised. This re-traumatises me each and every time and takes a significant amount of both physical and mental energy to participate in.

On the day of the incident, I was hit head on by the stolen car and since this time have undergone 5 surgeries to attempt to relieve pain and give me back some autonomy and function. After almost 4 years of medical treatment, I have been diagnosed with a Chronic Migraine from the velocity of the impact, I have permanent nerve damage to the right side of my body from my right cheek to the bottom of my right foot. I have damage in my C, L and T spine which causes numbness, burning, tingling and constant pain even with medication and the implantation of a nerve stimulator device.

Throughout all of this, due to the type of matter it was, being a vehicular one I have been considered a complainant, not a victim and have therefore been extremely limited in my ability to seek assistance to navigate the post incident life that I now need to live, be recognised as a victim of a significant injury, be able to be a part of the legal process or attend court for any of the appearances of the accused and give a victim impact statement.

The almost 18-year-old (at the time of the crime) who caused these injuries to myself, Matt, Kate and Myles is currently serving 6 years of a 10 year sentence due to his age at the time of the offence. He will be released on 25 January 2027.

## ***Making Queensland Safer Bill 2024 –***

### ***Submission of Natalie Merlehan on behalf of Voice for Victims***

As someone who has to suffer lifelong consequences, this is not an adequate sentence, and won't rehabilitate this offender who had, prior to this offence a significant number of charges against him and was on bail. Had this proposed Bill been law, I strongly believe that the outcome would have been significantly different.

Had these laws as proposed by the LNP Government been already law, I believe that it is unlikely that this offence would have occurred, and the injuries to myself and the deaths of 3 other innocent people could have been prevented as the sustained and escalating offending by the perpetrator would have been able to be considered in sentencing, additional supports could have been offered to him and his family to divert him from the path he was headed down, he may have been removed from the community for the safety of the community; and, had the offending occurred, myself and other persons directly impacted by the offending would have been able to receive relevant information and be in attendance during the Court process and be a part of the wider sentencing considerations.

*With respect to the proposed Bill I support the LNPs 'Adult Time, Adult Crime' I note the following as outlined in the explanatory notes and support them by way to comment as outlined below.*

- **Promote the consideration of the impacts of offending on victims in the Charter of Youth Justice Principles and when sentencing a child** – had this principle been in place during the extended offending time of the person who offended against me, I believe that it is unlikely that he would have been free to have committed the offence and be in the community to continue offending due to the number of previous charges he had and as he was on bail at the time of the new offences.
- **Courts are having primary regard to the impact of youth offending on victims and can impose appropriate penalties that meet community expectations. The amendments in the Bill further a range of purposes to achieve this – including, for example, punishment, denunciation, putting the rights of victims 'front and centre' in the youth justice process and promoting open justice and public confidence in the justice system** – It was demonstrated in the matter which I was involved that there was public outcry due to the limited sentence the offender received and there was limited ability for a number of victims involved in the incident to be put front and centre as we were excluded from Court and not a part of the trial in any capacity.
- **Ensure a child's criminal history reflects their full history, Cautions, restorative justice agreements and contraventions to be included in Criminal Histories and Enable a person's child criminal history to be admitted when sentenced as an adult** - Any information which is going to give a thorough and fulsome background to assist in sentencing someone should contain both positive and negative light should be able to be considered; significant focus has been given on the negatives of this, however the positives which could be seen and included are the completion of courses, offenders ability to attend appointments with youth justice, a decrease in offending type and decrease in offending frequency are also signs that other interventions and impacts of social, physical and mental changes are making a positive impact on the offender and offending behaviour.
- **Default to an 'opt out' mechanism for victims on the victim information register** – As someone who had to be added onto the register after a meeting with the Commissioner of Corrective Services, it shouldn't take a meeting such as this for a victim to be given basic information about the person who offended against them. The 'opt out' model allows victims to access limited but relevant information and gives them the power to make a decision which suits them with respect to receiving this information.
- **Amending the Childrens Court Act 1992 (Childrens Court Act) to ensure the victim, relatives of a victim and accredited media can be present during criminal proceedings.** Opening the Childrens Court back up to these identified persons will allow for further transparency and accountability of decisions being made and would have allowed victims such as myself the ability to be a part of the process for which they have forever had their lives changed. I would have appreciated being afforded this opportunity, again to choose, if I would like to be present and a part of this process. However, as the matter involved a juvenile and I hadn't been properly identified as a victim, I was not allowed any information from the Court and was unable to get contact back from QPS to assist me in this, as the focus for all of these agencies was solely on the parents of the deceased.

## ***Making Queensland Safer Bill 2024 –***

### ***Submission of Natalie Merlehan on behalf of Voice for Victims***

The ability for all impacted victims of youth crime to be privy to the charges, court proceedings and sentencing of the juvenile; for me would have given a lot of closure and understanding as I tried unsuccessfully for months to obtain information through various channels, and for myself and a number of other victims this would have assisted in our healing journey.

*With respect to the proposed Bill I support the LNPs 'Adult Time, Adult Crime' I note the following as outlined in the explanatory notes and have concerns with them by way to comment as outlined below.*

- **The court will not be able to sentence the child to a restorative justice order under sections 175(1)(da) or (1)(db) as this sentencing order is not available for adults** – the ability to use restorative justice, whether at request of the defence or prosecution should not be removed, and if the rights of victims are to be considered as 'front and centre' the choice to undertake restorative justice, where suitable should be allowed to be considered through the appropriate channels and as a part of a healing journey for the victim and a willing perpetrator.
- **The ability to safely house and keep youth offenders secure** – Having now seen the bill and read through the explanatory notes, I hold concerns about the ability for current centres to securely and safely house additional youth offenders and the ability of the facilities to adequately staff them as the current trends show that there are a significant number of 'dark hours', long hours in cell and a distinct inability for offenders to use the green spaces in custodial centres due to lack of staffing, internal and external conflict and risks and needs of identified offenders.
- **The ability for youth offenders to be able to obtain appropriate schooling, courses, medical, intervention and support services** – While I support the Bill in principle as outlined above, I hold concerns for how children will be able to be appropriately schooled and be able to be wholistically assessed and undertake relevant programs to decrease offending, manage identify risks and give them life skills and the ability to reintegrate into society in a meaningful way. I urge the Committee to look at how this is currently being managed in the centres and reinforce the need to address these issues along with the matters currently outlined in the Bill and set meaningful targets for the centres to achieve this to ensure that the children who are leaving the centres are leaving less traumatised, more skilled and ready to manage in the community in a more meaningful way.

With consideration to all of the above, and the additional submissions that the Committee will no doubt hear, I implore the Committee to contemplate on the below considerations prior to a decision being made, as I believe that these matters must be considered for the Bill to appropriately and constructively be set into law.

- How does the committee see the custodial and other similar facilities being able to safely and securely house the children. Knowing that our current facilities are almost at capacity and don't currently have enough staff as children are exceeding the acceptable limits of time inside their cells and are not receiving meaningful interactions with staff or health professionals.
- How will rehabilitation take place for these children while they're in custody or under supervision; where will the funding come from to ensure that appropriate staff are available to engage them in these programs and who are able to understand and sympathise with these children and the situations in which they've grown up and been exposed too.
- Committing children to custodial sentences doesn't always break the cycle of offending due to underlying issues, and custodial sentences have the ability to cause more harm as they can breed criminogenic behaviour as they're bringing together victims of crime and disconnected youth into an institutionalised setting.
- What considerations are being given too, and what are the proposed early interventions, education and assistance which are being planned for families to uplift them and educate them and their broader support network to break the cycle of offending and normalisation of incarceration.

Again, I thank the Committee for your time in hearing me today, and for reading my submission. I am available for any additional questions and information which you may need.

Natalie Merlehan  
Victim Survivor and Member of Voice for Victims

November 7, 2024

Ms Natalie Merlehan

By Email: [REDACTED]

**Dear Ms Merlehan**

**Re: Response to your complaint regarding the ODPP's engagement with you**

I refer to our meeting on 17 October 2024, in which you shared your experience as a witness, and victim, in the prosecution of a juvenile for a series of offences he committed in January of 2021.

I acknowledge that the offending by the juvenile has had a significant impact upon you and continues to do so. You clearly suffered a significant injury and feel disenfranchised by the way you have been treated during the criminal process. The charges pursued by the Crown did not properly reflect the injuries that you have now disclosed to me and that has been exacerbated by the denial of an opportunity for you to participate to a greater degree in the prosecution of the matter.

I have now had an opportunity to review all of the material supplied by the police, the actions and decisions made by this Office, and the legislation involved in this case. Given your legal training, and previous employment, I know you are familiar with the processes involved in a criminal investigation and a subsequent prosecution.

The statement you supplied on 28 January 2021 formed part of the brief of evidence compiled by police and relied upon at the committal proceeding conducted by the Queensland Police Service on 16 August 2021. It is attached for further reference. As no witnesses were required for cross examination, and no submissions were made by the defence, the matter was committed for trial to the Supreme Court on the charges laid by the investigating officers in early 2021.

The juvenile was not charged with, or committed for trial on, any offence in which you were the named complainant. The offending against you was however captured as one of a number of offences of Dangerous Operation of a Motor Vehicle under section 328A of the *Criminal Code*. That had the consequence of you not falling within the definition of victim under the *Victims of Crime Assistance Act* and we therefore did not engage with you in accordance with the Charter of Victims' Rights. Any information you received was therefore via the Queensland Police Service, who held responsibility for managing and informing witnesses of what was occurring, rather than from us. Whether you fell within the definition or not, you were clearly a victim of the juvenile's offending.

Given the nature of the injuries that you disclosed to me in the meeting, a circumstance of aggravation could have been added to the charge of Dangerous Operation of a Motor Vehicle. You would have been engaged with as a victim under the Charter and had the opportunity to tell the court of the impact of the offending upon you. That was denied to you by the course of events. This Office was still required to inform the court of any injuries suffered because of the offending pursuant to section 9 of the *Penalties and Sentences Act of 1992*. That occurred in this case but the court was not informed of the full extent of your injuries.

---

The file was allocated to [REDACTED] and me, by the Director following the committal proceeding and [REDACTED] acted upon the statement that you provided to police in preparing the matter. Your statement did not disclose that you had suffered any injury that had resulted in ongoing issues or gave rise to a suspicion that was the case.

Given the lapse of time between when the incident occurred, when it was received by this Office, and when the indictment was presented in early 2022, ordinarily any ongoing issues would have been brought to our attention by police. That did not occur here despite [REDACTED] and I having extensive dealings with the police and the Field and Leadbetter families in the settling of the indictment. It was therefore assumed, wrongly, that you had no ongoing issues and, had the police or us reached out, you would have informed us otherwise.

The juvenile entered pleas of guilty to the offences upon which he was indicted on 4 February 2022 and the sentence was adjourned to 7 June 2024 to allow for reports to be obtained and the families to attend around other family and work commitments. Those offences were: -

1	Burglary and stealing
2	Unlawful use of a motor vehicle
3	Dangerous operation of a motor vehicle whilst intoxicated, speeding and with a previous conviction
4	Manslaughter
5	Manslaughter
6	Burglary and stealing
7	Unlawful entry of a motor vehicle with intent to commit an indictable offence
8	Wilful Damage

On 20 May 2022 police advised [REDACTED] that you had received some permanent nerve damage from the collision. Given the impending sentence date, [REDACTED] asked for further material to be obtained to properly place before the court the full nature of your injury you suffered. The first document received confirming your appointment at the RiverCity Private Hospital did not disclose the nature of your injury. A further request was made, and the Capalaba Medical Centre provided the second document the evening before the sentence took place. That document disclosed that you may have suffered an injury that amounted to grievous bodily harm. It did not truly reflect the nature of your injury.

[REDACTED] brought it to my attention, and we discussed what steps needed to be taken. A decision was made, by me, not to delay the sentence given the likely sentence to be imposed, the fact the judge was unlikely to delay the sentence given the other charges the juvenile was facing, and the impact on the Field and Leadbetter families of an adjournment. It was an error however on our part not to consider whether to urgently seek a victim impact statement from you and offer you the opportunity to address the court.

The video footage of the incident which was played to the court which included the traffic camera and dash camera footage of what occurred at the intersection. This footage showed the collision with your vehicle in graphic detail. The court was informed that your family were in the car and that you suffered injuries to your neck as a result of the collision. Further submissions were made about the impact upon those who witnessed the incident, who responded to it, and to the broader community in which it occurred.

---

---

The maximum penalty the juvenile was exposed to was life imprisonment in relation to the offences of manslaughter. Those two offences were aggravated by the other offending, particularly the course of driving reflected by the offence of Dangerous Operation of a Motor Vehicle which culminated in the deaths. He was sentenced to 10 years detention for the offences of manslaughter and lesser current terms for the offending with a release after he had served 50% of that period. That sentence was the subject of an unsuccessful challenge by both the Attorney General and the juvenile in the Court of Appeal. [R v YTZ; Ex parte Attorney-General \(Qld\); R v YTZ \[2023\] \[2023\] QCA 87](#)

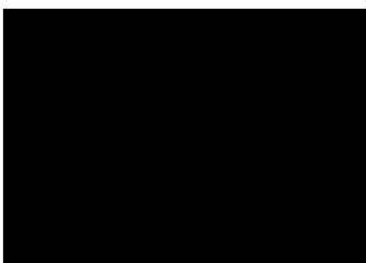
This Office acted on the information supplied by police to decide the charges to be pursued. No additional material was supplied to us in the lead up to the presentation of the indictment and, based upon what your statement contained, no further material was sought. Once ██████ became aware of your injuries he sought additional information. I acknowledge that those decisions have impacted negatively upon you and could have been made differently.

I understand you have met with the police and discussed their role in what occurred with them. I have spoken to ██████ to understand the course of events and accept his view that your statement did not give rise to an expectation that you suffered a significant injury that required further exploration. He had a reasonable expectation that police would bring such matters to our attention. Had this Office been aware of the true nature of your injuries a different course would have been taken and your experience would have been a different one. For that I apologise on behalf of ██████ and myself.

This has been a learning experience for all involved and will sharpen our focus on making positive inquiries of the police in similar circumstances. That is perhaps of little comfort to you, but I can assure you that this Office, and the staff who work here, are committed to serving the people of Queensland to the best of their ability, and are acutely aware of the impact offending has on those impacted by it.

I trust through your involvement in IMAC, and your victim advocacy, that you will continue to hold organisations such as ours to account and work to improve the way the criminal justice system as a whole meets the needs of victims.

Yours sincerely



Todd Fuller KC  
**Director of Public Prosecutions (Qld)**