



Our **Mission** is to prevent child sexual assault in our society.
Our **Vision** is to make Australia the safest place in the world to raise a child.

11th March 2019

Committee Secretary
Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane, Qld 4000
E-mail: lacsc@parliament.qld.gov.au

Submission:
Criminal Code and Other Legislation Amendment Bill 2019

Dear Committee,

We thank you for the opportunity to provide feedback to the *Criminal Code and Other Legislation Amendment Bill 2019*.

As an agency that is focussed on the prevention of sexual harm against children, and the protection of all children in our communities, and acknowledging the complexities in providing for the prosecution of homicide charges in relation to the death of a child under current legislation, Bravehearts fully supports the recommendations of the Queensland Sentencing Advisory Council. In relation to the current consultation, we fully support the amendments in the *Criminal Code and Other Legislation Amendment Bill 2019*.

As reflected in the final report handed down by the Queensland Sentencing Advisory Council, and in the issues considered in its review, proving intent in the death of a child can be challenging. We recognise, as outlined in the Council's consultation paper, three of the major issues impacting on prosecuting child homicide offences include: the complexity of determining cause of death, the common involvement of parents, carers or other family members, and establishing intent.

We note that the proposed changes will expand the definition of murder to include 'reckless indifference to human life', incorporate the 'defencelessness and vulnerability' of victims under the age of 12 as an aggravating factor and amend s324, increasing the maximum penalty for 'failure to supply necessities' from 3 years to 7 years imprisonment. **Bravehearts fully supports these proposed changes.**

It is clear, through the work of Queensland Sentencing Advisory Council, that current penalties for the death of a child do not meet community expectations nor do they properly reflect the nature of these crimes and the defencelessness and vulnerability of the child victim.

Bravehearts Foundation Ltd. bravehearts.org.au

National Office: (07) 5552 3000 | Fax: (07) 5552 3088 | Bravehearts Information & Support Line: 1800 272 831
Postal: PO Box 575, Arundel BC, QLD 4214 | Email: admin@bravehearts.org.au | ABN: 41 496 913 890 | ACN: 607 315 917

The amendments in this Bill address this, and in addition acknowledge that when reckless and callous acts result in the death of a child, when death is probable as the result of that act, the individual is just as culpable as a person who intends to kill a person.

The Bill brings Queensland in to line with other jurisdictions and more properly addresses

We thank you for the opportunity to provide feedback to the Bill and congratulate the government on its response to the Council's recommendations. Please contact us on research@bravehearts.org.au if any further information is required.

Kind Regards



Hetty Johnston AM GAICD
Founder



Carol Ronken
Director of Research