



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 (Mason Jett Lee) Amendment Bill 2019

Dear Committee,

We thank you for the opportunity to provide feedback to the LNP proposed *Criminal Code and Other Legislation (Mason Jett Lee) 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 (QSAC).

As reflected in the final report handed down by the QSAC, 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 Bill proposed by the LNP does not address many of the issues and recommendations made by the QSAC review, and is not in fact supported by the findings of the review.

Establishing a brand new offence, as proposed under this Bill, does not address many of the issues that lead to the charge of manslaughter rather than murder. Amending the current definition of murder to address the issues as raised within the QSAC review (specifically to expand the definition of murder to include 'reckless indifference to human life' and incorporate the 'defencelessness and vulnerability' of victims under the age of 12 as an aggravating factor) would bring Queensland in line with other jurisdictions.

In addition, while we support the consideration of a mandatory standard non-parole period for such serious offences such as manslaughter and the new proposed offence of child homicide, there are issues with introducing mandatory minimum sentences for a group of offences where circumstances

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can vary greatly. An example has been given in Hansard, of two parents being charged with the same offence (manslaughter) on the death of their child, where a father pled guilty to manslaughter of the child as a result of violent assault and abuse over a period of time; the mother also pled guilty on the basis of not providing medical assistance for the child, within the context of domestic violence and manipulation and threats from the father. Should the LNP Bill be passed, it would suggest that both are equally culpable and both would be subject to the same minimum sentence. The Bill does not adequately address different circumstances under which an offence may be committed.

While we understand the intention of the *Criminal Code and Other Legislation (Mason Jett Lee) Amendment Bill 2019* we do not believe there is any evidence-base behind the proposals within it.

We thank you for the opportunity to provide feedback to the Bill. Please contact us on research@bravehearts.org.au if any further information is required.

Kind Regards



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Founder



Carol Ronken
Director of Research