

To the Legal Affairs and Community Safety Committee,
for your consideration,

From Justice for Hemi,

Justice for Hemi (J4H) would like to expand on this submission on the 25th March 2019.

We would also like to make a submission on the bills the Criminal Code and Other Legislation Amendment Bill 2019 that was presented to Parliament on the 12 February 2019 and the Private member bill Criminal Code and Other Legislation (Mason Jett Lee) Amendment Bill 2019 on the 13th February 2019.

We would like to raise the matter of Mitigating factors and Aggravating factors that are considered when the defendant is sentenced.

If a person co operates with the Police during an investigation that is seen as a mitigating factor and that co operation is acknowledged during the Sentencing hearing and can lead to a substantial reduction in the sentence handed down.

What we would like to see at Justice for Hemi is that mitigating and aggravating factors when cosidered at Sentencing the “weighting” given to either factor should be as following;

1. At what stage of the investigation did the accused co operate with the Police?

The later in the investigation the accused co-operates with the Police should be seen as an aggravating factor as it is obvious the accused is only co-operating due to the evidence gathered and is only attempting to mitigate any future court proceedings.

2. Any accused person who fully co-operates with Police at the start of an investigation, this shall be seen as a mitigating factor.

3 Any accused person who attempts to hinder a Police investigation by either lying, giving false or misleading statements, withholding facts relevant to the case or the similar, this shall be noted and taken into consideration at Sentencing. This shall be seen as an aggravating factor and shall carry a “heavy negative weighting” and be reflected in any sentence given by the Court.

The QSAC report “Sentencing for criminal offences arising from the death of a child” was comprehensive and addressed many issues on a topic that is very complex and can be highly emotionally charged (especially for those of us who have suffered the loss of a child and been through the current court set up) did not we feel adequately address this issue.

Thank you for your time

Justice for Hemi

Shane Burke & Kerri-Ann Goodwin

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