



Speech By  
**Hon. Yvette D'Ath**


**MEMBER FOR REDCLIFFE**

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Record of Proceedings, 25 May 2023

## **MINISTERIAL STATEMENT**

### **Justice and Other Legislation Amendment Bill**

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for the Prevention of Domestic and Family Violence) (10.12 am): Today I will introduce the Justice and Other Legislation Amendment Bill 2023, which amends a broad range of legislation relating to the administration of justice including: the operation of courts and tribunals, the regulation of the legal profession, civil proceedings and electoral matters. Importantly, the bill includes amendments to the Criminal Law (Sexual Offences) Act 1978 to remove the restrictions which prohibit identification of an adult defendant charged with a prescribed sexual offence prior to finalisation of committal proceedings. Currently only defendants charged with rape and attempted rape, assault with intent to rape and sexual assault have their identity protected before committal. Queensland is only one of two jurisdictions in this country to offer this protection. Even alleged murderers and others accused of serious crimes can be identified before committal.

These amendments implement recommendation 83 of report 2 of the Women's Safety and Justice Taskforce. The previous protections for accused rapists were based in part on the false assumption that women maliciously make up complaints to damage reputations. These rape myths have absolutely no place in our society and our laws need to reflect this.

The bill also delivers on the Palaszczuk government's commitment to consider reforms to better recognise the deaths of unborn children as a result of criminal conduct. The loss of an unborn child is devastating, and to lose an unborn child as a result of another person's criminal conduct is profoundly distressing for the parents, their families and the wider community.

I would like to take the opportunity to acknowledge all of the families and the broader community who have advocated for reform to better recognise the death of an unborn child as a result of criminal conduct, particularly Sarah and Peter Milosevic, who I acknowledge are joining us in the gallery today. Peter and Sarah's tremendous courage through their continued advocacy needs to be acknowledged, and we thank them for that. I know this has been a long time coming. I do want to acknowledge the former attorney-general in relation to her work in both of these really important reform areas.

These particular amendments in relation to the loss of an unborn child due to criminal conduct go to allowing the name or description of an unborn child to be stated in relevant indictments and requires the court to treat ending an unborn child's life as an aggravating factor in sentencing for relevant serious offences. It is important to acknowledge what those serious offences are. Under the Criminal Code it will be murder, manslaughter, grievous bodily harm, wounding, dangerous operation of a vehicle and assault occasioning bodily harm. In addition, careless driving of a motor vehicle under the Transport Operations (Road Use Management) Act 1995 will be included as a serious offence so that an aggravating factor can be taken into account at sentencing.

The bill will expand the definition of 'victim' to include family members of the unborn child, allowing family members including siblings to share their trauma at the loss of an unborn child due to criminal conduct in witness statements before the court. We will expand eligibility for funeral financial assistance to funerals of unborn children.

The Palaszczuk government is proud to be introducing legislation that supports a modern, fair and timely criminal justice system. I look forward to introducing these important reforms in this House later today.