1. The Queensland Sentencing Advisory Council (the Council) is an independent body established under Part 12 of the *Penalties and Sentences Act 1992.* The functions of the Council include, if asked by the Attorney-General, to advise the Attorney-General on matters relating to sentencing.
2. On 25 October 2017, the Attorney-General and Minister for Justice and Leader of the House issued terms of reference to the Council to review the adequacy of penalties imposed on sentence for criminal offences arising from the death of a child following significant and ongoing community concern about whether sentences for criminal offences arising from the death of a child are meeting expectations.
3. The Criminal Code and Other Legislation Amendment Bill 2019 (the Bill) implements Recommendation 1of the Council report, *Sentencing for criminal offences arising from the death of a child: Final report* (the Report), by amending the *Penalties and Sentences Act 1992* to introduce a new aggravating factor providing that in sentencing an offender convicted of manslaughter of a child under 12 years, the court must treat the child’s defencelessness and vulnerability, having regard to the child’s age, as an aggravating factor.
4. The Bill also makes amendments to:
* expand the definition of murder in the Criminal Code to provide that a person commits murder in respect of any act or omission that caused the death of the person killed and that act or omission was done with reckless indifference to human life; and
* increase the maximum penalty under section 324 (Failure to supply necessaries) of the Criminal Code from three years imprisonment to seven years imprisonment.
1. Cabinet approved the introduction of the Criminal Code and Other Legislation Amendment Bill 2019 into the Legislative Assembly.
2. Cabinet noted that the Bill implements Recommendation 1 of the Queensland Sentencing Advisory Council *Sentencing for Criminal Offences Arising from the Death of a Child: Final Report*.
3. *Attachments*
* [*Sentencing for criminal offences arising from the death of a child: Final report*(October 2018) prepared by the Queensland Sentencing Advisory Council](Attachments/Report.PDF)
* [Criminal Code and Other Legislation Amendment Bill 2019](Attachments/Bill.PDF)
* [Explanatory Notes](Attachments/ExNotes.PDF)