



Queensland

# **Criminal Code and Other Legislation Amendment Bill 2019**





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# Criminal Code and Other Legislation Amendment Bill 2019

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**2019**

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**A Bill**

for

**An Act to amend the Criminal Code, the *Evidence Act 1977* and the *Penalties and Sentences Act 1992* for particular purposes**

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[s 1]

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**The Parliament of Queensland enacts—** 1

**Part 1 Preliminary** 2

**Clause 1 Short title** 3

This Act may be cited as the *Criminal Code and Other  
Legislation Amendment Act 2019*. 4  
5

**Part 2 Amendment of Criminal Code** 6

**Clause 2 Code amended** 7

This part amends the Criminal Code. 8

**Clause 3 Amendment of s 302 (Definition of *murder*)** 9

Section 302(1), after paragraph (a)— 10

*insert—* 11

(aa) if death is caused by an act done, or 12  
omission made, with reckless indifference to 13  
human life; 14

**Clause 4 Amendment of s 324 (Failure to supply necessities)** 15

Section 324, from ‘misdemeanour’— 16

*omit, insert—* 17

crime. 18

Maximum penalty—7 years imprisonment. 19

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<b>Clause 5</b>	<b>Insertion of new s 575A</b>	1
	After section 575—	2
	<i>insert—</i>	3
	<b>575A Evidence at murder trial</b>	4
	(1) This section applies in relation to the trial of a person charged with murder under a paragraph of section 302(1).	5 6 7
	(2) The person may be convicted of murder if the evidence at the trial establishes that the person is guilty of murder under any other paragraph of section 302(1).	8 9 10 11
<b>Part 3</b>	<b>Amendment of Evidence Act 1977</b>	12 13
<b>Clause 6</b>	<b>Act amended</b>	14
	This part amends the <i>Evidence Act 1977</i> .	15
<b>Clause 7</b>	<b>Amendment of s 21M (Meaning of <i>protected witness</i>)</b>	16
	Section 21M(3), definition <i>prescribed special offence</i> , after ‘323B,’—	17 18
	<i>insert—</i>	19
	324,	20
<b>Part 4</b>	<b>Amendment of Penalties and Sentences Act 1992</b>	21 22
<b>Clause 8</b>	<b>Act amended</b>	23
	This part amends the <i>Penalties and Sentences Act 1992</i> .	24

[s 9]

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<b>Clause 9</b>	<b>Amendment of s 9 (Sentencing guidelines)</b>	1
	Section 9—	2
	<i>insert—</i>	3
	(9B) In determining the appropriate sentence for an offender convicted of the 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 5 6 7 8
<b>Clause 10</b>	<b>Amendment of sch 1 (Serious violent offences)</b>	9
	Schedule 1, entry for Criminal Code—	10
	<i>insert—</i>	11
30A	section 324 (Failure to supply necessities)	12

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