

Child homicide in Queensland:
A descriptive analysis of offences
finalised by Queensland criminal courts,
2005–06 to 2016–17

RESEARCH REPORT

July 2018



Queensland Sentencing
Advisory Council
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Child homicide in Queensland: Analysis of offences finalised by Queensland criminal courts, 2005–06 to 2016–17

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Glossary

Appeal	Review of all or part of a court's decision by a higher court.
Associated offences	For the purposes of this paper, offences for which an offender is sentenced for at the same time or in the same proceeding as for a child homicide offence. These offences may also be charged in other circumstances.
Child homicide/ child homicide offences	Used throughout this report to refer to the child death offences that are the subject of this review — murder or manslaughter of a person under the age of 18 years of age.
Child protection history	In Queensland, this refers to information obtained from the 2016–17 Deaths of children and young people Queensland published by the Queensland Family and Child Commission.
Committal hearing	A preliminary examination by a Magistrates Court of the prosecution's evidence against a defendant to determine whether there is enough evidence for the matter to proceed to trial in the District or Supreme Court.
Comparator offence/s	For this report, this refers to murder and manslaughter offences involving an adult victim (a person aged 18 or over). The comparator offences' sentences, victims and offenders provide context for findings for the child homicide offences in the Queensland dataset.
Conviction	A determination of guilt made by a court.
Concurrent sentence	Individual sentences ordered for each offence in a case that are to be served at the same time. This means the shortest sentence is subsumed into the longest sentence (also called the 'head sentence'). For example, prison sentences of five years and two years served concurrently would be a total of five years' imprisonment.
Co-offenders	For this report, the term co-offenders refers to two or more offenders sentenced for the same homicide event within the 12-year data period. Offenders are co-offenders even if they were tried or sentenced separately, i.e. irrespective of whether each offender is sentenced at the same court event or not.
Court event	An appearance before a court where an offender is sentenced for one or more offences.
Court of Appeal	A division of the Supreme Court. The Court of Appeal hears appeals against conviction, sentence or both.
Court-ordered parole	A parole order where the parole release date is fixed by the court (meaning the offender is due for automatic release on that date). The court must fix a date for the offender to be released on parole if the offender has a sentence of three years or less and the sentence is not for a sexual offence or serious violent offence.
Cumulative sentences	Individual sentences for each offence are served one after the other. For example, a person sentenced to five years and to two years ordered to be served cumulatively would have to serve a total of seven years' imprisonment.
Custodial sentence	A sentencing order that involves a term of imprisonment being imposed, including suspended imprisonment or an intensive correction order.

Filicide	The unlawful killing of a child by a parent or parent equivalent (including a step-parent), irrespective of whether or not the child resides with the parent. While filicide by definition refers to the unlawful killing of a child by parent, the child may in fact be aged 18 or over.
Head sentence— imprisonment	The total period of imprisonment imposed. A person will usually be released on parole or a suspended sentence before the entire head sentence is served.
Homicide	The unlawful killing of a person. Homicide is defined under the criminal law of each Australian state and territory and includes murder and manslaughter, murder-suicides and all other deaths classed by police as homicides, whether or not an offender was apprehended.
Imprisonment	Detention in prison.
Indefinite sentence	A sentence that can be ordered instead of a fixed term of imprisonment, when an offender is considered a serious danger to the community. This means there is no fixed date when they can apply for release on parole. The Court will periodically review an indefinite sentence.
Interquartile range	The interquartile range is a measure of statistical dispersion of an ordered data sample. It is the middle 50% of an ordered data sample and is the difference between the 3rd quartile (75th percentile) and the first quartile (25th percentile).
Lodgment of a matter	Lodgment refers to the date of presentation of the indictment to court.
Mandatory sentence	A sentence that is a fixed penalty prescribed by Parliament for committing a criminal offence, allowing no discretion for the court to impose a different sentence.
Maternal/paternal filicide	The unlawful killing of a child by their mother or step-mother (maternal)/ father or step-father (paternal).
Maximum penalty	The highest penalty that can be given to a person convicted of a particular offence. Maximum penalties are prescribed by legislation.
Median	The median identifies the central value in a set of data. The median value is the middle number, or mid-point of values. Half of the values in the data set lie above the median, and half below. This report provides median where it gives a better measure of the variable considered.
Mental Health Court	The Mental Health Court decides whether a defendant may have a defence to a charge because of mental illness at the time of the alleged offence. The court also determines whether a defendant is not fit for trial because of mental illness.

Most serious offence (MSO)	For this report, MSO refers to an offender's most serious offence at the same court event. The MSO is defined as the offence receiving the most serious sentence, as ranked by the classification scheme used by the Australian Bureau of Statistics (ABS). An offender records one MSO per court event. For this dataset, this means when an offender records two homicide offences at the same court event (for example the court event is dealing with the offender for the homicide of two unique victims), only one of those offences will be used as the MSO for analysis. If an offender is sentenced for two or more murder offences, only one murder offence is considered their MSO. If an offender is sentenced for murder and manslaughter or any other offence, the murder sentence will always be considered the MSO for that offender for that court event. An MSO always attracts the most severe sentence outcome.
Offender	A person charged with one or more criminal offences, where they have either pleaded or been found guilty.
Operational period (suspended sentence)	The period (up to five years) during which an offender who is subject to a suspended sentence must not commit a new offence punishable by imprisonment, to avoid the risk of having to serve the suspended term of imprisonment in prison.
Parole	The conditional release of a person from prison. When a person is released on parole, they serve the unexpired portion of their prison sentence in the community under supervision.
Parole eligibility date	The earliest date on which a prisoner may be released on parole. The decision to release a prisoner on parole is made by the Parole Board Queensland.
Parole release date	The date on which a prisoner must be released on parole. A court can only set a parole release date if certain criteria are met. A parole release date cannot be set in certain circumstances, including if the sentence is greater than three years or if the person is being sentenced for a serious violent offence or a sexual offence.
Partially suspended sentence	Imprisonment of up to five years, with some actual prison time followed by release from prison with the remaining period of imprisonment suspended for a set period of time (called an 'operational period'). If the offender commits a further offence punishable by imprisonment during the operational period, they must serve the period suspended in prison (unless unjust to do so), plus any other penalties issued for the new offence.
Plea	The response by the accused to a criminal charge — 'guilty' or 'not guilty'.
Pre-sentence custody	See Remand.
Prosecution	A legal proceeding by the State of Queensland against an accused person for a criminal offence. Prosecutions are brought by the Crown through the Office of the Director of Public Prosecutions (ODPP) or police prosecutors.
Quartile	The first quartile is the middle number between the minimum and the median of the data set. The second quartile is the median of the data. The third quartile is the middle between the median and the maximum of the data set.

Queensland dataset	For this report, this term refers to court data from 1 July 2005 to 30 June 2017 (12-year period), sourced from the Department of Justice and Attorney-General's Queensland Wide Inter-linked Courts (QWIC) database, as provided by the Queensland Government Statistician's Office (QGSO) and enhanced with other agency-level data to build a comprehensive picture of homicide offences sentenced over the 12-year period.
Remand	To place an accused person in custody awaiting further court hearings dealing with the charges against them. A person who has been denied bail, or not sought it, will be placed on remand. For this report, this is also referred to as 'pre-sentence custody'.
Sentence	The penalty that the court imposes on a person who has been found guilty of an offence.
Sentencing factors	The factors that the court must take into account when sentencing.
Sentencing remarks	The reasons given by the judge or magistrate for the sentence imposed.
Significance/significant/ statistically significant/ statistical significance	Statistical significance is the likelihood that a relationship or difference between variables or groups is not caused by chance.
Serious violent offence (SVO)	If a court convicts a person of an offence and declares it to be a serious violent offence, it means the offender is unable to apply for parole until they have served 80 per cent of their sentence or 15 years in prison, whichever is less. A number of offences are identified in legislation as being 'serious violent offences', such as violent offences (including manslaughter but not murder) and child sexual offences.
Supreme Court	The highest state court in Queensland. It comprises the trial division and the Court of Appeal. All trials and sentencing hearings for murder and manslaughter take place in the Supreme Court trial division.
Suspended sentence	A sentence of imprisonment of five years or less, suspended in whole (called a 'wholly suspended sentence') or in part (called a 'partially suspended sentence') for a period of time (called an 'operational period') If further offences punishable by imprisonment are committed during the operational period, the offender must serve the period suspended in prison (unless unjust to do so), plus any other penalties issued for the new offence.
Victim	In this report, a person who has suffered harm directly because of a criminal offence. For the Queensland dataset the term refers to a person who is the victim of murder or manslaughter.
Wholly suspended sentence	A sentence of imprisonment of up to five years but with no actual time served in prison as part of the sentence unless the person commits a further offence during the operational period. If further offences punishable by imprisonment are committed during the operational period, the offender must serve the period suspended (unless unjust to do so), plus any other penalties issued for the new offence.

Chapter 1: Introduction

When homicide occurs within our community, it provokes strong emotions. When a child is the victim of homicide, community concern magnifies. This report provides the results of research undertaken by the Secretariat of the Queensland Sentencing Advisory Council as part of the formal request by the Attorney-General to examine sentencing for criminal offences arising from the death of a child (child homicide offences).

To promote a comprehensive understanding of child homicide, the Secretariat considered a range of information sources, including data from government agencies as well as the broader body of literature at state, national and international levels. This report is a descriptive analysis of the offence characteristics, victims, offenders and sentencing outcomes associated with child homicide offences finalised by Queensland criminal courts in the 12-year period between 1 July 2005 and 30 June 2017. It does not provide explanations for any identified patterns or trends; however, additional legal discussion and interpretation of the data is included in the Council's complementary consultation paper *Sentencing for criminal offences arising from the death of a child: Consultation paper*. The Council's final report, scheduled for completion by 31 October 2018, will include additional commentary about the data.

This research report begins with an outline of the scope and an overview of the sentenced offences examined. The report then looks at victims of child homicide and offenders sentenced by Queensland courts for child homicide, as well as what we currently know about child homicide as an offence category. Where relevant, adult homicide is used for comparative purposes. This research reveals a number of key findings:

Key findings

Child homicide offences

- Child homicide is complex and diverse, posing specific challenges for the criminal justice system as well as prevention efforts.
- The majority of child homicides occur in a private location, usually the victim's home. The likelihood of a homicide occurring in the home is greatest for child victims aged under 10 years.
- Child homicide cases take significantly longer to progress from offence to sentencing than adult homicide cases, although in the current Queensland dataset, a number of historical child murder cases influence this finding.
- Substance misuse and mental health issues are associated with child homicide offenders; however, the contribution of these factors to the homicide event is difficult to determine.
- According to the National Homicide Monitoring Program, over the period 1 July 2005 to 30 June 2014, Queensland accounted for 19.5 per cent of all national homicide incidents and 25.0 per cent of all national child homicide incidents.

Victims of child homicide

- Children in Queensland are less likely than adults to be the victim of homicide events finalised by Queensland criminal courts. Ten adults per 100,000 adult population were victims of homicide events finalised by Queensland courts over the 12-year period, compared to 5.7 children per 100,000 child population.
- A child is at greatest risk of homicide in their first year of life, with risk reducing until it again increases during a child's mid to late teenage years.
- The number of boy and girl victims is about the same. In contrast, almost two thirds of adult homicide victims are male.
- Patterns in the cause of death are identifiable based on who committed the child homicide and the age of the victim.

Child homicide offenders

- Family members are the most common perpetrators of child homicide, with parents or parent equivalents representing the largest offender group.
- While a majority of sentenced child homicide offenders record previous convictions, most did not record a previous conviction for a violent offence.
- Females represent a higher proportion of perpetrators in the child homicide category than in any other category of homicide.
- Offenders sentenced for child homicide are on average younger than adult homicide offenders.

Sentencing of child homicide offences

- All offenders sentenced by Queensland criminal courts for child homicide over the 12-year period received custodial sentences.
- Adult offenders sentenced for child manslaughter are more likely to have pleaded guilty than those sentenced for child murder.
- For adult offenders sentenced for homicide, child homicide is more likely than adult homicide to result in a sentence for manslaughter, not murder.
- For adult offenders sentenced for manslaughter, the average custodial sentence is 8.3 years. Offenders sentenced for adult manslaughter received significantly longer average sentences (8.5 years) than offenders sentenced for child manslaughter (6.8 years), but the median values are not as different (8.0 and 7.5 respectively).
- A quarter of adult offenders imprisoned for manslaughter of a child were declared to be convicted of a serious violent offence (SVO).
- All adult offenders sentenced for murder received a mandatory sentence of life imprisonment.

Background

The Queensland Sentencing Advisory Council is an independent body established by Part 12 of the *Penalties and Sentences Act 1992 (Qld)* (PSA). The Council's role is to inform, engage and advise on matters relating to sentencing in Queensland courts. In October 2017, the Honourable Yvette D'Ath MP, Attorney-General and Minister for Justice, gave the Council a [Terms of Reference](#) reviewing penalties imposed on sentence for criminal offences arising from the death of a child (child homicide offences).

In early 2018, the Council sought clarification about the specific offences considered part of the Terms of Reference. As a result, the criminal offences included in this report are murder and manslaughter. These offences are referred collectively throughout this report as 'child homicide offences'. While other criminal offences exist where the death of a child has occurred, such as dangerous driving causing death (*Criminal Code (Qld)*, s 328A) and driving without due care and attention (*Transport Operations (Road Use Management) Act 1995 (Qld)*, s 83), detailed analyses of these offences are not included in this report. The Council's complementary consultation paper provides further explanation about the approach adopted for the reference.

Decisions made by the Mental Health Court¹ concerning child homicide offenders are not part of this research report as they are not sentencing decisions. These decisions include a finding that a person was of unsound mind at the time of the offence, meaning they are not criminally responsible for their actions. As a result, when this report refers to Queensland courts it is referring to criminal courts, specifically the Supreme Court of Queensland both in its original (trial) and appellate jurisdictions. When this report uses the term 'child', it is referring to a person aged under 18 years of age at the time the offence occurred.

This research report provides the results of the Secretariat's initial analyses of relevant administrative data as well as broader literature, and forms part of the Council's response to the Terms of Reference. This report complements the Council's [Sentencing for criminal offences arising from the death of a child: Consultation paper](#). The consultation paper provides an avenue for direct public input into the Council's review and the community is encouraged to consider contributing to this important work. Aspects of this research report and the Council's consultation processes will be incorporated into the Council's final report due to the Attorney-General by 31 October 2018.

Purpose and scope of report

This report answers the following research questions:

1. How many people do Queensland criminal courts sentence for child homicide and what are the penalties imposed?
2. What are the observable characteristics associated with the child homicide cases sentenced by Queensland courts?
3. What characteristics are associated with victims of the child homicides sentenced by Queensland courts?
4. What characteristics are associated with people sentenced for child homicide by Queensland courts?

These research questions specifically address areas of interest identified in the Terms of Reference referred to by the Attorney-General and will support informed decision making. This research is a descriptive analysis of homicide events finalised by Queensland criminal courts over the 12-year period 1 July 2005 to and including 30 June 2017. This report does not attempt to explain or attribute reasons for any outcomes or patterns of the analyses.

The dataset used for analyses consists of all murder and manslaughter offenders with a victim aged under 18 years of age, sentenced in Queensland courts between 1 July 2005 and 30 June 2017. This 12-year period represents the Council's full dataset. The Secretariat accepts that certain administrative data used for the presented analyses, particularly the criminal justice data, may change over time because of agency-level updates and/or subsequent criminal justice system processes. All presented analyses using the Council's 12-year dataset are accurate and complete as at 31 May 2018.

This research excludes accessory offences for murder or manslaughter, as well as driving-related offences, such as dangerous driving causing death, and unlawful striking causing death. The term child homicide is used as an aggregate term covering both murder and manslaughter convictions involving a victim aged under 18 years of age. Certain analyses also include sentenced cases for the comparator offences of murder and manslaughter of adult victims (aged 18 years or over).²

Explaining homicide

The following information provides a brief explanation about murder and manslaughter as the two Queensland criminal offences under review in this report. Additional legal and explanatory information is located in the Council's consultation paper, specifically in Chapter 3: *Child homicide offences*.

Killing a person³ is either murder or manslaughter, depending on the circumstances of the case,⁴ unless the killing is 'authorised or justified or excused by law'⁵ such as when a legal defence or excuse applies. 'Killing' means causing 'the death of another, directly or indirectly, by any means whatever'.⁶ A person causes someone else's death if what they did (an 'act')⁷ or did not do (an 'omission')⁸ is a substantial or significant cause of death, or substantially contributed to the death.⁹ It does not have to be the only cause.¹⁰ A person can still be criminally responsible even when the death could have been avoided by the victim taking proper precaution or prevented by proper care or treatment,¹¹ or where the death was ultimately caused by 'reasonably proper' medical treatment, administered because of the injury and delivered in good faith.¹²

Murder

The Criminal Code (Qld) sets out five different ways in which a person can be guilty of murder:

- a) Intent to cause someone death or grievous bodily harm — it does not matter if the offender did not intend to hurt the person killed.¹³ Grievous bodily harm means the loss of a distinct part or organ of the body; serious disfigurement or any bodily injury of such a nature that, if left untreated, would endanger (or be likely to endanger) life; or cause (or be likely to cause) permanent injury to health. It does not matter whether medical treatment is or could have been available.¹⁴ In the case of children killed by carers or people known to them, this will be the most common way of prosecuting murder.
- b) Felony murder — where the death is caused by an act ‘done in the prosecution of an unlawful purpose’ which was likely to endanger human life. It does not matter that the offender did not intend to hurt any person.¹⁵
- c) Unlawful killing in order to carry out a crime or to facilitate the flight of an offender who has committed or attempted to commit a crime¹⁶ in circumstances where the offender intends to cause grievous bodily harm to ‘some person’.¹⁷
- d) The death is caused by administering any stupefying or overpowering thing for either of the purposes mentioned in paragraph (c).¹⁸
- e) The death is caused by wilfully stopping the breath of any person for either of such purposes.¹⁹

For (c), (d) or (e), it does not matter that the offender did not intend to cause death, or did not know that death was likely to result.²⁰

Intention to kill or cause grievous bodily harm is expressly an ‘element’ (or ingredient) of murder in most cases, whereas intent does not need to be proven for manslaughter. The word ‘intends’ means to have in mind, to have a purpose or design, to mean. It involves premeditation. The prosecution has to prove the accused person had the specific intention in his or her mind when committing the offence, but not necessarily for a long time. A person’s awareness of the probable consequences of their actions is not necessarily legal intent, even when recklessly performing the action over an extended period.

There are three partial defences which result in a person being found guilty of manslaughter where they would otherwise be guilty of murder.²¹ These are diminished responsibility, killing on provocation and killing for preservation in an abusive domestic relationship. Further information on these defences as well as additional related legal discussion can be located in the Council’s consultation paper in Chapter 3: *Child homicide offences*.

In Queensland, the mandatory penalty for murder is life imprisonment. The penalty of life imprisonment cannot be varied, although under part 10 of the PSA, an indefinite sentence can be imposed. The Council prepared a 2017 [Sentencing Spotlight on...murder](#). Please note the different datasets between the Sentencing Spotlight and this review.

Manslaughter

An unlawful killing in Queensland that is not murder is manslaughter. Manslaughter carries a maximum penalty of life imprisonment. This is not a mandatory penalty. It is up to the court to impose an appropriate sentence in the particular circumstances of each case. Courts have long acknowledged manslaughter attracts the widest range of possible sentences of all serious offences²² as it may be committed in an infinite variety of circumstances. Additional detail about the offence of manslaughter can be located in Chapter 3: *Child homicide offences* of the Council’s consultation paper.

In 2017, the Council produced a [Sentencing Spotlight on...manslaughter](#). Please note the different datasets between the Sentencing Spotlight and this review.

Data sources and methodology

Data was sourced from several agencies — see Table 1. All tables and figures presented in this report include data source references and time periods where relevant. Table 2 provides an explanation of all data sourced for subsequent analyses presented in this report, including associated time periods and intended uses. The Council extends its appreciation to all contributing agencies.

Table 1: Agency datasets

Agency	Dataset
Queensland Government Statistician's Office (QGSO)	Courts database
Queensland Family and Child Commission (QFCC)	Queensland Child Death Register
Queensland Corrective Services (QCS)	Integrated Offender Management System (IOMS)
Queensland Police Service (QPS)	Queensland Police Records and Information Management Exchange (QPRIME)
Queensland Sentencing Information Service (QSIG)	Sentencing remarks
Australian Institute of Criminology (AIC)	National Homicide Monitoring Program (NHMP)
Australian Bureau of Statistics (ABS)	2016 Census

All acquired agency-level data was sourced to build a comprehensive picture of homicide offences sentenced by Queensland criminal courts over the 12-year period and to ensure all potential cases were incorporated into the Queensland dataset. Data was matched across Queensland datasets using combinations of name, date of birth, offence date, offence type and the QPS Single Person Identifier, depending on availability. Appendix 1 details how the Council linked the different Queensland datasets for this research report.

QFCC's Queensland Child Death Register provided baseline data, identifying child death cases which, as a result of the official cause of death, were most likely to have resulted in criminal proceedings. To account for potential delays in criminal proceedings, the data period selected for the QFCC data was 1 January 2004 to 30 June 2017. The baseline data was combined with court data over the period 1 July 2005 to 30 June 2017. Linking the two datasets enabled the Secretariat to identify which of those baseline cases resulted in people sentenced for murder or manslaughter of a child. Additional quality checks using QPS data (offence-focused) and sentencing remarks from QSIG (penalty-focused) revealed additional cases outside QFCC's baseline data involving people sentenced for child homicide over the 12-year period of court data. This also included the finalisation of a number of historical or 'cold' cases. While sentenced within the Council's data period, cold cases relate to historical homicide offences.

QCS data provided a capacity to examine pre and post-sentence management of those offenders sentenced for child murder or manslaughter in court data. The QCS data extraction focused on individuals sentenced for child murder or manslaughter in court data over the period 1 July 2005 to 30 June 2017.

QPS data provided victim age, gender and relationship for homicide offences. QPS data was also integrated into time analyses, providing an indication of the time between the offence incident and police charge.

NHMP provided Australian homicide statistics for 2005–06 to 2013–14, including counts of child homicide broken down by offender, victim and offence characteristics. Note the NHMP uses 'offence records' provided by the Australian police services. That information is based on suspects charged.

Caution is advised in making direct comparisons with data from other sources, including this report's data. The NHMP data is in Appendix 2. In line with one of the areas of NHMP's research focus, the AIC also provided detailed national information about filicide, a sub-group of child homicide. Filicide refers to child homicide cases where the perpetrator is a parent or parent equivalent of the child, including a step-parent.

Table 2 provides an explanation of all data sourced for subsequent analyses presented in this report, including associated time periods and intended uses. All tables and figures presented in this report include data source references.

Table 2: Data sources

Source	Time period	Offence scope	Data purpose
QGSO	Sentence date 1/7/2005–30/6/2017	Murder, manslaughter, attempted murder, grievous bodily harm (GBH), torture, child cruelty	Provide offender demographics, offence details and sentence details.
QFCC	Registered with Births, Deaths and Marriages from 1/1/2004–30/6/2017	Murder or manslaughter, other offences	Identify all homicide cases with a victim aged under 18 years. Provide victim demographic information.
QCS	Sentence date 1/7/2005–30/6/2017 Note: pre-sentence custody dates may be prior to 1 July 2005	Murder or manslaughter	Provide offender's actual time in prison (including pre-sentence custody). Identify parole eligibility dates. Provide offender demographics and information about offender behaviour in custody.
QPS	Occurrence registered from 1/1/2002–31/12/2017	Murder, manslaughter	Identify comparator offence cases with a victim under 18 years of age. Offence and charge dates for offences. Offender and victim demographics. Offence information.
QSI	Sentence date 1/7/2005–30/6/2017	Murder, manslaughter	Provide offence information — location, relationship, cause of death. Provide length of pre-sentence custody.
AIC – NHMP	Offence date 1/7/2005–30/6/2014	Murder or manslaughter	Provide national level information on homicide and child homicide. NHMP data is derived from state and territory police offence reports.
ABS	2016 Census	N/A	Provide population counts by age and sex

Table 3 below outlines the number of cases involving the death of a child, which are beyond the scope of the Terms of Reference. Where the Queensland Court of Appeal allowed an appeal against sentence, this new sentencing outcome superseded the original sentence. This most often affected sentence length, but sometimes involved changes in charged offence, or outright acquittal.

Table 3: Out-of-scope cases

		Offenders	Child victims
Initially in-scope (all cases relating to the death of a child which potentially could culminate in an offence)		215	216
Immediate out-of-scope	Driving-related deaths (other than where charged as manslaughter)	77	87
	Perpetrator died before charges laid	13	16
	Referred to Mental Health Court — indefinite	8	15
	No charge/s, or charges discontinued	11	10
	Total	109	128
Remaining		106	88
Secondary out-of-scope	Deceased — charges discontinued	1	1
	Found not guilty	9	7
	Accessory offence to homicide	7	5
	Case ongoing — not finalised	19	13
	Case sentenced after June 2017	7	6
	Offender not identifiable	1	1
	Total	44	33
Remaining		62	62
Final total *Some appeals pending	Sentenced for child murder (MSO)	25	26
	Sentenced for child manslaughter (MSO)	37	36
TOTAL		62	62

This report looks at both the average (the arithmetic mean) and the median (the ‘middle’ value, which separates the higher half of the data sample from the lower half) for the data presented. Depending on the distribution of the data sample, the median provides better measure of the central tendency, i.e. the central or typical value for the data sample or distribution (for examples of contrasting findings depending on whether the average/mean or median is used, see Figures 2 and 3 of this report).

Where statistical significance is tested and presented, averages are always used. For this report, the age cohorts adopted for victims and offenders assists with data presentation and discussion as well as facilitates comparison with other data sources and/or research findings. Where possible, age categories align with other studies.

Literature analysis

The Secretariat undertook a review of research and academic examinations of child homicide, including filicide as a discrete subgroup of child homicide. As with most crime-related research, it can be difficult to translate research findings from one jurisdiction to another. These limitations stem from a range of factors, including the scope of individual research, definitional and categorisation differences across jurisdictions; small sample sizes; and varied research designs, data sources and topics under review.²³ Despite these limitations, Australian and international research provides an important contribution to the Council's review, in particular moving beyond the data to examine the situational and contextual dimensions of child homicide.

The review of literature sought to examine relevant national and international research and identify findings linked to the areas of interest identified for the data analysis. This latter aim enabled the Secretariat to compare and contrast Queensland's results and the findings of complementary work.

Sentencing remarks analysis

All available sentencing remarks for murder and manslaughter cases over the 12-year period were analysed using structured coding. Limited findings from this structured analysis are referred to in this report. Further analysis based on the Council's coding of sentencing remarks will be included in the Council's final report in response to the Terms of Reference. The analysis in the Council's final report will include findings about those sentencing purposes and factors explicitly referred to by judges in sentencing for child homicide offences.

As with its previous work, the Secretariat acknowledges the limitations associated with analysing sentencing remarks, most notably, that sentencing remarks do not contain a comprehensive list of factors taken into account by a sentencing judge. However, as part of a mixed method research design, sentencing remarks supplement purely data-driven analyses, providing a rich source of additional information about this category of homicide.

Report structure

The remainder of this report provides the results of the Secretariat's research.

Chapter 2 — Presents high-level analyses of in-scope offences over the 12-year period. The chapter also establishes situational and contextual factors identified as associated with child homicide cases sentenced in Queensland using the Council's full, integrated dataset. Some national and international comparisons are discussed.

Chapter 3 — Provides in-depth analyses of Queensland victim characteristics and how they compare to broader national and international data and research. The chapter considers victim characteristics according to offence location, cause of death and offender-victim relationship. The chapter also discusses the unique challenges posed by this offence category for the criminal justice system.

Chapter 4 — Shifts focus to perpetrators, analysing characteristics of those sentenced for child homicide cases, including their relationship to victims. The chapter includes comparison with perpetrators convicted of adult comparator offences.

Chapter 5 — Presents an analysis of all penalties imposed on sentence for child homicide over the 12-year period. This chapter incorporates analyses of pre-sentence custody, parole eligibility, time served in custody and outcomes of appeals. Time analyses tracking the length of time associated with these cases from offence date through to appeal outcome are provided.

Chapter 2: Offences

Key points from this chapter

- Over the 12-year period, Queensland courts finalised 513 homicide offences, an average of 43 offences per year. Of these offences, 72 (14.0%) involve child victims.
- The 72 child homicide offences relate to 62 unique children.
- Of all sentenced homicide offences involving child victims, 30 (41.7%) were murder and 42 (58.3%) were manslaughter offences. Of all 441 sentenced homicide offences involving adult victims, 215 (48.8%) were murder and 226 (51.2%) were manslaughter offences.
- Child, as with adult, homicide offences in Queensland are more likely to occur in a private location, such as a house or unit (66.1% and 63.5% respectively). As child victim age increases, the proportion of offence locations that are public places increases. From the age of 14 years, the offence location is more likely to be a public place. National homicide data confirms 'the home' as the most common offence location for child homicide cases (60.2%). For child homicides that are filicides, the home is even more likely to be the offence location (79.7%).
- Child homicide cases take significantly longer to progress from offence to sentencing than adult homicide cases (4.3 years on average versus 2.7 years). However, multiple historical cases within the child homicide cohort, specifically child murder, has increased average timeframes in child homicide cases.

This chapter establishes the foundation for analyses presented in subsequent chapters, providing aggregate level analyses of homicide offences and other in-scope offences sentenced by Queensland courts over the 12-year period. While the report's focus will turn to child homicide in response to the Terms of Reference, these initial high-level analyses are important for situating the sentencing of child homicide by Queensland courts within the broader category of homicide.

Please note, for this chapter, unless otherwise specified, the unit of analysis is 'offence'. Chapters 3, 4 and 5 will shift the unit of analysis to 'victim', 'offender' and 'penalty imposed on sentence' respectively. Guidance about the units of analysis or focus is also presented as part of all data tables and figures in this and subsequent chapters. Findings from the Queensland dataset on child homicide are compared to broader national data and international research where appropriate.

Homicide offences sentenced by Queensland courts

Queensland courts finalised 513 homicide offences involving 479 offenders during the period 1 July 2005 to 30 June 2017. While all offenders sentenced for homicide record a homicide offence as their most serious offence (MSO), some may also be sentenced for homicide offences that are not recorded as an MSO for that court event.

Table 4 identifies 34 homicide offences not recorded as an MSO. However, **all** of these 34 homicide offences relate to offenders sentenced for multiple homicide offences at the one court event. In other words, these 34 offences relate to an offender sentenced at the one court event for the homicide of more than one victim. As a result, one of the offender's homicide offences is recorded as their MSO while subsequent offences are recorded as non-MSO offences.

Table 4: Homicide offences sentenced in Queensland, 2005–06 to 2016–17

	Murder		Manslaughter		Total homicide
	n	% of total	n	% of total	N
Most serious offence (MSO)	220	45.9	259	54.1	479
Offence with child victim	25	40.3	37	59.7	62
Offence with adult victim	195	46.7	222	53.2	417
Not most serious offence	25	73.5	9	26.5	34
Offence with child victim	5	50.0	5	50.0	10
Offence with adult victim/s	20	83.3	4	16.7	24
TOTAL	245	47.8	268	52.2	513

Source: QGSO

Note: The count is of the sentenced offence. There may be multiple sentences per offender and/or multiple sentences given regarding one victim.

Table 4 reveals of the 513 homicide offences sentenced by Queensland courts over the 12-year data period, 245 (47.8%) are for the offence of murder. Of these murder offences, 220 (89.8%) are recorded as the MSO, while 25 (10.2%) are recorded as a non-MSO. Please note, as discussed above, all of the 25 murder offences recorded as non-MSO are associated with offenders sentenced for the murder of more than one homicide victim at the one court event.

Table 4 also shows, 268 manslaughter offences were finalised by Queensland courts, of which 259 (96.6%) are recorded as the MSO. Manslaughter offences account for 52.2 per cent of the total homicide offences finalised by Queensland courts (N=513). Nine (3.4%) manslaughter offences are non-MSO. All nine non-MSO manslaughter offences are associated with offenders sentenced for more than one homicide victim at the one court event.

According to NHMP data derived from police offence reports over the nine-year period 1 July 2005 to 30 June 2014, Queensland homicide incidents accounted for 19.5 per cent of all homicide incidents nationally and 25.0 per cent of all child homicide incidents nationally.²⁴

Table 5 compares manslaughter offence categories for cases involving an adult victim (adult manslaughter) against cases with at least one child victim (child manslaughter). The analysis uses the following manslaughter categories:

- *Manslaughter by violent or unlawful act* includes deliberate violent or unlawful acts causing harm, but without an intention to kill or cause grievous bodily harm and includes offenders found guilty on the basis of being a party to the offence but who were not directly responsible for causing the fatal injury.
- *Manslaughter by criminal negligence: neglect* are deaths caused by an offender's criminally negligent acts or omissions and includes a failure to seek medical assistance for a child or adult in the person's care.
- *Manslaughter — diminished responsibility* are killings that occur in circumstances where the offender intended to kill or cause grievous bodily harm to the victim, but which are reduced from murder to manslaughter on the basis of the offender being of diminished responsibility at the time of the offence.
- *Manslaughter — provocation*, similar to diminished responsibility, consists of conduct that would otherwise result in a conviction for murder, but is reduced to manslaughter on the basis of the operation of the partial excuse of provocation.
- *Manslaughter by criminal negligence: vehicle* involves criminally negligent driving behaviour that has resulted in a person's death.

- *Manslaughter — killing for preservation in an abusive domestic relationship* involves the killing of the deceased person in circumstances where that person had committed acts of serious domestic violence against the offender in the course of an abusive domestic relationship, and the person believed (reasonably) that the killing was necessary for his or her preservation from death or grievous bodily harm (but excludes cases where a person successfully argues self-defence, which is a complete defence to murder).

Manslaughter by violent or unlawful act represents the highest proportion of both child (54.1%) and adult (78.4%) cases. Of note however, is the higher proportion of *manslaughter by criminal negligence: neglect* in child cases (32.4%) compared to adult cases (2.7%). The proportion of *manslaughter — provocation* is also lower for child cases (2.7%) than for adult cases (8.6%).

Table 5: Type of manslaughter (MSO), Queensland, 2005–06 to 2016–17

Type of manslaughter	Child manslaughter offences		Adult manslaughter offences		Total manslaughter	
	n	% of total	n	% of total	N	% of total
Manslaughter by violent or unlawful act	20	54.1	174	78.4	194	74.9
Manslaughter — provocation	1	2.7	19	8.6	20	7.7
Manslaughter by criminal negligence: neglect	12	32.4	6	2.7	18	6.9
Manslaughter — diminished responsibility	2	5.4	12	5.4	14	5.4
Manslaughter by criminal negligence: vehicle	1	2.7	10	4.5	11	4.2
Manslaughter — killing for preservation in an abusive domestic relationship	0	0.0	1	0.5	1	0.4
Manslaughter type not known	1	2.7	0	0	1	0.4
TOTAL	37	100.0	222	100.0	259	100.0

Source: QJSIS, QGSO, QFCC

Note the total figures in this table exclude non-MSO offences

Location of offence

Sentencing remarks and QPRIME data provide an ability to examine where sentenced homicide offences occurred. Figure 1 provides a breakdown of offence location. For this analysis, offence location is classified as either private (e.g. a home) or public (e.g. a park or street). All homicide offences over the period are significantly more likely to occur in a private location than in a public location ($t(477)=29.00, p<.0001$). Adult and child homicide offences are significantly more likely to occur in a private location than in a public location with no significant difference identified between child and adult homicide cases (adult homicide: $t(415)=26.85, p<.001$; child homicide: $t(61)=10.91, p<.001$). Also, both murder and manslaughter offences are significantly more likely to occur in a private location than in a public place (murder: $t(218)=22.73, p<.001$; manslaughter: $t(258)=18.99, p<.001$). Comparing these offence groups however, reveals that murder is significantly more likely to occur in a private location (70.3%) than manslaughter offences (58.3%) ($t(476)=2.74, p=.0064$).

Figure 1: Location of homicide offences (MSO), Queensland, 2005–06 to 2016–17



Source: QGSO, QSIS, QFCC

Note: The location of the offence is unknown for one case, which was excluded from this analysis.

Australian research provides an insight into what constitutes the ‘private’ offence location. For example, NHMP confirms the significance of the child’s home as the offence location for child homicide cases (60.2%).²⁵ This national dataset also reveals filicides are even more likely to occur in the child’s home (79.7%).²⁶

Location of offence differs slightly by type of manslaughter (both adult and child combined); however, caution is advised when interpreting these results as the sample size for some offence types are particularly small. All *manslaughter by criminal negligence: vehicle cases* occurred in a public location while the majority of *manslaughter by criminal negligence: neglect* (77.8%) and *manslaughter — diminished responsibility* (71.4%) cases occurred in a private location.

Timeline¹

Homicide represents one of the most, if not the most, complex and serious crimes the criminal justice sector responds to on behalf of the Queensland community. In practice, this complexity typically translates into additional time requirements to ensure the system fulfils its role to detect, prosecute, defend and sentence people charged with these serious offences. During initial consultation for the review, operational police and senior forensic pathologists acknowledged the significant time and resource investments associated with child homicide cases. Experts classify child homicide cases as one of the most complicated and protracted investigative and forensic undertakings they encounter, often due to the developmental life stage of the victims. Both groups of experts agreed that their respective challenges magnify when very young child victims are involved.²⁷ The Secretariat conducted a series of duration analyses to understand the time associated with finalising a homicide case in Queensland. These analyses tracked cases from date of offence² to date of sentencing, and examined the following four key stages within the criminal justice process:

¹ This considers the period from the homicide event to the original sentence by the court. If an offender lodged an appeal, the appeal process is not included here. See the ‘Appeal’ section on page 72 for the duration analysis of the appeal process.

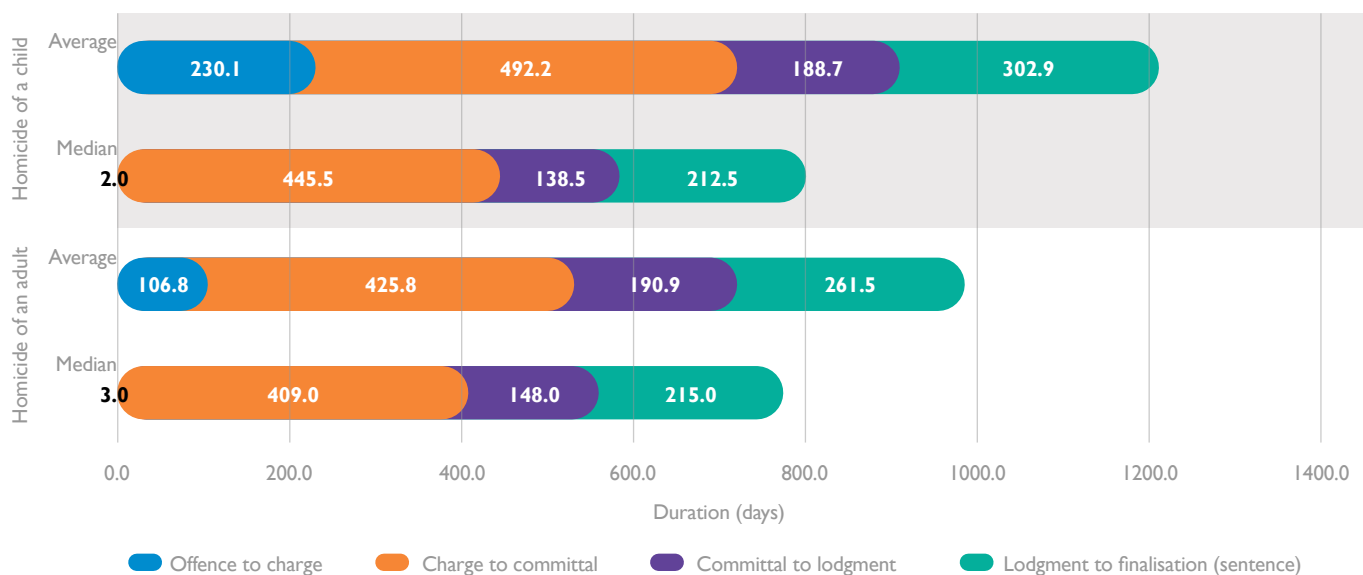
² Date of offence refers to the date when a victim/s was pronounced/detected deceased, not necessarily the date an offender inflicted fatal injuries on the homicide victim.

1. Time between the offence (the homicide) and an offender being charged for the homicide offence by police.
2. Time between charge and committal hearing.
3. Time between committal hearing and lodgment of a matter.³
4. Time between lodgment of a matter and sentencing.

Figure 2 indicates that the time between charge and committal hearing (stage 2) is the longest for both child and adult homicide. Child homicide cases have a median of 14.6 months with a range of 91 days to 3.5 years, while adult homicide cases have a median of 13.4 months with a range of 21 days to 2.9 years. No significant differences exist across the four key stages when comparing adult and child homicide cases.

Appendix 3: *Duration analyses data tables* provides additional data associated with the duration analysis.

Figure 2: Average and median time between criminal justice system events (days) for MSO, by victim type, Queensland, 2005–06 to 2016–17



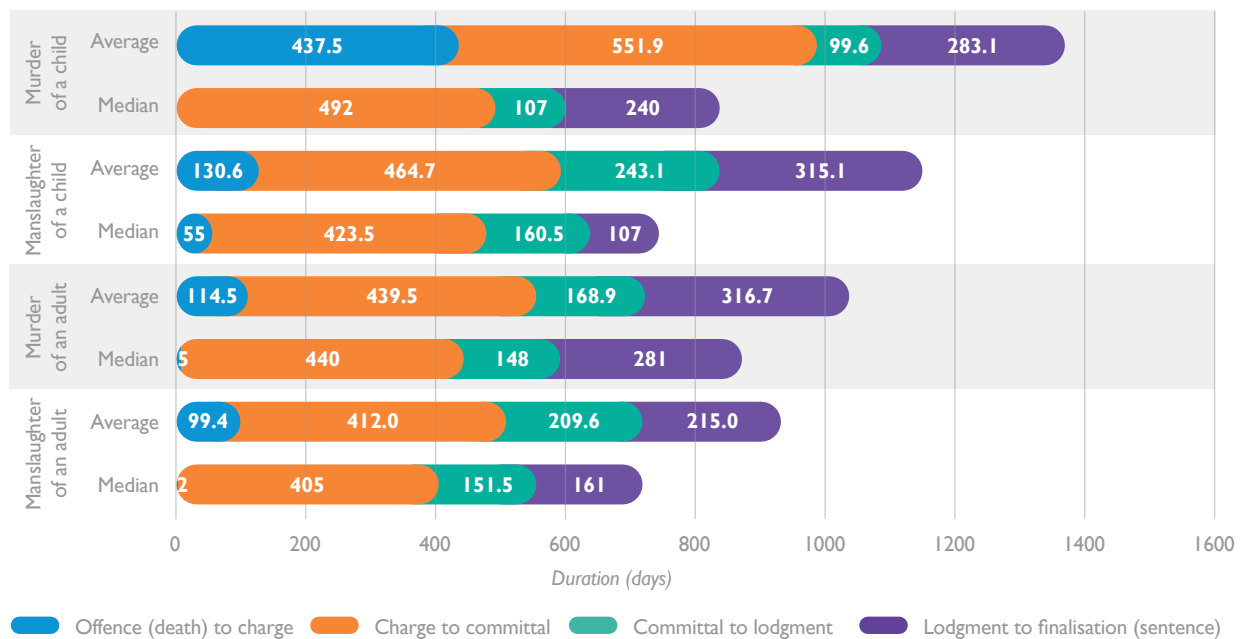
Source: QGSO, QPS, QFCC

Differences are identifiable when duration analyses examine offence type in conjunction with victim type. Figure 3 provides detail about this duration analysis. While the average time between offence and charge appears longer for murder involving a child victim, this is attributed to a small number of historical/cold cases in which considerable time elapsed between offence and charge (for these cases the range was from 0 days to 7.7 years). To control for the disproportionate influence of these historical/cold cases (outliers), the median is used as the measure of central tendency. In this instance, the median of one day better reflects time between offence and charge.

Although there are differences in the average time from offence to charge across the four offence groups, the differences are not statistically significant. There are also no significant differences across the groups for the charge to committal hearing stage; however, this is the longest stage of the process. Child murder cases consumed significantly less time to move from committal to lodgment than child manslaughter and adult manslaughter cases ($F(3,449)=4.74, p=0.0029$). There is also a significantly shorter time period between lodgment and sentencing for adult murder cases compared to adult manslaughter ($F(3,450)=5.59, p<0.001$).

³ Lodgment date is the date of presentation of the indictment.

Figure 3: Average and median time between criminal justice system events (days) for MSO, by offence and by victim type, Queensland, 2005–06 to 2016–17

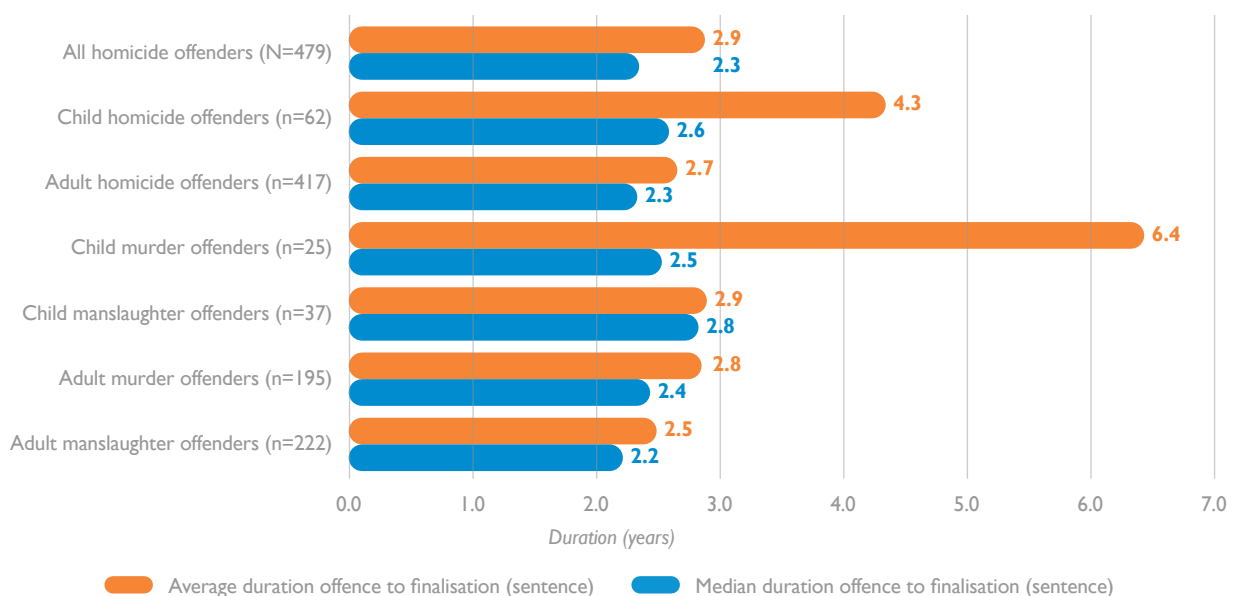


Source: QGSO, QPS, QFCC

Figure 4 reveals on average homicide case took approximately 2.9 years from offence to sentencing with a median of 2.3 years. Child homicide case took longer than adult homicide cases to progress from offence to sentencing (an average of 4.3 years compared to 2.7 years).

However, multiple cold cases (historical offences) exist within the child homicide cohort, extending average timeframes, especially for child murder. Finalisation of child murder cases took significantly longer than all other cohorts under examination ($F(3,475)=12.69, p<.0001$).

Figure 4: Average and median time from offence to finalisation (sentence) (years) for MSO, by offender type and offence and victim type, Queensland, 2005–06 to 2016–17



Source: QGSO, QPS, QFCC

Chapter 3: Victims

Key points from this chapter

- Over the 12-year Queensland dataset there are 430 victims of homicide associated with the 513 sentenced homicide offences, 62 (14.4%) of whom are children, a slightly higher proportion than national data (11.6% over the nine-year period 1 July 2005 to 30 June 2014 and based on police offence reports).
- Most child victims are aged under one year (29.0%), followed by 15–17 years (25.8%) and 1–4 years (22.6%). Children aged 5–14 years, who account for 56.5 per cent of children in the general population, represent 22.6 per cent of child homicide victims. Other research and national data support the findings that young children, especially those under one year, are most at risk of homicide.
- Boys and girls are victims of child homicide in approximately equal numbers (51.6% female; 48.4% male), but adult homicide victims are more likely to be men (62.5% male; 37.5% female).
- Of the 62 child homicide victims, seven (11.3%) identified as Aboriginal and Torres Strait Islander. National data shows a similar proportion of child victims identified as Aboriginal and Torres Strait Islander (11.8%).
- The most common cause of death for child homicide is physical striking (21.0%). Striking is the second most common cause of death for adult victims (18.8%) — the most common cause of death for adult homicide victims is stabbing (34.5%). National data echoes these results.
- The relationship between the offender and the victim differs according to child age group. For younger children the offender is usually a parent, while for older children it is strangers or acquaintances. National data shows similar results.

In 2016, the QPS, in collaboration with Griffith University's Griffith Criminology Institute (GCI), commenced work on a Queensland Crime Harm Index (QCHI).²⁸ This process required Queenslanders to rank crimes according to their perceptions of the associated harm for victims, families and the community. The resulting, evidence-informed index contributes to our understanding about community attitudes to crime and associated harm. While the joint QPS/GCI collaboration is exploring additional applications, the index delivers important findings for the Council's current review, revealing that crimes against children, murder and crime within the family context are highly ranked. Specifically, the QCHI identifies that child sexual abuse, murder, child physical abuse and domestic violence assume four of the top five harms identified by all Queenslanders, with rape occupying the remaining ranking.²⁹

This chapter examines characteristics associated with victims of child homicide. The data and information presented unpacks offence-level findings presented in the previous chapter, focusing on what can be determined about child victims of offences over the 12-year data period. Unless otherwise specified, the unit of analysis is the victim (unique victim). Analyses do not include any victim names; however, we respect that the subsequent analyses relate to a person — someone who is lost to their family, friends and community. In cases in which one offender was sentenced for a homicide event involving more than one victim, each victim is considered individually (unique victim) for the subsequent analyses to ensure our findings acknowledge all victims.

Victims of homicide

Table 6 shows there were 430 victims of homicide associated with the 513 sentenced homicide offences between 2005–06 and 2016–17. Of these 430 victims, 62 (14.4%) are children and 368 (85.6%) are adults.

National NHMP data (based on police charges) over the nine-year period 1 July 2005 to 30 June 2014 reveals a slightly lower proportion of child homicide victims (11.6%)³⁰ than recorded over Queensland's 12-year dataset (14.4%).

Ten adults per 100,000 adult population were victims of homicide events finalised by Queensland courts over the 12-year period, compared to 5.7 children per 100,000 child population (based on the 2016 Census population data).

The majority of homicide cases over the period involve a single offender (87.2%), with little difference between child (83.9%) and adult homicide victims (87.8%). Table 6 reveals the involvement of more than one offender is more common for child homicide (16.1%) than adult homicide (12.2%). In contrast, there are no child homicide events involving three or more offenders.

Table 6: Number of sentenced homicide offenders per homicide victim, Queensland, 2005–06 to 2016–17

Number of sentenced homicide offenders	Type of homicide victim					
	All victims		Child victims		Adult victims	
	N	% of total	n	% of total	n	% of total
1 offender	375	87.2	52	83.9	323	87.8
2 offenders	37	8.6	10	16.1	27	7.3
3 or more offenders	18	4.2	0	0.0	18	4.9
TOTAL	430	100.0	62	100.0	368	100.0

Source: QGSO, QGIS, QPS

Victim characteristics

Age of child homicide victims

Children in the youngest age bracket (under one year old) comprise the largest proportion of child victims (29.0%) over the data period — see Table 7. The opposite end of the age range, 15–17 years, records the second highest proportion of homicide victims (25.8%), although the 1–4 years age bracket closely follows (22.6%). Mid-level age brackets typically associated with involvement in school, 5–9 years and 10–14 years, record the lowest levels of child homicide over the period (9.7% and 12.9% respectively). The average age of child manslaughter victims is significantly lower at 4.5 years (median 1.0 years) than child murder victims at 10.2 years (median 12.5 years) ($t(60)=3.44, p=.0011$).

Table 7: Age of victims in child homicide offences, Queensland, 2005–06 to 2016–17

Victim age at death	Total		Murder		Manslaughter	
	N	%	n	%	n	%
Under 1 year	18	29.0	2	7.7	16	44.4
1–4 years	14	22.6	5	19.2	9	25.0
5–9 years	6	9.7	3	11.5	3	8.3
10–14 years	8	12.9	8	30.8	0	0.0
15–17 years	16	25.8	8	30.8	8	22.2
TOTAL	62	100.0	26	100.0	36	100.0

Source: QGIS, QPS, QFCC, QGSO

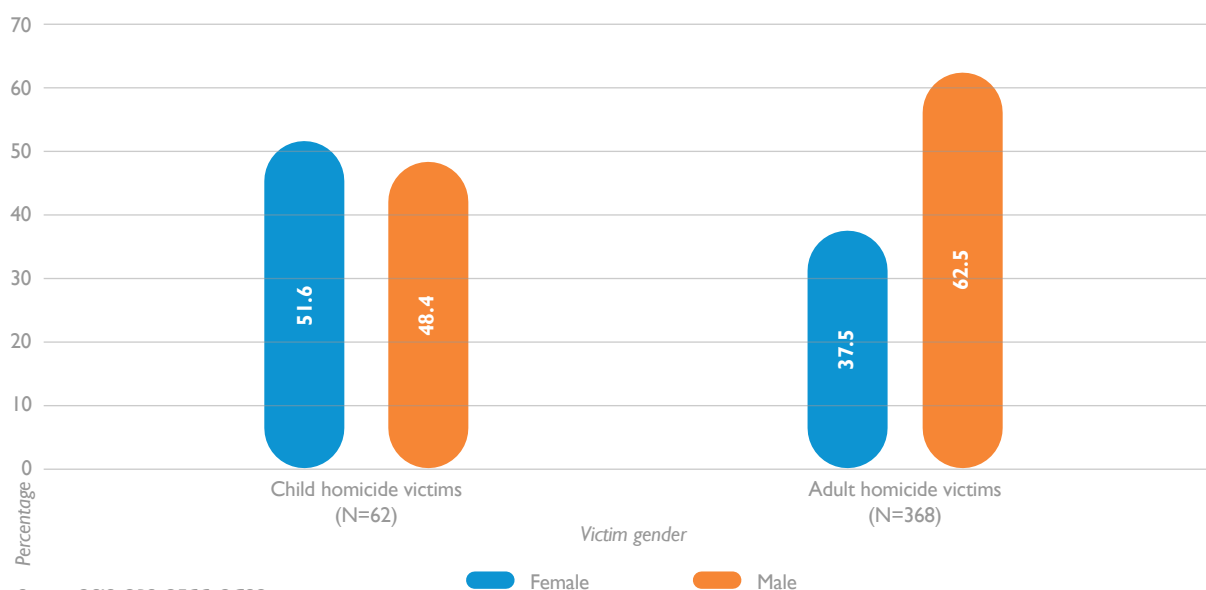
Note: Where a victim had multiple offenders sentenced for different offences, the most serious offence has been counted in this analysis.

National data reflects the Queensland context, revealing almost one quarter of child homicide victims in Australia (23.7%) are aged under one year.³¹ Other research also identifies a child is at greatest risk of homicide in their first year of life,³² with risk significantly decreasing as a child matures. Ageing, research suggests, represents a 'protective factor but not an absolute one'.³³ The school-age period of 5–14 years reflects the lowest homicide risk levels across all age groups.³⁴ A child's risk of homicide increases again in the later teenage years.³⁵ Reflecting broader homicide trends, as a child ages, particularly into the mid to late teenage years, the risk of homicide from outside the family increases.³⁶ Research suggests changes in risk over the child's life results from shifts in a child's everyday activities. For example, as a child matures their capacity to socialise outside the family home and independently with peers, increases.³⁷ These age-related homicide risks are generally reflective of broader age-related child abuse trends.³⁸

Gender of homicide victims

As shown in Figure 5, little difference exists between the proportion of male (51.6%) and female (48.4%) victims of child homicide. Gender differences for victims of adult homicide are more marked, with 62.5 per cent of adult victims being male versus 37.5 per cent female adult victims. The proportion of female child homicide victims (51.6%) is significantly higher than that of female adult homicide victims (37.5%) ($t(428)=2.11$, $p=.0356$).

Figure 5: Gender of homicide victims by victim type, Queensland, 2005–06 to 2016–17



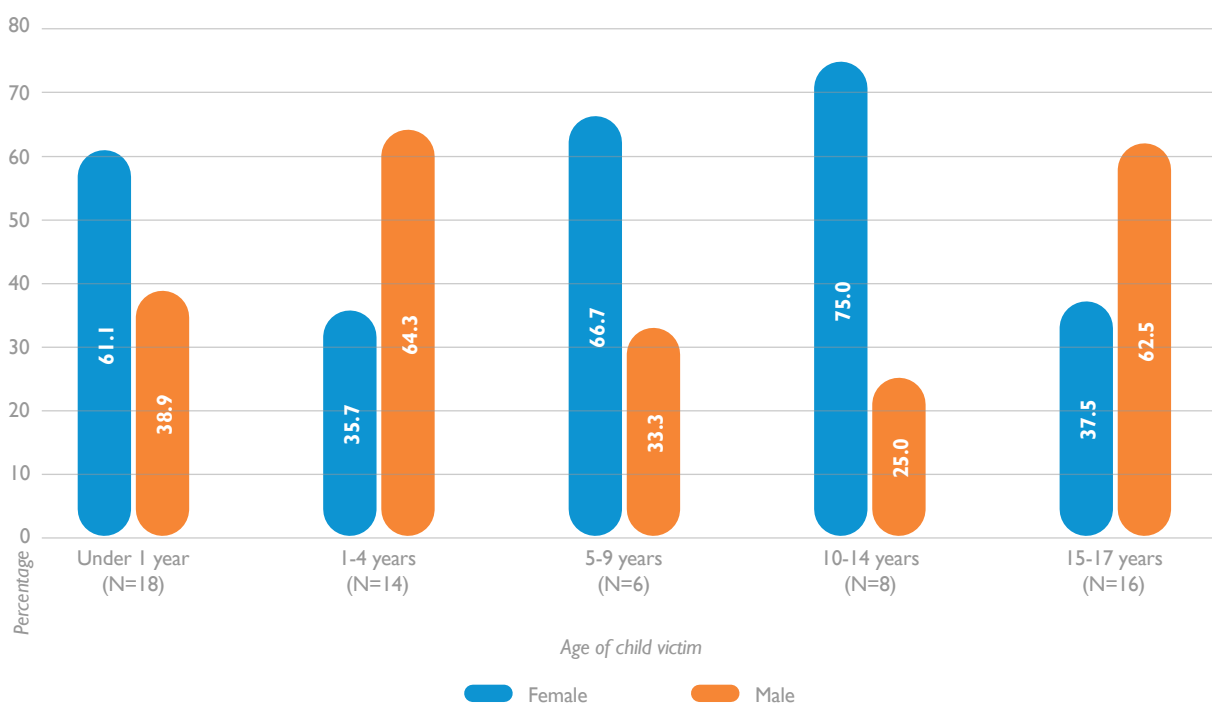
Source: QGIS, QPS, QFCC, QGSO

While national and international studies examine different aspects of child homicide and/or filicide, most research reveals relatively equal numbers of male and female victims.³⁹ It is worth noting however, that some studies report higher rates of male victims, although gender differences are not as pronounced as for adult homicide.⁴⁰ Australian child homicide data reveals males are more likely to be a victim of child homicide (58.4%) than females (41.2%).⁴¹ The same national data documents gender differences observed within the child homicide category are less than those observed within the aggregate homicide category, which records 64.6 per cent male versus 35.4 per cent female victims.⁴² International research on filicide reveals male and female children are relatively equal victims of this sub-set of child homicide,⁴³ while Australian data records a slightly higher proportion of males as filicide victims (56.6%) than females.⁴⁴ However, drawing any conclusions from the research that a child's gender may affect homicide risk would require closer examination of familial composition, in particular the gender breakdown of children within the family.⁴⁵

Gender by age of child

For the Council's dataset, child homicide victims are proportionally more likely to be female within the under one year age group (61.1%), the 5–9 age group (66.7%) and the 10–14 age group (75.0%), while males are a higher proportion within the 1–4 year (64.3%) and 15–17 age group (62.5%) – see Figure 6.

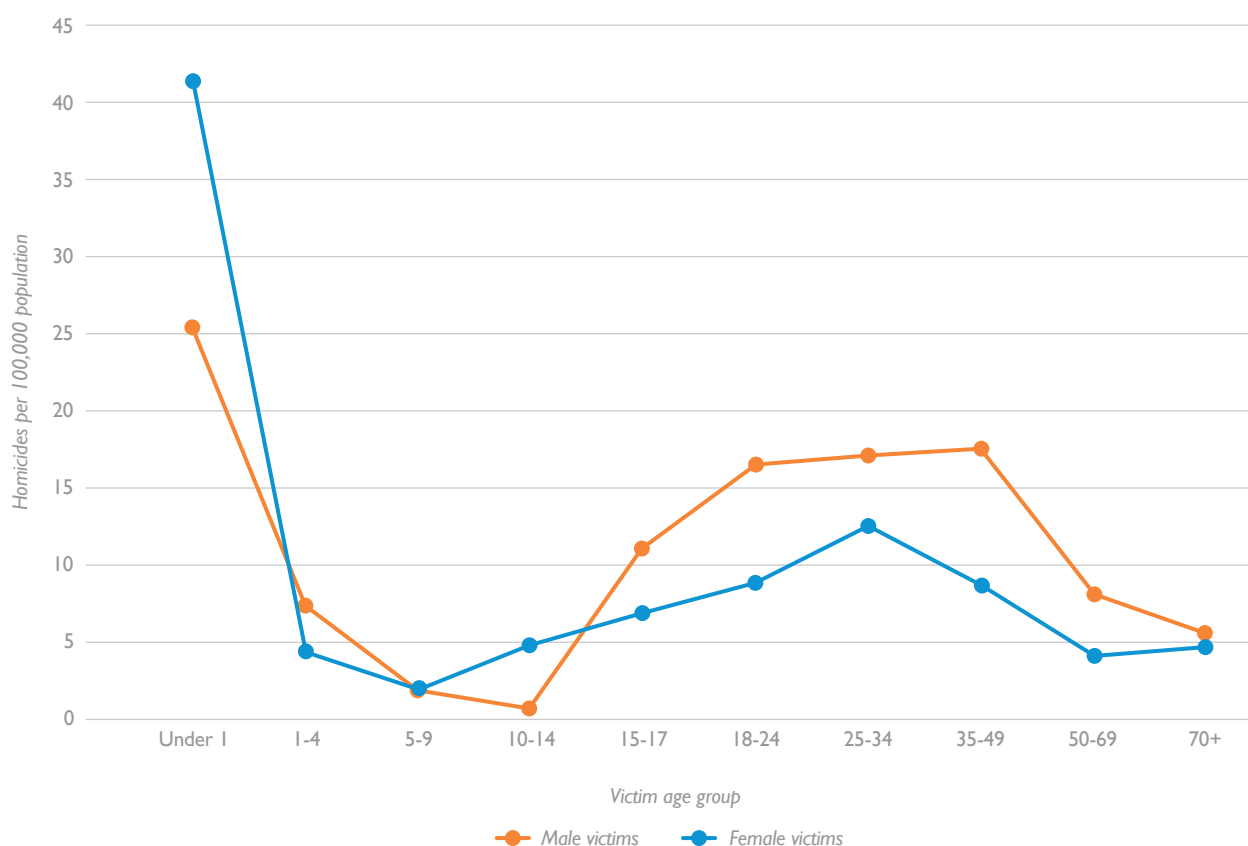
Figure 6: Age of victims in child homicide offences by victim gender, Queensland, 2005–06 to 2016–17



Source: QFCC, QGSO
 Cautionary note: The sample sizes for this analysis are small.

Figure 7 shows homicide rate per 100,000 population for child and adult age cohorts (using 2016 Census data for population numbers). For the Queensland dataset, children aged under one year record the highest risk of homicide of any age group, with girls within that age group recording a higher risk than boys.

Figure 7: Homicides per 100,000 population, by victim age group, by victim gender, Queensland, 2005–06 to 2016–17



Source: QFCC, QPS, ABS

Aboriginal and Torres Strait Islander status of homicide victims (child victims only)

The Secretariat was unable to verify the Aboriginal and Torres Strait Islander status for adult homicide victims. As a result, Table 8 relates only to child victims over the 12-year period. QFCC records Aboriginal and Torres Strait Islander status as part of the Queensland Child Death Register. Table 8 reveals that seven (11.3%) of the 62 child homicide victims identified as Aboriginal and Torres Strait Islander, with 75.8 per cent recording a non-Indigenous status. At the time of 2016 Census, 7.2 per cent of young people aged under 18 years in Queensland identified as Aboriginal and Torres Strait Islander.

Table 8: Aboriginal and Torres Strait Islander status of child homicide victims, Queensland, 2005–06 to 2016–17

Aboriginal and Torres Strait Islander status of child homicide victims	N	%
Aboriginal and Torres Strait Islander	7	11.3
Non-Indigenous	47	75.8
Not known	8	12.9
TOTAL	62	100.0

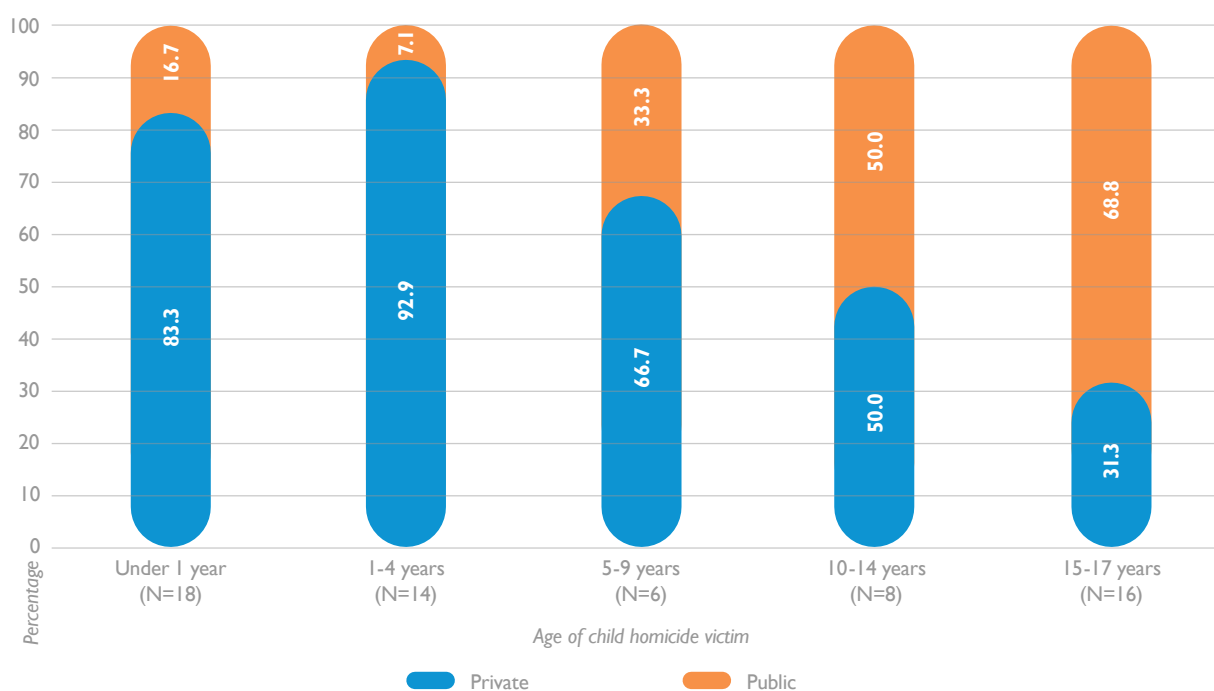
Source: QFCC

Australian data reveals a similar pattern with 11.8 per cent (n = 33) of all child homicide recording an Aboriginal and/or Torres Strait Islander status. More of these victims are boys (n=20) than girls (n=12).^{46 47} Fifteen of the boys and seven of the girls are victims of filicide.⁴⁸

Location of homicide offence by victim type

Figure 8 reveals that as a child matures, the dominance of private locations as offence location reduces. For example, 83.3 per cent of children aged under one year and 92.9 per cent of children aged 1–4 years are victims of homicide that occurred within a private location. Private locations as the site for homicide reduce over the 5–9 and 10–14 age brackets, reaching its lowest level in the 15–17 year category (31.3%). This older age bracket records the highest public homicide location for all child age categories (68.8%). The increasing role of public locations in homicide for the oldest age bracket reinforces the finding outlined earlier that as a child matures their daily routines mirror broader societal trends, involving greater socialisation outside of the familial home and with peers.⁴⁹ Changes in offence location observed as a child matures also reflect changes in the relationship between victims and offenders, with the role of non-family members as perpetrators increasing as a child ages.⁵⁰ Chapter 4 examines this issue. Patterns in cause of death also undergo change as victim age increase. The following section discusses cause of death.

Figure 8: Location of offence by age of child victim, Queensland, 2005–06 to 2016–17

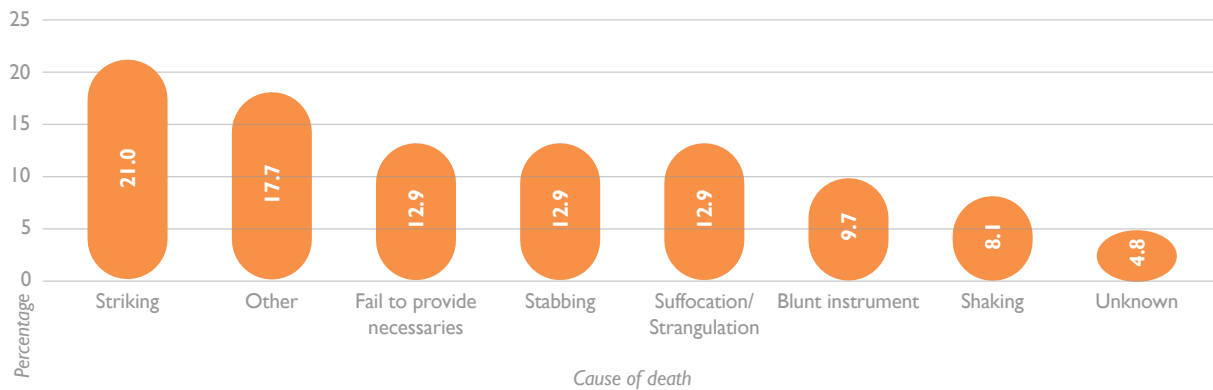


Source: QGIS, QPS, QFCC, QGSO

Cause of death

Queensland data over 12 years reveals the most common cause of death for child homicide is physical striking (21.0%). Striking is the second most common cause of death of adult victims over the same period (18.8%). The most common cause of death for adult victims is stabbing (34.5%). The Secretariat has attempted to provide comparable categories for cause of death across both adult and child victims; however, differences associated with the two cohorts limit direct comparison. Figure 9 and Figure 10 include details about aggregate terms and their associated counts for reference.

Figure 9: Cause of death for child victims of homicide offences (N=62), Queensland, 2005–06 to 2016–17



Source: QSIS, QFCC, QGSO

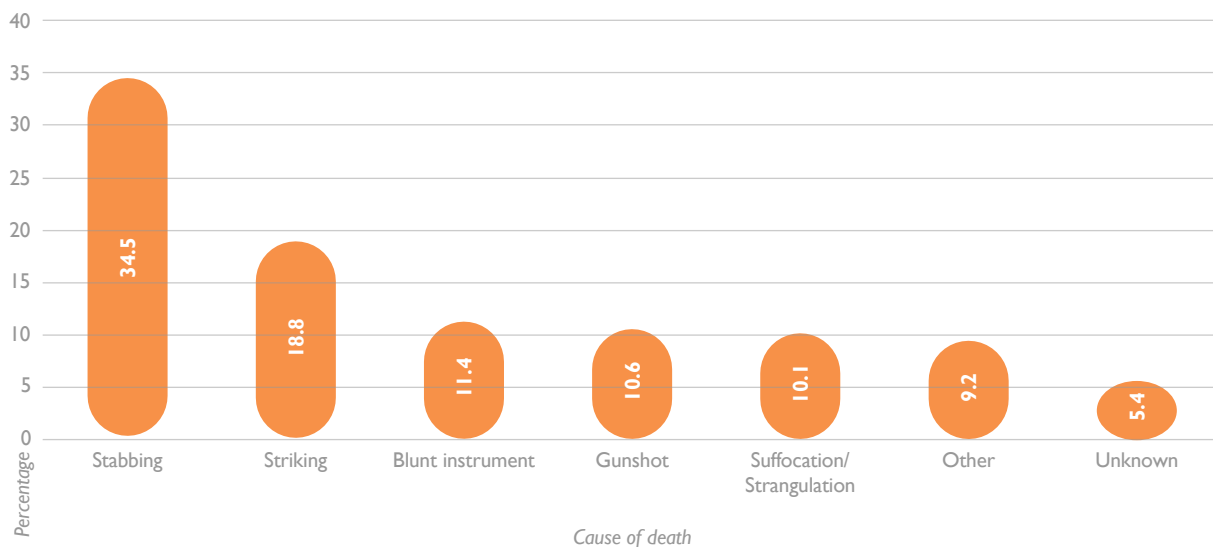
Notes:

1) Striking includes punching, kicking, stamping or throwing.

2) Suffocation/strangulation includes suffocation (n=4) and strangulation (n=4).

3) Other includes vehicle (n=4), drowning (n=2), pharmacological (n=2), other neglect (n=1), arson/fire (n=1), and gunshot (n=1).

Figure 10: Cause of death for adult victims of homicide offences (N=368), Queensland, 2005–06 to 2016–17



Source: QSIS, QFCC, QGSO

Notes:

1) Striking includes punching, kicking, stamping or throwing.

2) Suffocation/strangulation includes suffocation (n=11) and strangulation (n=26).

3) Other includes vehicle (n=13), arson/fire (n=7), pharmacological (n=7), other (n=4), drowning (n=2), and failure to provide necessities (n=1).

While classification and terminology is slightly different, national data reveals similar trends in the primary cause of death for child homicide (beating, 26.9%) and stab wound (19.0%)⁵¹. National cause of death patterns for filicide mirror those for child homicide with 26.4 per cent attributed to beating and 12.6 per cent attributed to stabbing.⁵²

Cause of death by child victim age (child only)

Clear age-related patterns emerge in cause of death for child homicide — see Table 9. Cause of death attributed to shaking (n=5; 27.7%) occurred only in the youngest age category (under 1 year; N=18). Shaking and failure to provide the necessities of life (n=5; 27.7%) are equally responsible as the primary cause of death for this age group. Stabbing occurred primarily in the 15–17 year old cohort (N=16) representing the most common cause of death (n=7; 43.8%) for this age group. For the 1–4 year old cohort (N=14), striking is the primary cause of death. Strangulation/suffocation (n=3; 50%) is the most common cause of death for the 5–9 year cohort (N=6). The 10–14 year cohort (N=8) record blunt instruments and strangulation/suffocation as the two main causes of death (both n=2; 25%).

Table 9: Victims of child homicide, cause of death by age, Queensland, 2005–06 to 2016–17

Cause of death	Age (years)					Total
	Under 1	1-4	5-9	10-14	15-17	
Blunt instrument	0	0	1	2	3	6
Failure to provide necessities	5	3	0	0	0	8
Striking	3	7	1	0	2	13
Shaking	5	0	0	0	0	5
Stabbing	0	1	0	0	7	8
Strangulation/suffocation	2	0	3	2	1	8
Other	3	2	1	2	3	11
Unknown	0	1	0	2	0	3
Total	18	14	6	8	16	62

Source: Q SIS, Q FCC

Cautionary note: The sample sizes for this analysis are small.

Note: 'Other' includes vehicle (n=4), pharmacological (2), drowning (n=2), gunshot (n=1), arson/fire (n=1), other neglect (n=1).

History of child abuse

We do not have Queensland data showing whether child homicide victims had a record of having suffered abuse. Studies from nearby jurisdictions suggest this is a factor associated with child homicide. A Victorian study identified that only 'small numbers' of victims suffered or were likely to have suffered child abuse prior to their deaths.⁵³ In contrast, 'child punishment' is recorded as a precipitating factor for just under half the fatal assaults examined by a major New Zealand study (45%), although this study examines relatively small numbers of cases.⁵⁴ Other research notes in maternal filicide cases around half of fatally abused children had previously been victims of abuse,⁵⁵ however, in paternal filicide cases, a history of abuse of the victim is more prevalent.⁵⁶ While these studies provide important qualitative insights in the situational and contextual aspects of child homicide cases, associated research also recognises the 'hidden' aspect of child abuse as this crime remains under-reported.

Child protection history

The Queensland Child Death Register for the three years 2014–15 to 2016–17 shows that, of the 29 deaths from assault and neglect of children and young people, 10 victims (34.5%) were ‘known to the child protection system’.⁵⁷ An analysis by the NSW Ombudsman identified children with child protection histories had a mortality rate 1.4 times higher than those without.⁵⁸ The mortality rate was far higher when the death was due to ‘external (unnatural) causes’ (2.8 times the mortality rate), especially assault (6.3 times).⁵⁹ These findings should not, however, be interpreted as inferring that involvement with child protection services precipitates homicide.

Offender-victim relationship by age of child victim

Age differences exist in the offender–victim relationship for child homicide victims (see Table 10). For the three youngest age groups, offenders are most commonly the parent of the victim. For the 10–14 year cohort (N=10), acquaintances (n=5; 50%) represent the primary offender-victim relationship. For the 15–17 year cohort (N=20), the offender is most commonly a stranger (n=7; 35%) to the victim, with acquaintances representing the second most common relationship (n=5; 25%).

Where an offender is the parent or parent equivalent of the child victim, the child’s mother (n=9; 56.3%) is the most common offender for children aged under one year (N=16). Conversely, the child’s father (n=7; 70.0%) is the primary offender for child victims aged 1–4 years (N=10). Child victims of manslaughter are significantly more likely to be killed by a parent than child victims of murder (63.9% of child manslaughter, 23.1% of child murder) ($t(60)(3.42)$, $p=.0011$).

Table 10: Victims of child homicide, offender-victim relationship by age, Queensland, 2005–06 to 2016–17

Offender–victims relationship	Age (years)					Total
	Under 1	1–4	5–9	10–14	15–17	
Parent	16	10	3	1	1	31
Female (Mother)	9	3	3	1	0	16
Male (Father)	7	7	0	0	1	15
Acquaintance	0	0	2	5	5	12
Female acquaintance	0	0	0	0	0	0
Male acquaintance	0	0	2	5	5	12
Stranger	0	0	0	1	7	8
Female stranger	0	0	0	0	2	2
Male stranger	0	0	0	1	5	6
Other known person	0	3	0	2	3	8
Other known female	0	0	0	0	0	0
Other known male	0	3	0	2	3	8
Step-parent	0	2	2	1	0	5
Female (Step-mother)	0	0	0	0	0	0
Male (Step-father)	0	2	2	1	0	5

Parent/carer boyfriend/ girlfriend	2	2	0	0	0	4
Female (parent/carer's girlfriend)	0	0	0	0	0	0
Male (parent/carer's boyfriend)	2	2	0	0	0	4
Current or former intimate partner	0	0	0	0	4	4
Female intimate partner	0	0	0	0	0	0
Male intimate partner	0	0	0	0	4	4
TOTAL	18	17	7	10	20	72

Source: QSYS, QFCC

Notes:

1) Where an offender has multiple victims or a victim has multiple offenders, each instance of the combination has been counted as the victim-offender relationship may differ in each instance, N=72.

2) Parent includes biological parent (n=30) and non-biological parent (n=1).

3) Intimate partner includes current intimate partner (n=2) and former intimate partner (n=2).

4) Other known person includes friend (n=2), family friend (n=3), other family member (n=1), co-resident of parent/step-parent (n=1), and informal carer (n=1)

5) Intimate partner includes current intimate partners (n=1) and former intimate partners (n=3).

Cautionary note: The sample sizes for this analysis are small.

Research also confirms clear age-specific patterns in the offender-victim relationship, noting that as a child develops, the potential for a family member to be the perpetrator of the homicide significantly reduces.⁶⁰ As noted earlier, this age-related pattern reflects shifts in a child's routine activities as they develop and mature, including increased independence from the home. Collectively, research emphasises both patterns, and diversity and complexity associated with this category of homicide.⁶¹

Some studies confirm the dominance of mothers in filicide, while other research reveals a greater role of fathers as opposed to mothers.⁶² While inconsistencies between research findings may in part be linked to definitional differences, it is apparent that women, in particular mothers, assume a greater role in child homicide and filicide than in any other type of homicide.⁶³ The role of mothers is even more pronounced when the focus of analysis is younger child victims, including homicide of newborn children up to one-day-old (neonaticide).⁶⁴

Again, national data provides an insight into offender-victim relationship, in particular, the national filicide data.⁶⁵ While by definition, perpetrators of filicide are parents or parent equivalents, the primary offenders are mainly custodial parents (67.7%), as opposed to step-parents (21.5%) or non-custodial parents (10.8%). Within the custodial parent grouping, custodial mothers comprise the greater proportion (61.7%).⁶⁶ According to the national filicide data, custodial fathers (25.9%) rank second behind custodial mothers (41.8%) as primary offenders, followed by step-fathers (21.5%), then non-custodial fathers (9.5%). Non-custodial mothers (1.3%) and step-mothers (0.0%) record substantially lower or non-existent roles in filicide.⁶⁷ For the purpose of this discussion, a common language meaning attaches to the term 'custodial parent' and refers to a parent who has physical and often legal custody of a child. Use of this term in this context does not mean the parent is subject to any type of custodial order.

Chapter 4: Offenders

Key points from this chapter

- Of the 479 people sentenced for homicide in the Queensland 12-year dataset, 62 (12.9%) are associated with a victim aged under 18 years.
- The average age of child homicide offenders (28.8 years) is significantly younger than for adult homicide offenders (33.6 years).
- Most homicide offenders are male (87.9%), although the proportion of female offenders is significantly higher for child homicide (24.2%) than for adult homicide (10.3%). The proportion of female offenders is even greater for child manslaughter (32.4%). Much of this data supports broader national and international research.
- Most homicide offenders are non-Aboriginal and Torres Strait Islander peoples (79.3%). This proportion is similar for child (85.5%) and adult homicide (78.4%).
- In the dataset, 4.2 per cent of child homicide offenders were sentenced as children (aged under 17 years when they committed their homicide offence).
- Parent (biological and non-biological) (43.1%) is the most common offender-victim relationship in child homicides. Within this group, more than half are the victim's mother (51.6%). National and international research aligns with these findings.
- Of the 403 discrete homicide events across the period, 48 (11.9%) involved two or more offenders subsequently sentenced for the same homicide event within the data period. Adult (11.8%) and child (12.7%) homicide categories recorded similar proportions of multiple offenders.
- Of homicide offenders sentenced between 2010 and 2017, two (8.7%) child homicide offenders and 50 (31.8%) adult homicide offenders record prior sentences for a violent offence during the five years preceding their homicide sentence.

This chapter introduces the results of the Secretariat's examination of child homicide offenders in Queensland over the 12-year data period. All offender data analysed in this chapter relates directly to those child victims examined as part of Chapter 3. Offender-centric findings from national data and national and international research add additional aspects to the Queensland results, to extend our collective understanding of child homicide offenders. Again, while real limitations exist when attempting to synthesise these diverse data and information sources, gaining an insight into who commits child homicide represents an important goal for informing criminal justice responses — an ambition of the Council's broader work under this reference. While this report does not examine system responses, its findings may inform the Council's work and consultations on this reference.

Unless otherwise specified, the unit of analysis for this chapter is the offender (unique offender). For those cases in which more than one offender was sentenced for a homicide event, irrespective of the number of associated victims, each offender is profiled individually for analytical purposes (unique offender). Additionally, where one offender was sentenced for more than one homicide event over the 12-year period, they are counted as a unique offender for each event. As a result, numbers may alter across the subsequent discussion depending on the focus of analysis. Tables, figures or references provide guidance on analysis parameters.

Homicide offenders

Table 11 reveals 479 offenders were sentenced for homicide as their MSO over the 12-year period. Of these offenders, 12.9 per cent (n=62) were sentenced for child homicide, meaning their homicide event involved at least one victim aged under 18 years.

Table 11: Offenders sentenced for a homicide offence (MSO), Queensland, 2005–06 to 2016–17

	Murder		Manslaughter		Total homicide	
	n	% of total	n	% of total	N	% of total
Offenders with at least one child victim [^]	25	11.3	37	14.3	62	12.9
Offenders with only adult victim/s ^{^^}	195	88.6	222	85.7	417	87.1
TOTAL	220	100.0	259	100.0	479	100.0

Source: QGSO, QFCC, QGIS

Note: Where an offender was involved in more than one homicide event (tried and sentenced separately) over the 12-year period, the offender is counted for each instance.

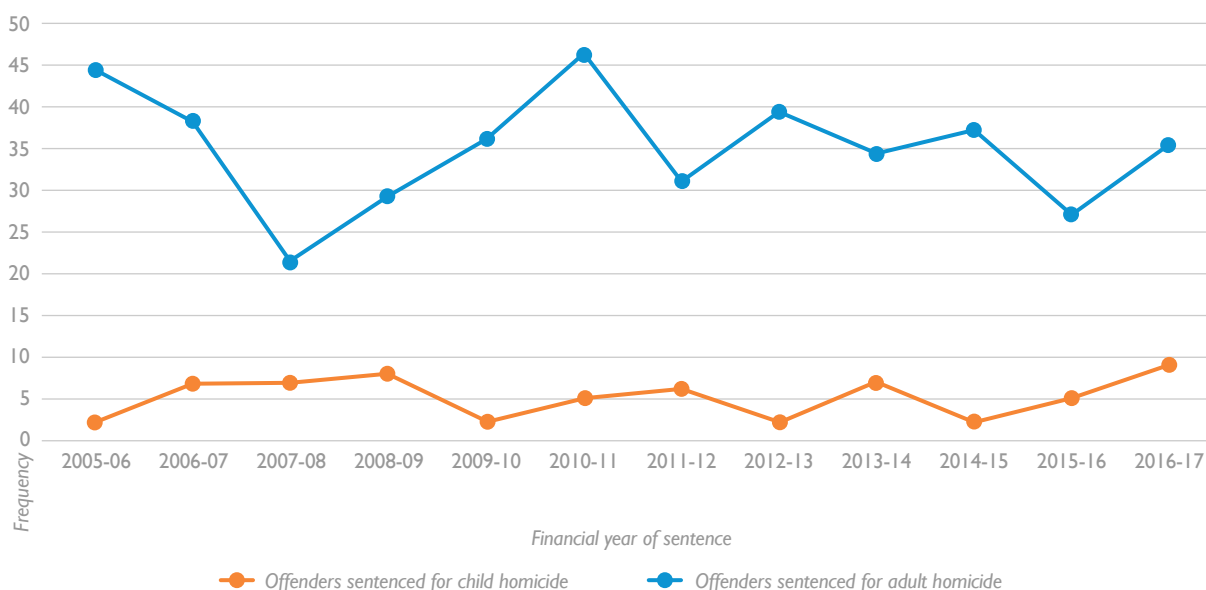
[^] Offenders with at least one victim aged under 18 are classified as a child homicide offender.

^{^^} Offenders with all victims aged 18 and older are classified as an adult homicide offender.

National data records 2,646 homicide offenders over the period 1 July 2005 to 30 June 2014. Of these, 274 (10.4%) offenders were associated with child homicide offences.⁶⁸ Of these child homicide offenders, 174 (63.5%) were classified as filicide offenders.⁶⁹

Figure 11 shows over the 12-year data period, the number of offenders sentenced in Queensland per financial year remained relatively stable, peaking in 2010–11 with 51 sentenced offenders for homicide. The number of offenders sentenced for child homicide was consistently low, with small fluctuations between a minimum of two and a maximum of nine offenders sentenced. The number of offenders sentenced for adult homicide had wider variations, with a low of 21 offenders sentenced in 2007–08 to a peak of 46 offenders sentenced in 2010–11.

Figure 11: Number of homicide offenders sentenced per year in Queensland, by victim type, 2005–06 to 2016–17



Source: QGSO, QFCC

Number of victims per homicide offender

The majority of Queensland offenders were sentenced for a homicide event involving a single victim (94.4%), although seven cases involved three homicide victims (see Table 12). Fifty-five offenders (11.5%) were sentenced for homicide events involving child victims only, while an additional seven offenders (1.5%) were sentenced for homicide offences involving both child and adult victims. The maximum number of child only victims per offender was two. For adult only and mixed victim (adult/child victims) offenders, the maximum number of victims per offender was three.

Of the 27 offenders sentenced for the homicide of two or more victims, six (22.2%) involved child victims only; 14 (51.8%) involved adult victims only; and seven (25.9%) involved both adult and child victims.

Table 12: Number and type of victim for offenders sentenced for a homicide offence (MSO), Queensland, 2005–06 to 2016–17

Number of homicide victims	All offenders		Offenders with only child victim/s		Offenders with only adult victim/s		Offenders with both child and adult victims	
	N	% of total	n	% of total	n	% of total	n	% of total
1 victim	452	94.4	49	89.0	403	96.6	0	0
2 victims	20	4.2	6	11.0	13	3.1	1	14.3
3 victims	7	1.4	0	0	1	0.2	6	85.7
TOTAL	479	100.0	55	100.0	417	100.0	7*	100.0

Source: QGSO, QFCC, QSIS

Cautionary note: Some of the sample sizes for this analysis are small (*)

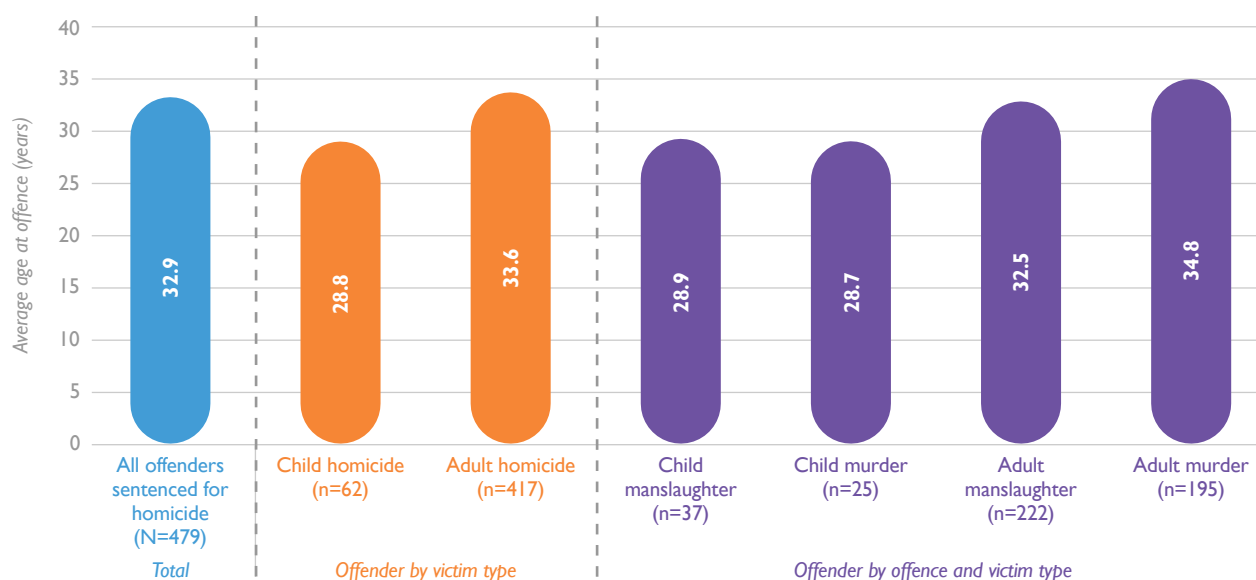
The majority of homicide events recorded nationally (N=2,286) involve a single victim (95.5%), a proportion comparable to Queensland (94.4%). The national dataset also reveals the proportion of all homicide events that involve two victims (3.8%), three victims (0.6%) and four or more (0.1%) victims.⁷⁰ Once again, these patterns are generally reflective of the Queensland experience. Australian data also provides an insight into child homicide and filicide as a definable cohort within child homicide. The data reveals 88.1 per cent of child homicide cases and 83.5 per cent of filicide cases involve a single victim.⁷¹ A further 9.0 per cent of child homicide and 12.0 per cent of filicide events involve two victims, while 2.9 per cent and 4.4 per cent of child homicide and filicide events respectively involve three victims.⁷²

A 2015 research report using NHMP data for the period 1989–90 to 2011–12 revealed 75 per cent of filicide events (N=186) are both single offender and single victim events.⁷³ This research documents that 15 per cent of the recorded filicide events involve multiple victims, while 9.0 per cent involve multiple offenders. The remaining one per cent involve both multiple victims and offenders.⁷⁴

Age of homicide offenders

Figure 12 shows the average age at time of offence for offenders sentenced for child homicide is significantly younger than offenders sentenced for adult homicide (28.8 years compared to 33.6 years⁷⁵) ($t(103.72)=3.90, p=.0002$). On average, offenders sentenced for adult murder are the oldest (34.8 years), while offenders sentenced for child murder are the youngest (28.7 years).⁷⁶

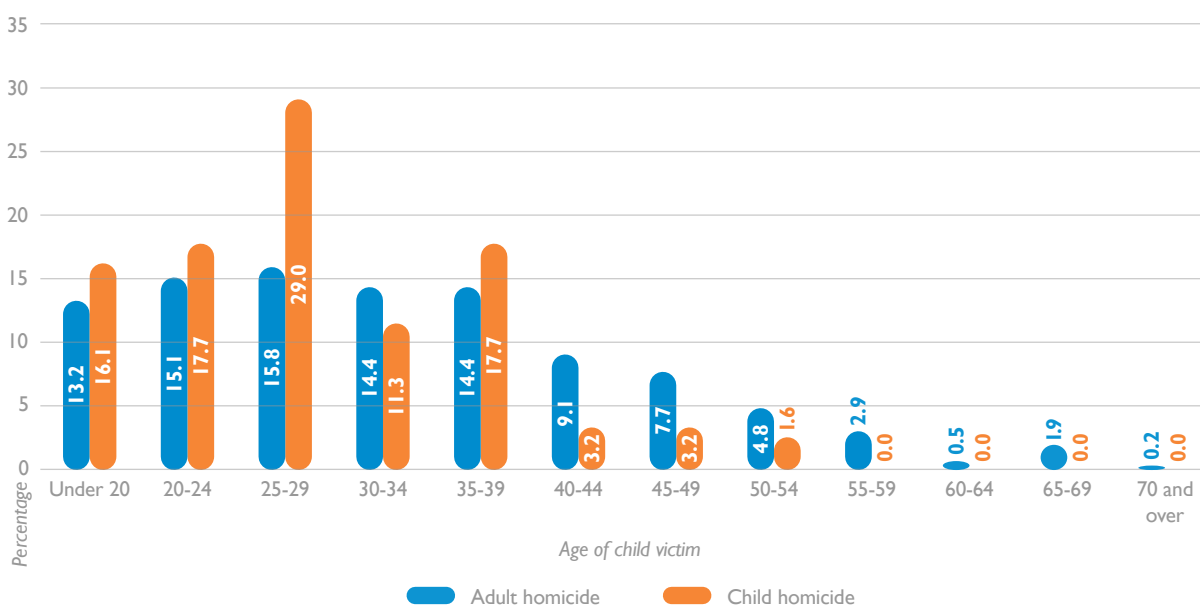
Figure 12: Average age of offender at homicide offence (MSO) by type of victim, Queensland, 2005–06 to 2016–17



Source: QGSO, QFCC

The largest proportion of offenders sentenced for child homicide are within the 25–29 year age group (29%) — see Figure 13. Overall, child homicide offenders are younger than adult homicide offenders, and are more concentrated within the younger age groups.

Figure 13: Offender age at homicide offence (MSO) by type of victim, Queensland, 2005–06 to 2016–17



Source: QGSO, QFCC

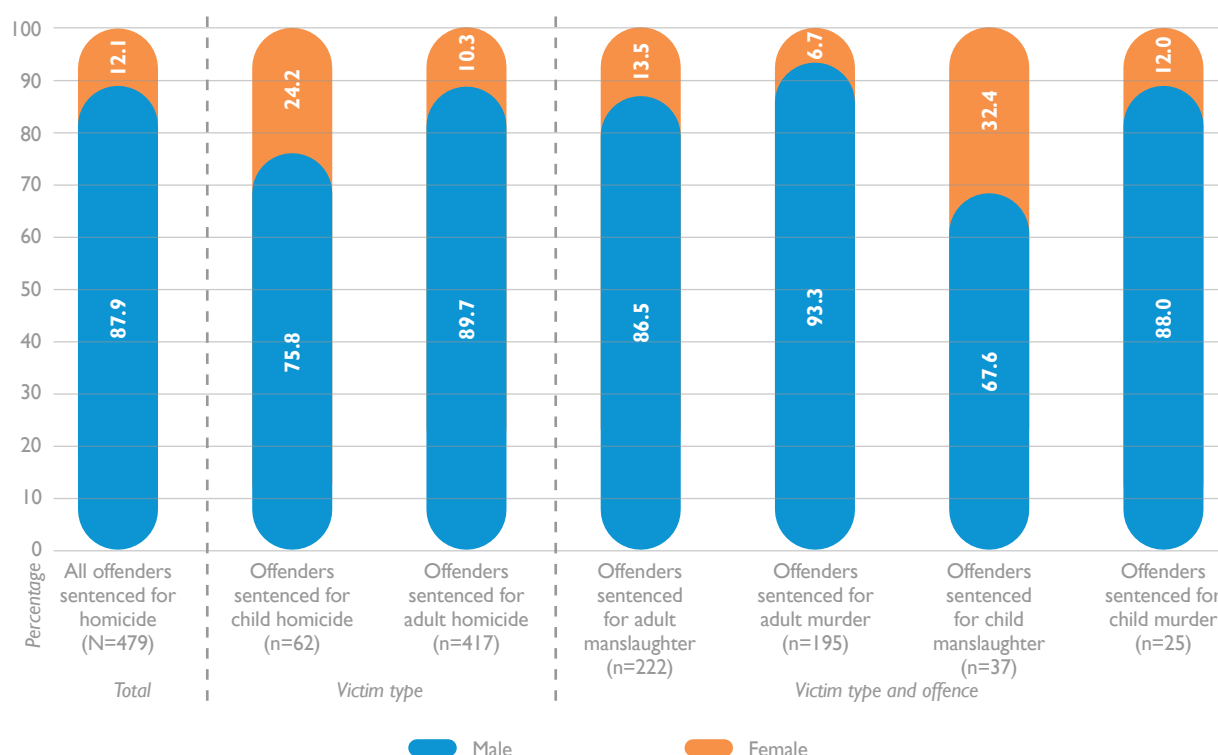
In Australia, most child homicide offences are committed by adults aged between 18 and 49 years (79.2%), with substantially lower proportions committed by children (9.1%) and those over 50 (7.3%).⁷⁷ This pattern reflects trends evident for homicide more generally, with 79.7 per cent of homicide offenders aged between 18 and 49 years of age.⁷⁸ The higher representation of offenders in the 18–49 year age bracket in national homicide and child homicide cases is more pronounced within the filicide sub-group (90.7%),⁷⁹ most likely because this is the most common age range during which parents are involved with the care of their children.

Gender of homicide offenders

Figure 14 reveals the majority of individuals sentenced for homicide are male (87.9%). Offenders sentenced for child homicide are also predominantly male (75.8%). However, the proportion of female offenders within the child homicide category is significantly higher (24.2%) than for adult homicide (10.3%) ($t(70.30)=2.44, p=.0171$).

When offence and victim type are considered, significant gender differences emerge. The proportion of female offenders sentenced for child manslaughter (32.4%) is significantly higher than for those female offenders sentenced for adult manslaughter (13.5%) or adult murder (6.7%) ($F(3, 475)=6.97, p<0.001$).

Figure 14: Gender of offenders sentenced for homicide offences (MSO) by type of victim, Queensland, 2005–06 to 2016–17



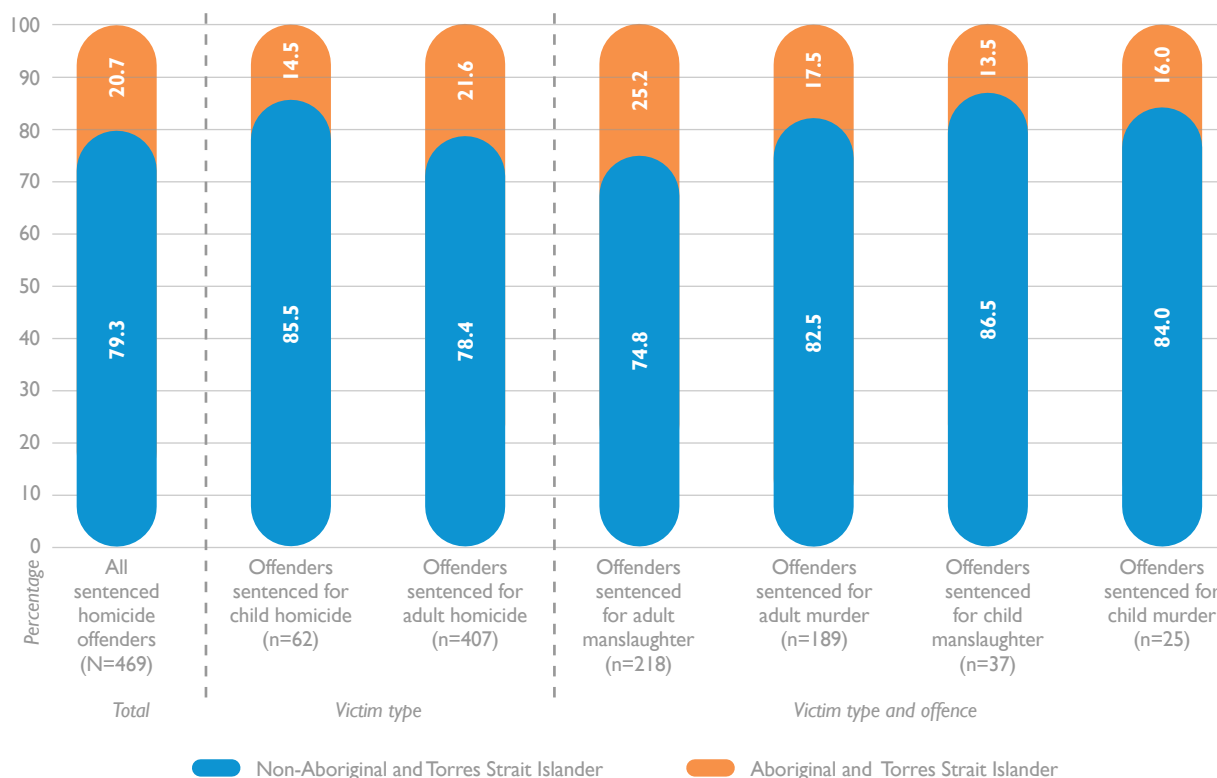
Source: QGSO, QFCC

National data reveals the majority of all homicide offenders in Australia are male (86.3%).⁸⁰ Child homicide perpetrators are also predominantly male (69.7%).⁸¹ Female filicide perpetrators comprise just under half of all offenders within this category (44.8%).⁸² The high proportion of female filicide offenders contrasts sharply with substantially lower proportions within the aggregate homicide category (13.5%).⁸³ This data supports broader national and international research which confirms 'the proportion of female and male perpetrators of filicide is much closer than in any other type of homicide'.⁸⁴ Research further explores this greater involvement of women in child homicide, noting 'when women do kill, the victim is often their child',⁸⁵ while male perpetrators have a greater involvement in homicides of non-biological children.⁸⁶ Research suggests that the greater involvement of women, and in particular mothers, in child homicide challenges established social constructs of motherhood/parenthood and femininity, and may contribute to the high levels of community concern.⁸⁷ Female perpetrators of child homicide are more likely to kill younger victims, but for victims aged in the mid-teens there is a marked reduction in the involvement of women as perpetrators.⁸⁸

Aboriginal and Torres Strait Islander status of homicide offenders

Figure 15 extends analyses on Aboriginal and Torres Strait Islander status of victims presented in the previous chapter, revealing homicide offenders in Queensland are most likely to be non-Indigenous people (79.3%). The proportion of Aboriginal and Torres Strait Islander offenders sentenced for homicide is lower for child homicide (14.5%) than for adult homicide (21.6%), although this difference is not significant. When offence and victim types are considered, no significant differences exist. Based on the 2016 Census, 4.0 per cent of the Queensland population identifies as Aboriginal and Torres Strait Islander.

Figure 15: Offenders sentenced for homicide offences, Aboriginal and Torres Strait Islander status by type of victim, Queensland, 2005–06 to 2016–17



Source: QGSO, QFCC

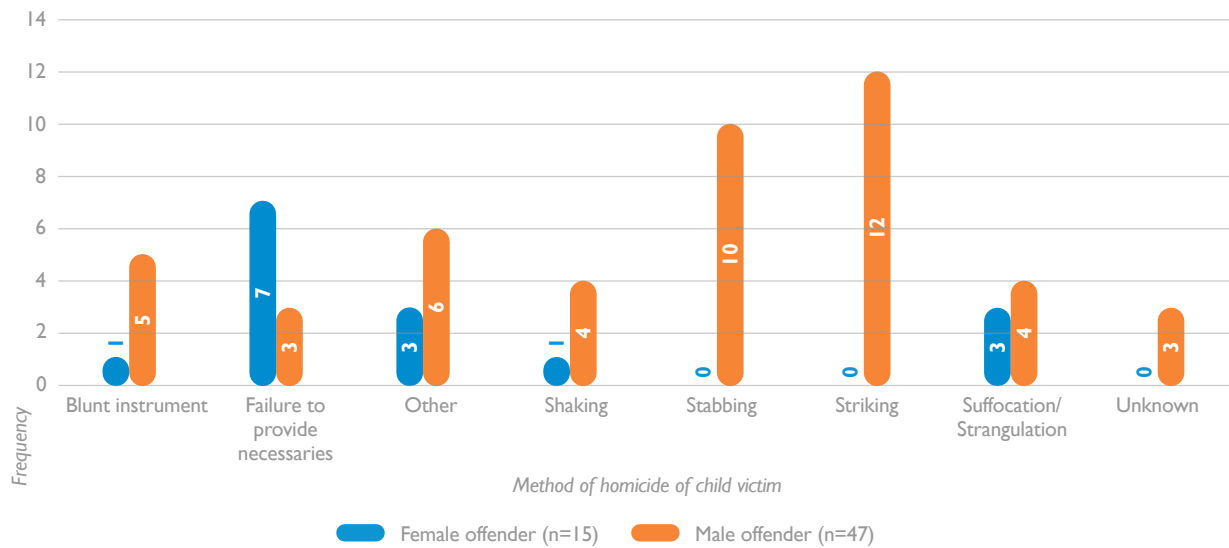
Note: Aboriginal and Torres Strait Islander status is not known for 10 offenders sentenced for adult homicide. These have not been included in this analysis.

National data reveals 16 per cent of homicide offenders are Aboriginal and Torres Strait Islander people.⁸⁹ In the categories of child homicide and filicide, non-Indigenous people represent 88.3 per cent and 90.2 per cent of offenders respectively.⁹⁰

Method of homicide

As shown in Figure 16 and Figure 17, stabbing and striking are the most common methods of homicide used by male offenders, regardless of whether the victim is an adult or a child. For female offenders, the most common method of homicide of child victims is failure to provide the necessities of life, whereas with adult victims, stabbing is the most common method of homicide. Male offenders are more likely than female offenders to use a weapon and to use violence more generally.⁹¹

Figure 16: Method of homicide by sentenced offender with child victim/s, Queensland, 2005–06 to 2016–17



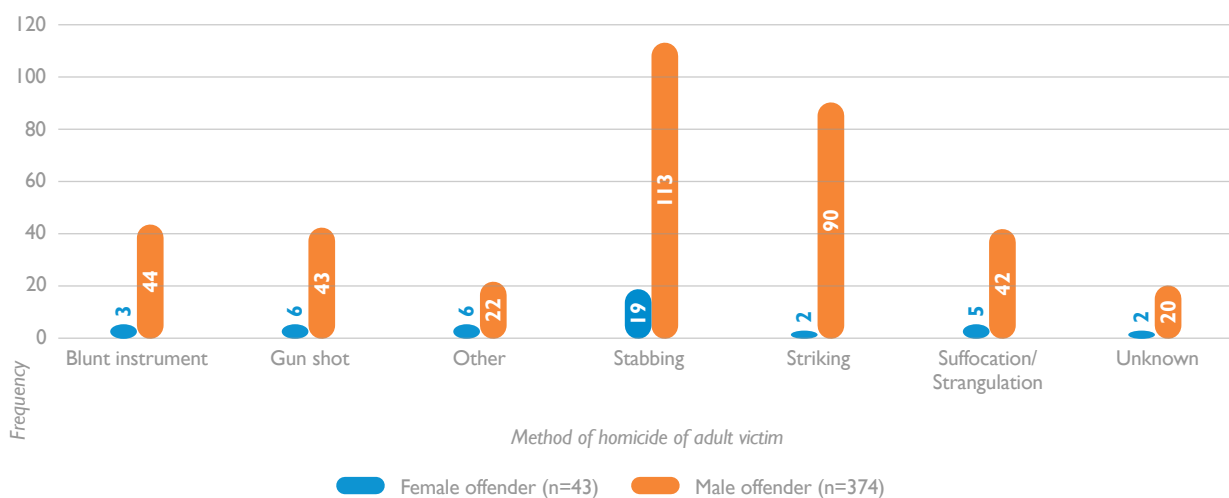
Source: QGIS, QFCC, QGSO

Notes:

1) Striking includes punching, kicking, stamping or throwing.

2) Other includes vehicle, drowning, pharmacological, other neglect, arson/fire, and gunshot.

Figure 17: Method of homicide by sentenced offender with adult victim, Queensland, 2005–06 to 2016–17



Source: QGIS, QFCC, QGSO

Notes:

1) Striking includes punching, kicking, stamping or throwing.

2) Other includes vehicle, arson/fire, pharmacological, other, drowning, and failure to provide necessities.

Broader research reveals when a child is the victim of homicide, cause of death is diverse. However, research also suggests male and female perpetrators differ in how they commit child homicide, which directly affects recorded causes of death.⁹² For example, a Victorian study reveals male perpetrators of child homicide are more likely than females to use direct physical violence such as beating (35%), while strangulation is the method most often associated with female perpetrators (24%).⁹³ The deaths of very young child victims (first day of life) are most often the result of asphyxiation, suffocation, smothering or drowning, and mothers are usually the perpetrator.⁹⁴

Homicide offenders sentenced as children

The majority of homicide offenders (95.8%) in 2005–06 to 2016–17 were sentenced as an adult. Twenty offenders (4.2%; n=20) were aged under 17 years when they committed their homicide offence. These individuals were sentenced as children under the *Youth Justice Act 1992 (Qld)*. All but one of the young offenders are male (95.0%) and 80.0 per cent are non-Indigenous. As shown in Table 13, four in five young offenders (80.0%) were sentenced for the homicide of adult victims and just over half (55.0%) were sentenced for murder.

Table 13: Homicide offence and victim type for young offenders convicted of homicide, Queensland, 2005–06 to 2016–17

Victim type	Homicide offence type					
	Murder		Manslaughter		Total	
	n	%	n	%	N	%
Child victims	2	18.2	2	22.2	4	20.0
Adult victims	9	81.8	7	77.8	16	80.0
TOTAL	11	100.0	9	100.0	20	100.0

Source: QGSO, QFCC

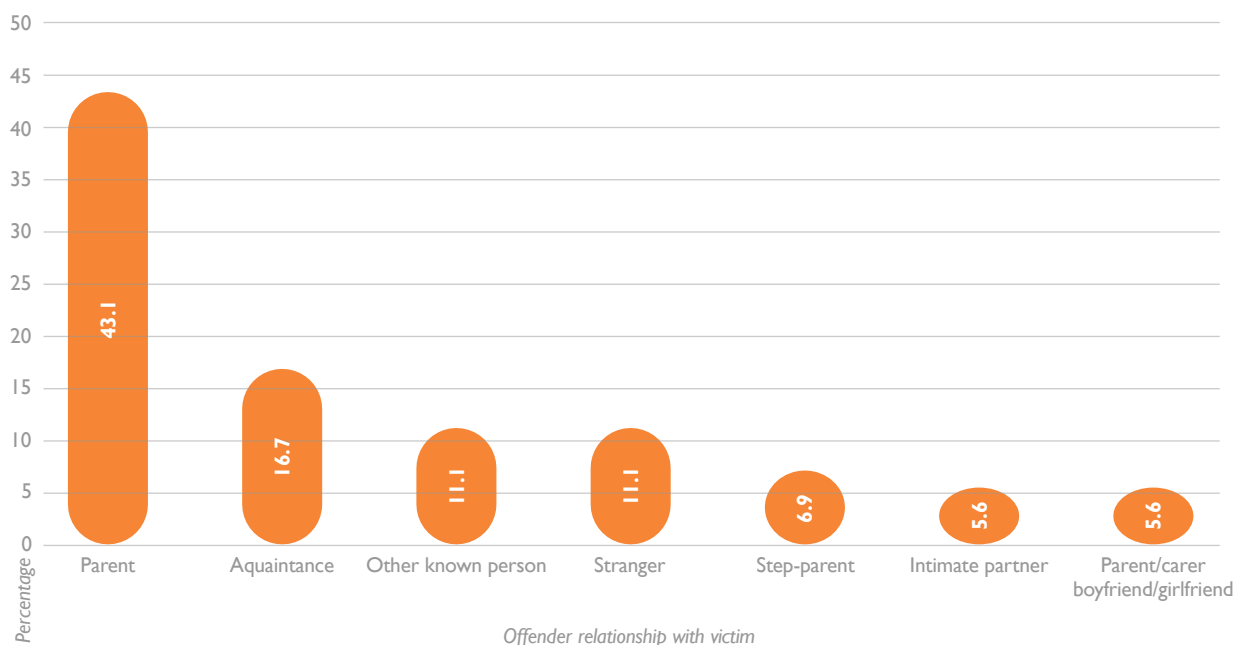
Cautionary note: The sample sizes for this analysis are small.

Australian data reveals a similar pattern with few child homicide offences committed by children (9.1 per cent).⁹⁵ Based on national data for 1 July 2005 to 30 June 2014, only two homicide offenders (1.1%) are aged between 15 and 17 years (there are no homicide offenders younger than 15 years).⁹⁶ For all homicides, including those involving adult victims, offenders aged 15–17 years account for 5.3 per cent (n=140) and offenders aged 10–14 years account for 0.8 per cent (n=20) of all offenders.⁹⁷

Relationship between homicide offenders and victims

This section further extends analyses introduced in *Chapter 3: Offender-victim relationship by age of child victim*. This analysis uses responses to the following offender-centric question ‘the offender is the victim’s [insert relationship]’. As a result, there may be some discrepancies between subsequent analyses and those discussed from the perspective of the unique homicide victim presented in Chapter 3. Figure 18 reveals, irrespective of the different analytical perspective, parents (biological and non-biological) (43.1%) continue to assume the greatest proportion of offenders across the seven discrete offender-victim relationship groupings. Within the ‘Parent’ category, 51.6 per cent of cases involved an offender who is the victim’s mother.

Figure 18 : Relationship between offenders and child victims of homicide (N=72), Queensland, 2005–06 to 2016–17



Source: QGSO, QGIS, QFCC, QPS

Notes:

1) Where an offender has multiple victims or a victim has multiple offenders, each instance of the combination has been counted as the victim-offender relationship may differ in each instance, (N=72).

2) Parent includes biological parent (n=30) and non-biological parent (n=1).

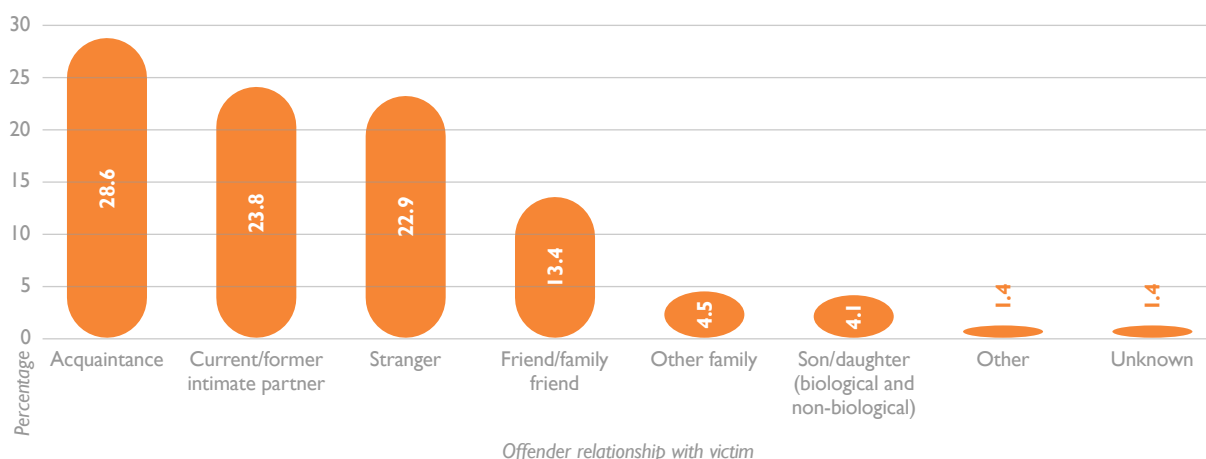
2) Intimate partner includes current intimate partner (n=2) and former intimate partner (n=2).

3) Other known person includes friend (n=2), family friend (n=3), other family member (n=1), co-resident of parent/step-parent (n=1), and informal carer (n=1).

As already noted, national and international research aligns with Queensland findings on offender-victim relationships. Family members are identified as primary perpetrators of child homicide, with parents or parent equivalents assuming the highest proportions within this group.⁹⁸ Filicide cases expose three main perpetrator groups — mothers, fathers and step-fathers,⁹⁹ with clear patterns emerging about their specific role when age of child victim and cause of death are also considered.¹⁰⁰ For example, biological fathers and mothers are more likely than step-fathers to be involved in the deaths of very young children.¹⁰¹ For older children in their mid to late teens, the involvement of women as perpetrators of child homicide substantially reduces¹⁰² (see Chapter 3: *Offender-victim relationship by age of child victim*).

For adult homicide offenders sentenced over the 12-year period, offenders are most commonly an acquaintance of the victim (28.6%), followed by intimate partners (current or former) of the victim (23.8%) — see Figure 19. The higher proportions of offenders who are strangers to adult homicide victims (22.9%) contrasts with the proportion of strangers as offenders within child homicide (11.1%).

Figure 19: Relationship between offenders and adult victims of homicide (N=441), Queensland, 2005–06 to 2016–17



Source: Q SIS, QPS, QFCC, QGSO

Notes:

- 1) Where an offender has multiple victims or a victim has multiple offenders, each instance of the combination has been counted as the victim-offender relationship may differ in each instance (N=441).
- 2) Friend/family friend includes friend (n=57) and family friend (n=2).
- 3) Current/former intimate partner includes current intimate partner (n=79) and former intimate partner (n=26).
- 4) Other family includes sibling (n=4), parent (biological) (n=2), grandchild (n=1), step-parent (n=1), and other family member (n=12).
- 5) Son/daughter (biological and non-biological) includes son/daughter (n=15), and step-son/step-daughter (n=3).
- 6) Other includes professional (n=4) and informal carer (n=2).

Co-offenders

For this analysis, co-offenders are two or more offenders sentenced for the same homicide event within the 12-year data period. Offenders are co-offenders even if they were tried or sentenced separately. The following groups are *not* co-offenders for the purposes of this analysis:

- offenders sentenced outside the 12-year data period for the same homicide event
- offenders sentenced for a non-homicide offence for the same homicide event
- offenders acquitted on appeal for a homicide offence for the same homicide event.

The 479 offenders sentenced for homicide offences in Queensland between 1 July 2005 to 30 June 2017 account for 403 discrete homicide events — see Table 14. A total of 355 (88.1%) of homicide events resulted in a single offender convicted of homicide during the data period. The remaining 48 (11.9%) homicide events involve two or more offenders sentenced for homicide of the same victim/s.

Of the 403 homicide events, the majority involve a single offender with adult victim/s (76.2%). 55 (13.7%) were child homicide events, with 48 (87.3%) of these committed by a single offender. The majority of the cases with co-offenders (N=48) involve adult victims (n=41 or 85.4%). Co-offenders with child homicide victims represent the least common offender characteristic associated with this homicide event analysis (n= 7; 1.7%) — see Figure 20.

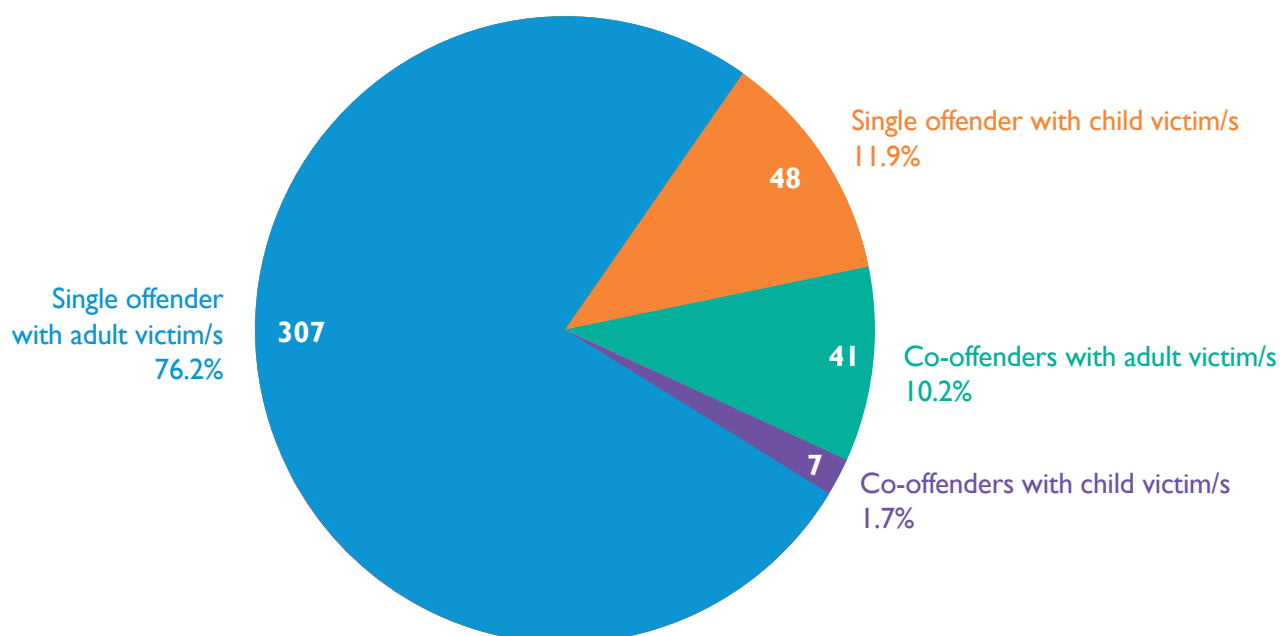
Within Queensland child homicide events, the maximum number of co-offenders sentenced for homicide for the same homicide event was two. The maximum number of co-offenders sentenced for adult homicide for the same event, was eight.

Table 14: Homicide cases by co-offender and victim type, Queensland, 2005–06 to 2016–2017

	Child homicide events		Adult homicide events		Total homicide events	
	n	%	n	%	N	%
Homicide cases committed by a single offender	48	87.3	307	88.2	355	88.1
Homicide cases committed by co-offenders	7	12.7	41	11.8	48	11.9
TOTAL	55	100.0	348	100.0	403	100.0

Source: QGSO, QGIS, QFCC, QPS

Figure 20: Proportion of homicide cases (N=403) by co-offender and victim type, Queensland, 2005–06 to 2016–17



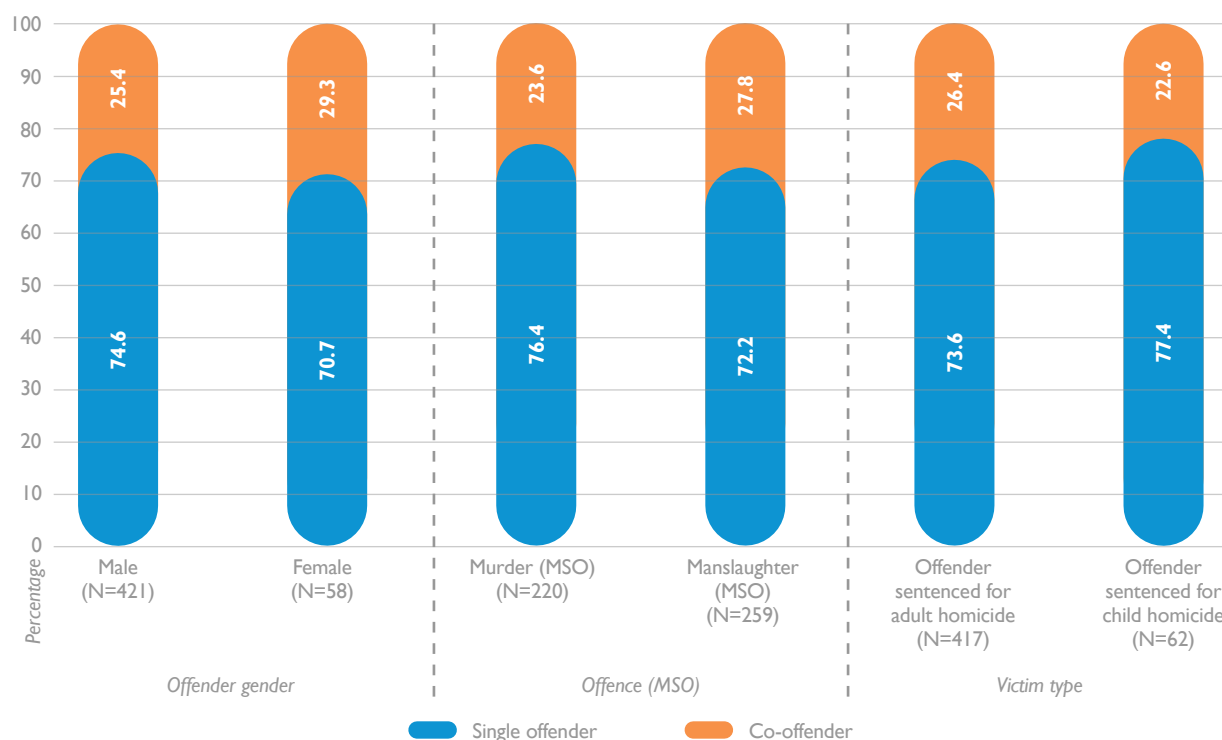
Source: QGSO, QGIS, QFCC, QPS

Characteristics of co-offenders

Of the 48 homicide events involving co-offenders, two-thirds (n=32) involve all male co-offenders. The remaining one-third (n=16) of events involve both male and female co-offenders sentenced for homicide. No cases involve all female co-offenders. Proportionally, gender did not influence whether a co-offender was involved — see Figure 21.

Figure 21 presents detailed information about co-offenders. For example, while the proportion of women offenders who have a co-offender is slightly higher than males (29.3% and 25.4% respectively), this difference is not significant. Offenders sentenced for manslaughter are slightly more likely to have a co-offender (27.8%) than offenders sentenced for murder (23.6%). However, this difference is not significant. The proportion of offenders sentenced for adult homicide who have a co-offender (26.4%) is relatively consistent with those offenders sentenced for child homicide who have a co-offender (22.6%).

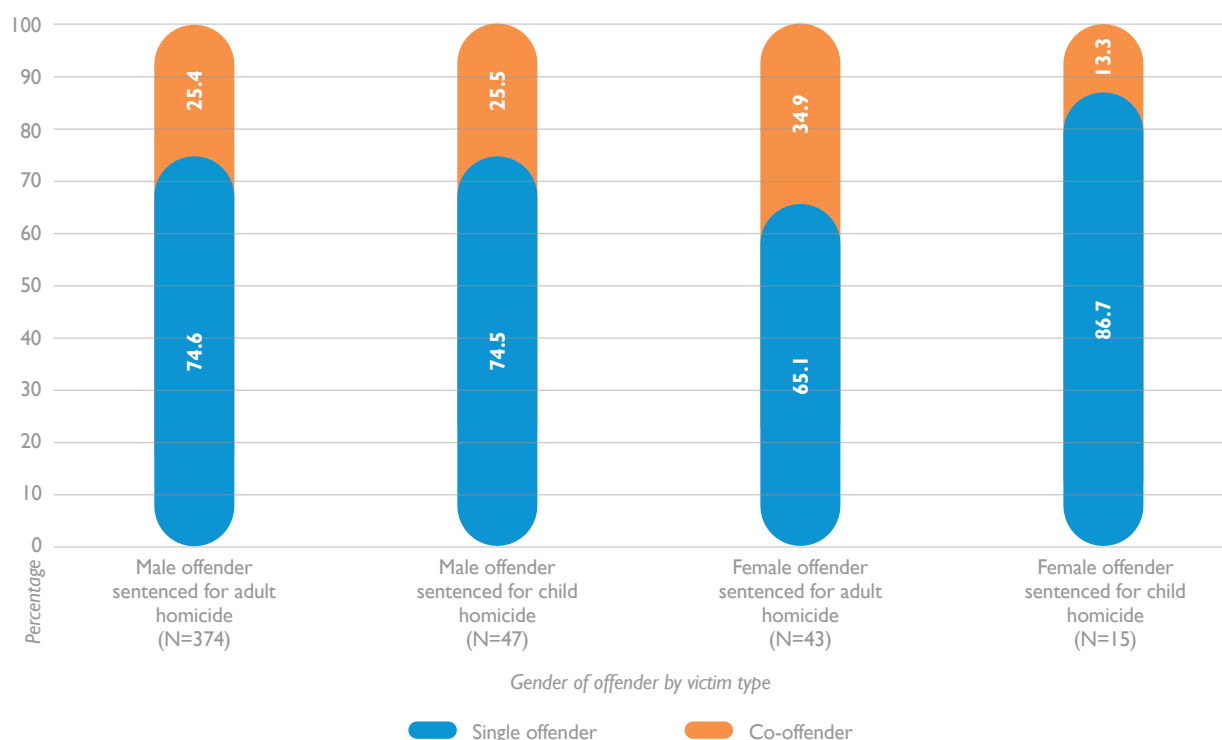
Figure 21: Single offenders and co-offenders by gender, offence and victim type, Queensland, 2005–06 to 2016–17



Source: QGSO, QGIS, QFCC, QPS

No significant differences exist when co-offender status, gender and victim type are considered. Female adult homicide offenders represent the highest proportion of sentenced offenders who have a co-offender (34.9%). In contrast, female child homicide offenders represent the smallest proportion of sentenced offenders who have a co-offender (13.3%) — see Figure 22.

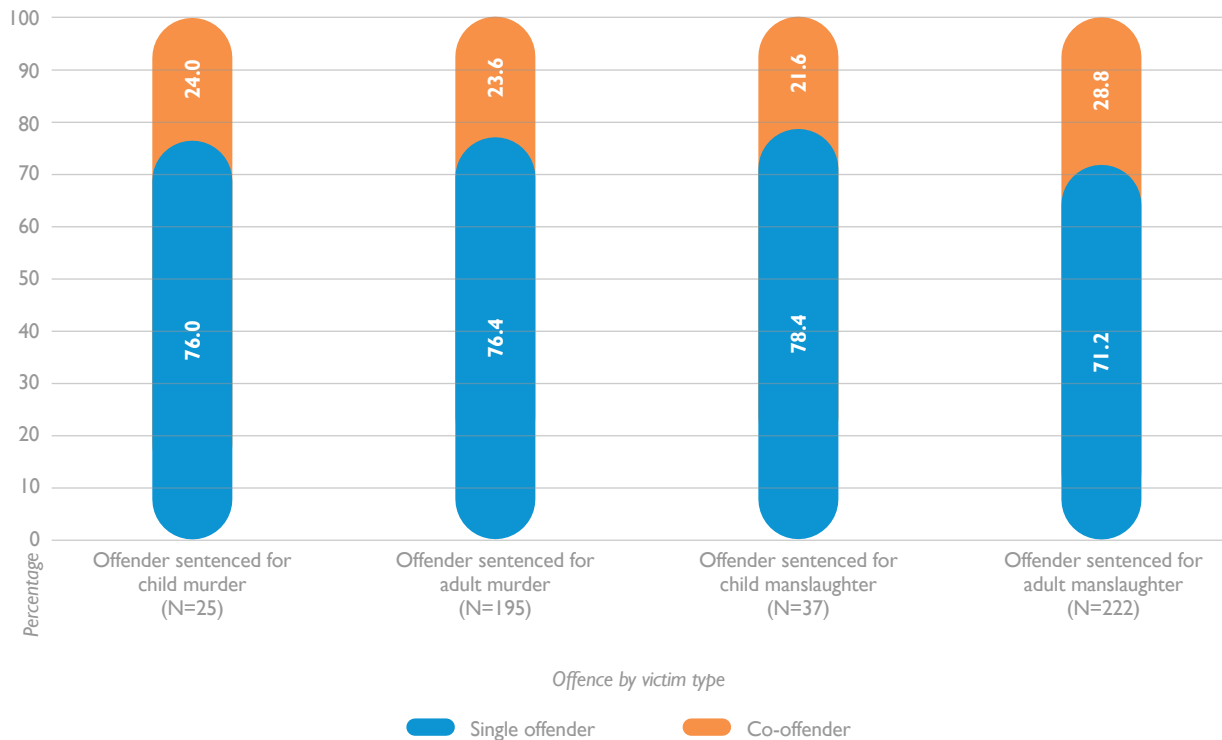
Figure 22: Single offenders and co-offenders by gender and offence, Queensland, 2005–06 to 2016–17



Source: QGSO, QGIS, QFCC, QPS

When offence type, victim type and offender status are considered, no significant differences exist. Figure 23 reveals that offenders sentenced for adult manslaughter record the highest proportion of co-offenders (28.8%) while offenders sentenced for child manslaughter record the lowest proportion of co-offenders (21.6%).

Figure 23: Single offenders and co-offenders by victim type and offence, Queensland, 2005–06 to 2016–17



Source: QGSO, QGIS, QFCC, QPS

Relationships between co-offenders

As shown in Table 15, the majority of homicide co-offenders are friends/acquaintances (58.3%). This pattern is consistent for events involving all male offenders (78.1%). However, for homicide events involving male and female co-offenders, just under half (43.8%) are (current or former) intimate partners. For the small number of child homicide events involving co-offenders (n=7), the majority of co-offenders are friends/acquaintances (57.1%, n=4). Friends/acquaintances are also the most common relationship type for adult homicide co-offenders (58.5%, n=24).

Table 15: Relationship between co-offenders sentenced for homicide, Queensland, 2005–06 to 2016–17

Number of homicide victims	All events with co-offenders		Events with all male co-offenders		Events with male and female offenders		Child homicide events		Adult homicide events	
	N	%	n	%	n	%	n	%	n	%
Friend/acquaintance	28	58.3	25	78.1	3	18.8	4	57.1	24	58.5
Friend/family	9	18.8	5	15.6	4	25.0	0	0.0	9	22.0
Intimate partner	7	14.6	0	0.0	7	43.8	2	28.6	5	12.2
Family	2	4.2	1	3.1	1	6.3	1	14.3	1	2.4
Friend/intimate partner	1	2.1	0	0.0	1	6.3	0	0.0	1	2.4
Stranger	1	2.1	1	3.1	0	0.0	0	0.0	1	2.4
TOTAL	48	100.0	32	100.0	16*	100.0	7*	100.0	41	100.0

Source: QGSO, QGIS, QFCC, QPS

Cautionary note: sample sizes are small in this analysis (*)

Offences sentenced among co-offenders

Table 16 reveals of the homicide events that involve co-offenders (N=48), over three-quarters (79.2%) result in all co-offenders sentenced for the same offence — 41.7 per cent involve all co-offenders sentenced for manslaughter, while 37.5 per cent involve all co-offenders sentenced for murder. While the number is small, all co-offenders (100%) were sentenced for the same offence for homicide events involving a child victim. Over three-quarters (75.6%) of homicide events involving adult victims result in co-offenders sentenced for the same offence.

Table 16: Offences sentenced among co-offenders for homicide, Queensland, 2005–06 to 2016–17

	All events with co-offenders		Child homicide events		Adult homicide events	
	N	%	n	%	n	%
All co-offenders sentenced for manslaughter	20	41.7	4	57.1	16	39.0
All co-offenders sentenced for murder	18	37.5	3	42.9	15	36.6
Co-offenders sentenced for a mix of murder and manslaughter offences	10	20.8	0	0.0	10	24.4
TOTAL	48	100.0	7	100.0	41	100.0

Source: QGSO, QGIS, QFCC, QPS

Table 17 provides detail about homicide events involving co-offenders sentenced with manslaughter (N=25). As discussed in Chapter 1: *Explaining homicide*, there are different categories of conduct that fall within the offence of manslaughter.

Of the 25 events involving co-offenders sentenced for manslaughter, 22 (88.0%) result in all co-offenders sentenced for the same type of manslaughter (refer to Chapter 2: *Homicide offences sentenced by Queensland courts* for a description of manslaughter categories). For adult homicide events involving co-offenders (N=21), 95.2 per cent (n=20) result in co-offenders all sentenced for the same type of manslaughter. While the number of child homicide events involving co-offenders sentenced for manslaughter is small (n=4), half of those cases result in co-offenders sentenced for the same type of manslaughter and half result in co-offenders sentenced for different types of manslaughter.

Table 17: Manslaughter offences sentenced among co-offenders for homicide, Queensland, 2005–06 to 2016–17

	All homicide events with co-offenders sentenced for manslaughter		Child homicide events with co-offenders sentenced for manslaughter		Adult homicide events with co-offenders sentenced for manslaughter	
	N	%	n	%	n	%
All co-offenders sentenced for the same type of manslaughter	22	88.0	2	50.0	20	95.2
All co-offenders sentenced for differing types of manslaughter	3	12.0	2	50.0	1	4.8
TOTAL	25*	100.0	4*	100.0	21*	100.0

Source: QGSO, QGIS, QFCC, QPS

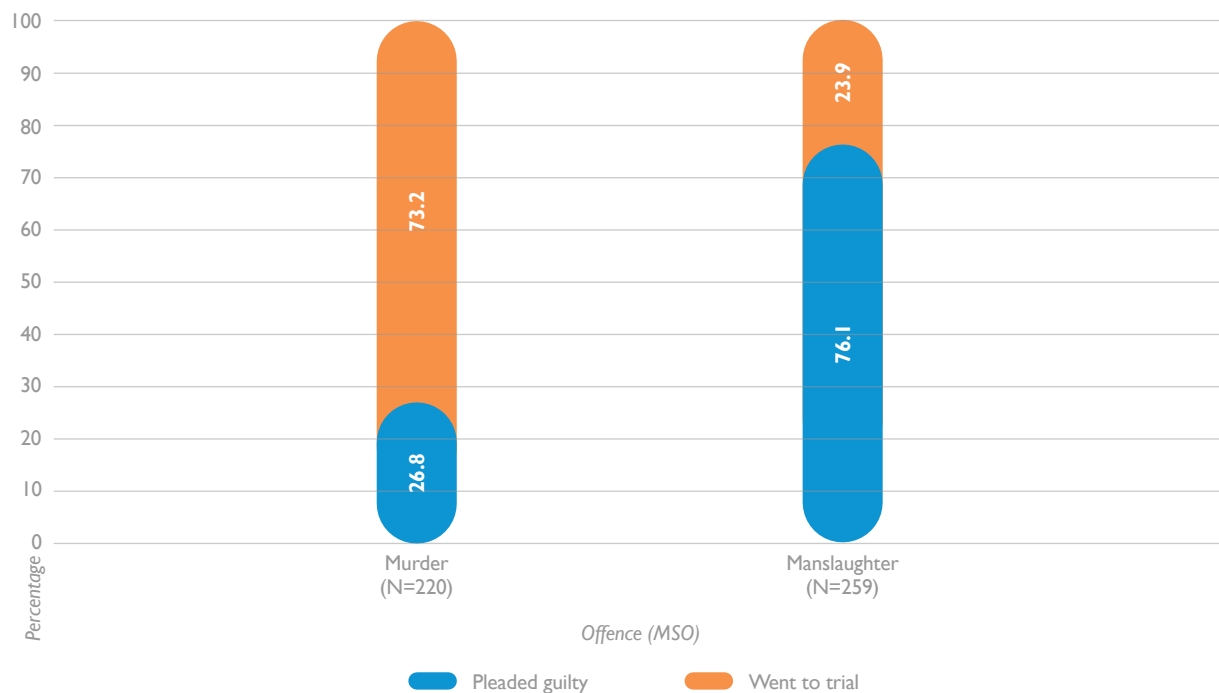
Cautionary note: sample sizes are small in this analysis (*)

Offenders who pleaded guilty versus offenders who proceeded to trial

Offenders who plead guilty to an offence will proceed to sentencing for that offence. For the purpose of this analysis, these offenders are ‘offenders who pleaded guilty’. Alternatively, offenders may choose to defend the charges against them at trial by pleading not guilty or by entering no plea. For the current analysis, these offenders are ‘offenders who went to trial’.

Just over half of sentenced homicide offenders pleaded guilty (53.4%). Offenders sentenced for murder offences are significantly less likely to have pleaded guilty (26.8%) than offenders sentenced for manslaughter offences (76.1%) ($t(477)=12.34, p<.001$) — see Figure 24.

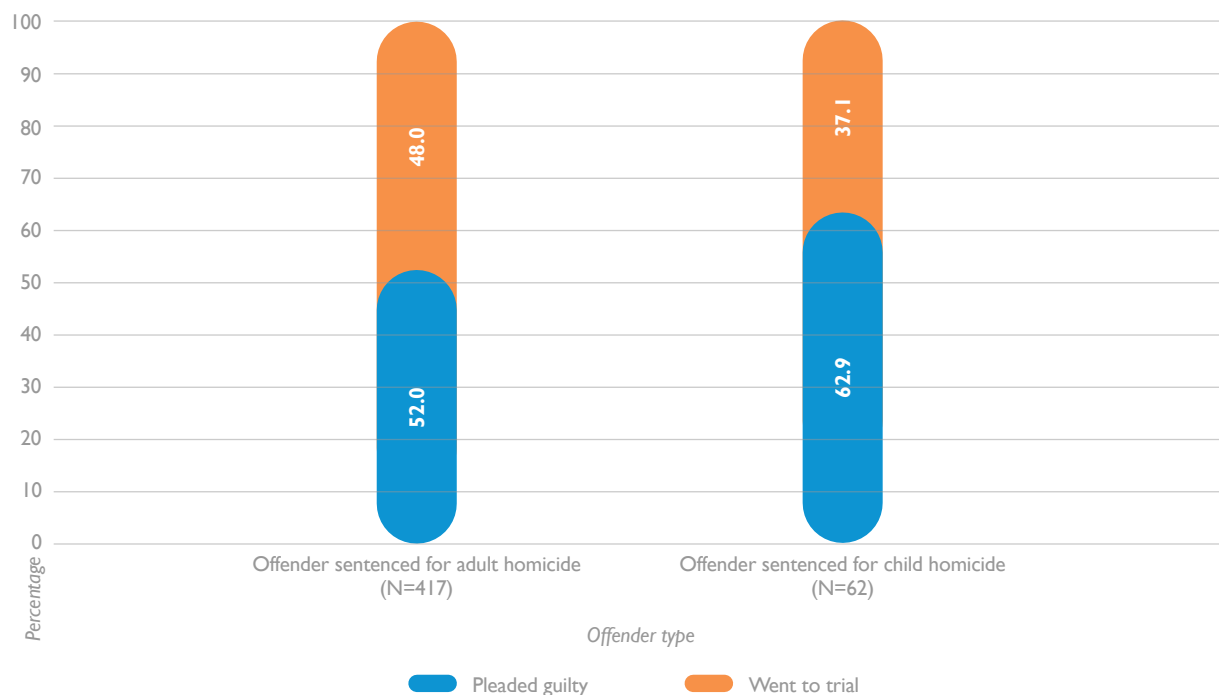
Figure 24: Plea or trial by offence type for offenders sentenced for homicide, Queensland, 2005–06 to 2016–17



Source: QGSO, QSIS

A greater proportion of offenders sentenced for child homicide pleaded guilty when compared to offenders sentenced for adult homicide (62.9% and 52.0% respectively) — see Figure 25; however, the difference is not significant.

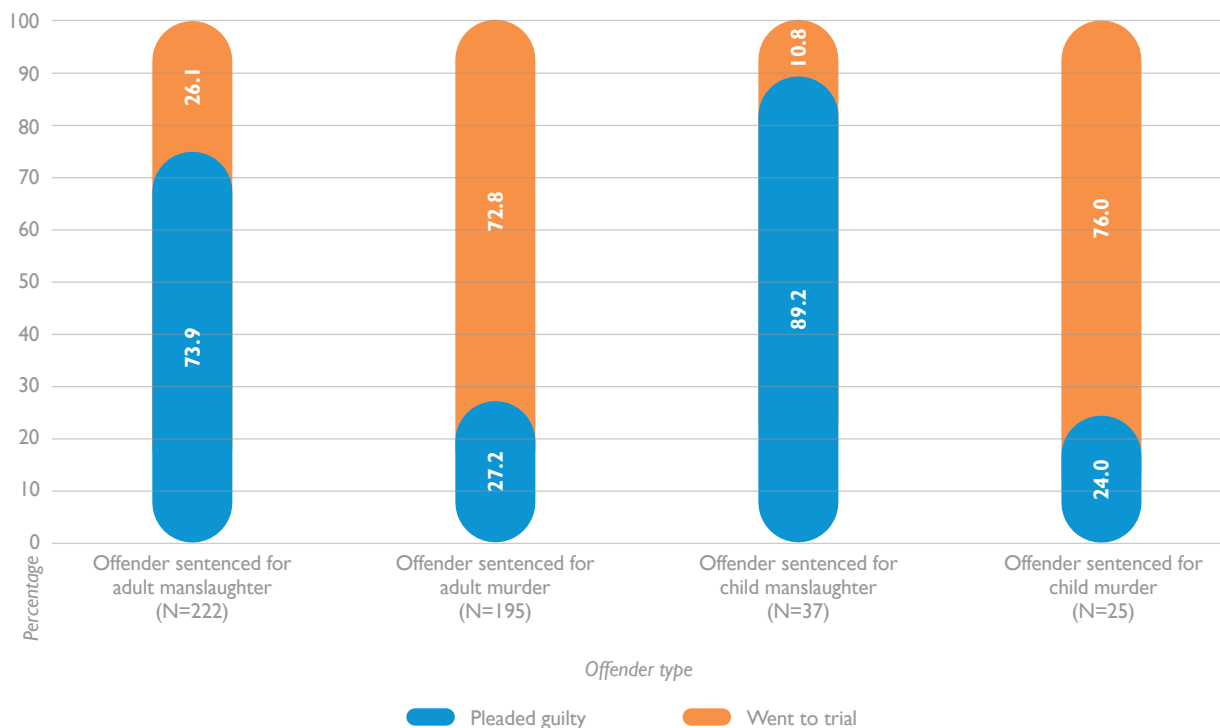
Figure 25: Plea or trial by victim type for offenders sentenced for homicide, Queensland, 2005–06 to 2016–17



Source: QGSO, QSIS, QFCC

When offence, victim and type of plea are considered, offenders are less likely to have pleaded guilty for child murder (24.0%) than for child manslaughter (89.2%) or adult manslaughter (73.9%) ($F(3,475) = 52.35, p < .0001$). Similarly, offenders sentenced for adult manslaughter are significantly more likely to have pleaded guilty (73.9%) than those sentenced for adult murder (27.2%). No significant difference exists between the proportion of offenders who pleaded guilty to child murder (24.0%) and offenders who pleaded guilty to adult murder (27.2%) — see Figure 26.

Figure 26: Plea or trial, by offence and victim type for offenders sentenced for homicide, Queensland, 2005–06 to 2016–17



Source: QGSO, QGIS, QFCC

Associated offences for child homicide offenders

Offenders may be sentenced for multiple offences at the one court event. This analysis examines whether offenders sentenced for child homicide as their MSO over the 12-year data period ($N=62$) were also sentenced for additional offences at the same court event. For the subsequent discussion, the Secretariat uses the term ‘associated offences’ to describe additional offences sentenced at the same court event as an offender’s child homicide MSO. Any discussion about averages includes offenders’ child homicide MSOs as part of the calculation.

Of the 62 child homicide offenders in the 12-year period, 60 per cent ($n=37$) were sentenced only for their child homicide MSO at that court event — see Table 18. On average, 2.1 offences were sentenced in the same court event for offenders with a child homicide MSO (median 1.0). Child murder offenders record a significantly higher average per court event (3.2 offences) than offenders sentenced for child manslaughter (average of 1.4 offences) ($t(26.14) = 2.50, p = .0189$).

The majority of child manslaughter offenders (78.4%) were sentenced only for their manslaughter MSO. The majority of women sentenced for child homicide were sentenced only for that offence (80.0%) compared to just over half of men sentenced for child homicide (53.2%). The average number of associated offences for women sentenced for a child homicide MSO is significantly lower (1.3 offences) than their male counterparts (2.4 offences) ($t(56.44) = 2.55, p = .0136$).

Table 18: Number of sentenced offences per court event with a child homicide MSO, by gender and offence type, Queensland, 2005–06 to 2016–17

	N	Average number of offences	Median number of offences	Minimum	Maximum	Single offence (%)	2 to 4 offences (%)	5 to 10 offences (%)	11 + offences (%)
All offenders sentenced for child murder	25	3.2	2.0	1.0	16.0	32.0	52.0	8.0	8.0
All offenders sentenced for child manslaughter	37	1.4	1.0	1.0	5.0	78.4	18.9	2.7	0.0
Female offenders sentenced for child homicide	15	1.3	1.0	1.0	3.0	80.0	20.0	0.0	0.0
Male offenders sentenced for child homicide	47	2.4	1.0	1.0	16.0	53.2	36.2	6.4	4.3
TOTAL	62	2.1	1.0	1.0	16.0	59.7	32.3	4.8	3.2

Source: QGSO, QGIS, QFCC

Among the 25 (40.3%) offenders who were sentenced for additional offences at the same court event as their child homicide MSO, the total number of sentenced offences per offender ranged from 2 to 16 offences (including the child homicide MSO). Table 19 provides a list of associated offences for those child homicide offenders (N=25) sentenced for more than one offence at the same court event. At the offence level, sexual assault was the most common associated offence sentenced at the same court event as an offender's child homicide MSO. Note, this list provides a count of sentenced associated offences, not offenders. Offenders may have been sentenced for one or more (up to 15) of the associated offences listed in Table 19.

Table 19: Associated offences (MSO) sentenced with child homicide offences, Queensland, 2005–06 to 2016–17

Offence	Frequency	%
Sexual assault	10	18.5
Assault	7	13.0
Manslaughter and driving causing death	5	9.3
Murder	5	9.3
Breach of community-based orders	3	5.6
Other illicit drug offences	3	5.6
Possess and/or use illicit drugs	3	5.6
Regulated public order offences	3	5.6
Breach of custodial order offences	2	3.7
Breach of violence and non-violence orders	2	3.7
Property damage	2	3.7
Attempted murder	1	1.9
Dangerous or negligent operation of a vehicle	1	1.9
Deal or traffic in illicit drugs	1	1.9
Other fraud and deception offences	1	1.9
Receive or handle proceeds of crime	1	1.9
Regulatory driving offences	1	1.9
Robbery	1	1.9
Theft (except motor vehicles)	1	1.9
Unlawful entry with intent / burglary, break and enter	1	1.9

Source: QGSO

Prior offending

To understand prior offending associated with the homicide offenders sentenced in the current 12-year dataset, the Secretariat examined historical court data for each offender. In other words, the Secretariat used previously sentenced events in Queensland courts to identify an offender's prior offending. The five years of court data immediately preceding the financial year in which an offender was sentenced for their homicide offence was selected for this analysis. If five years of preceding court data was unavailable for an offender, that offender was excluded from the analysis. Offenders sentenced as a child for their homicide offence were also excluded.

The prior offending analysis includes 275 homicide offenders sentenced within the period 2010–11 to 2016–17 — see Table 20. Of these, 34 (12.4%) offenders were sentenced for child homicide and 241 (87.6%) offenders were sentenced for adult homicide.

Table 20: Number of offenders included in the prior sentenced offences analysis, Queensland, 2010–11 to 2016–17

Year sentenced (original sentence)	Total number of offenders included	Number of child homicide offenders		Number of adult homicide offenders	
		N	%	N	%
2016-17	44	9	20.5	35	79.5
2015-16	31	4	12.9	27	87.1
2014-15	38	2	5.3	36	94.7
2013-14	41	7	17.1	34	82.9
2012-13	39	2	5.1	37	94.9
2011-12	36	5	13.9	31	86.1
2010-11	46	5	10.9	41	89.1
TOTAL	275	34	12.4	241	87.6

Source: QGSO, QFCC

Of the 275 homicide offenders included in the analysis, 95 (34.5%) did not record any previous sentences for offences prior to being sentenced for their homicide offence (reference point year) — see Table 21. This proportion is comparable for offenders sentenced for child homicide as well as those sentenced for adult homicide (32.4% and 34.6% respectively). No statistically significant difference exists.

Table 21: Prior sentence history for homicide offenders, by victim type, Queensland, 2010–11 to 2016–17

	All homicide offenders		Child homicide offenders		Adult homicide offenders	
	N	%	n	%	n	%
No prior sentence/s	95	34.5	11	32.4	84	34.9
Prior sentence/s	180	65.5	23	67.6	157	65.1
TOTAL	275	100.0	34	100.0	241	100.0

Source: QGSO, QFCC

Cautionary notes:

1) Only homicide offenders sentenced between 2010–11 and 2016–17 are included in this analysis.

2) Homicide offenders sentenced as a young offender are not included in this analysis.

3) If an offender had additional court events sentenced on the same day as the homicide event, the additional event was counted as a prior event.

While 65.5 per cent of homicide offenders record a previous sentence for a criminal offence in the five years preceding their sentenced homicide offence, the majority of these offenders record prior non-violent offences (71.1%) — see Table 22. Similarly, the vast majority of child homicide offenders record previous sentences for non-violent offences (91.3%). A significantly higher proportion of adult homicide offenders (31.8%) record previous sentences for violent offence/s than child homicide offenders (8.7%) ($t(41.37)=3.27, p=0.0021$).

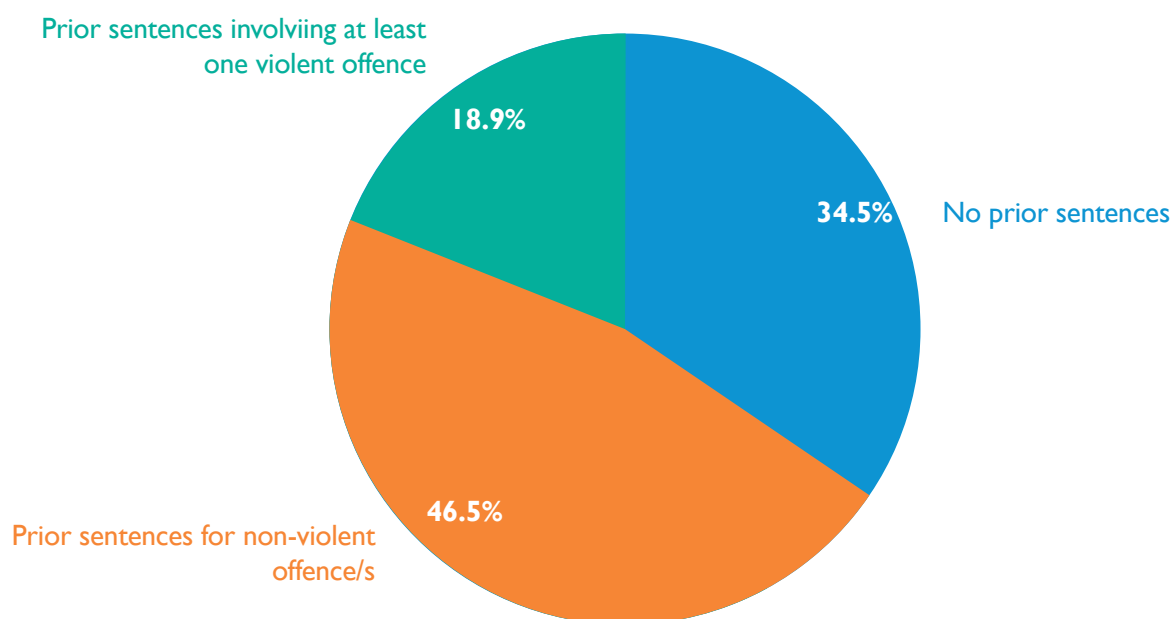
Table 22: Type of prior sentence by homicide victim type, Queensland, 2010–11 to 2016–17

	All homicide offenders		Child homicide offenders		Adult homicide offenders	
	N	%	n	%	n	%
Prior sentence/s with non-violent offence/s (MSO)	128	71.1	21	91.3	107	68.2
Prior sentence/s with violent offence/s (MSO)	52	28.9	2	8.7	50	31.8
TOTAL	180	100.0	23	100.0	157	100.0

Source: QGSO, QFCC

Less than one-fifth (18.9%) of homicide offenders record previous sentences for at least one violent offence in the five years preceding their sentenced homicide offence. Almost half (46.5%) of offenders record previous sentences for non-violent offences, and an additional 34.5 per cent record no prior sentences — see Figure 27.

Figure 27: Prior sentence history of homicide offenders, Queensland, 2010–11 to 2016–17



Source: QGSO, QFCC

Cautionary notes:

- 1) Only homicide offenders sentenced between 2010–11 and 2016–17 are included in this analysis.
- 2) Homicide offenders sentenced as a young offender are not included in this analysis.
- 3) If an offender had additional court events sentenced on the same day as the homicide event, the additional event was counted as a prior event.

For all 180 homicide offenders who record a previous sentence, the average number of sentenced court events in the five years preceding their sentenced homicide offence is 4.2 — see Table 23. For those child homicide offenders who record a prior sentence (MSO), the average number is 2.7, while the average number for adult homicide offenders is significantly higher at 4.4 ($t(86.34)=2.75, p=.0072$). The maximum number of times an adult homicide offender appeared before a judge or magistrate within the five years prior to their sentenced homicide offence is 68. The maximum number for child homicide offenders who record prior sentenced MSOs is much lower ($n=11$).

Table 23: Number of prior sentenced court events, Queensland, 2010–11 to 2016–17

	N	Average	Median	Minimum	Maximum
All homicide offenders	180	4.2	3.0	1	68
Child homicide offenders	23	2.7	2.0	1	11
Adult homicide offenders	157	4.4	3.0	1	68

Source: QGSO, QFCC

The MSO for prior sentenced offences associated with the 180 homicide offenders tend to be non-violent and less serious offences. The 180 homicide offenders who record prior sentenced offences were involved with 734 prior sentenced MSOs. The 10 most frequent prior offences (MSO) are shown in Table 24. Breach of community-based orders and regulated public order offences are the most common prior sentenced MSOs.

Table 24: Ten most frequently occurring prior sentence MSO for homicide offenders, Queensland, 2010–11 to 2016–17

Offence	Frequency	%
Breach of community-based orders	84	11.4
Regulated public order offences	79	10.8
Driver licence offences	72	9.8
Offensive conduct	64	8.7
Assault	59	8.0
Regulatory driving offences	47	6.4
Unlawful entry with intent / burglary, break and enter	37	5.0
Offences against justice procedures	36	4.9
Breach of violence and non-violence orders	33	4.5
Possess and/or use illicit drugs	32	4.4

Source: QGSO, QFCC

Child homicide offenders who record prior sentenced offences (n=23) were involved with 61 prior sentenced MSOs. The 10 most frequently occurring prior offences (MSO) of offenders sentenced for child homicide are shown in Table 25, with the largest proportion involving driver licence offences.

Table 25: Ten most frequently occurring prior sentence MSO for child homicide offenders, Queensland, 2010–11 to 2016–17

Offence	Frequency	%
Driver licence offences	15	24.6
Breach of community-based orders	9	14.8
Regulatory driving offences	9	14.8
Vehicle registration and roadworthiness offences	6	9.8
Breach of violence and non-violence orders	3	4.9
Assault	2	3.3
Disorderly conduct	2	3.3
Harassment and threatening behaviour	2	3.3
Manufacture or cultivate illicit drugs	2	3.3
Offensive conduct	2	3.3

Source: QGSO, QFCC

The 157 adult homicide offenders who record prior sentenced offences were involved in 673 prior sentenced MSOs. The 10 most frequently occurring prior offences (MSO) of offenders sentenced for adult homicide are shown in Table 26.

Table 26: Ten most frequently occurring prior sentence MSO for adult homicide offenders, Queensland, 2010–11 to 2016–17

Offence	Frequency	%
Regulated public order offences	79	11.7
Breach of community-based orders	75	11.1
Offensive conduct	62	9.2
Assault	57	8.5
Driver licence offences	57	8.5
Regulatory driving offences	38	5.6
Offences against justice procedures	35	5.2
Unlawful entry with intent / burglary, break and enter	35	5.2
Possess and/or use illicit drugs	32	4.8
Breach of violence and non-violence orders	30	4.5

Source: QGSO, QFCC

Further analysis considered gender, offence type and victim type — see Table 27. Female offenders sentenced for homicide were significantly less likely to record prior sentences (48.5%) than male offenders sentenced for homicide (67.8%) ($t(39.79)=2.07, p=0.045$). When offence type was considered, little difference exists in the proportion of murder offenders (64.7%) who record prior sentences compared to manslaughter offenders (66.2%). Noting the small sample size ($N=10$), offenders sentenced for child murder record the greatest proportion who have prior sentenced MSOs ($n=8; 80.0%$). Little difference exists between the proportion of offenders sentenced for child manslaughter (62.5%), adult murder (63.4%) and adult manslaughter (66.9%) who record prior sentenced MSOs.

Table 27: Prior sentence history for homicide offenders, by offender gender, offence type, and victim type, Queensland, 2010–11 to 2016–17

	Female homicide offenders		Male homicide offenders		Offenders sentenced for murder		Offenders sentenced for manslaughter	
	N	%	N	%	N	%	N	%
No prior sentence/s	17	51.5	78	32.2	47	35.3	48	33.8
Had prior sentence/s	16	48.5	164	67.8	86	64.7	94	66.2
TOTAL	33	100.0	242	100.0	133	100.0	142	100.0

	Offenders sentenced for child murder		Offenders sentenced for child manslaughter		Offenders sentenced for adult murder		Offenders sentenced for adult manslaughter	
	N	%	N	%	N	%	N	%
No prior sentence/s	2	20.0	9	37.5	45	36.6	39	33.1
Had prior sentence/s	8	80.0	15	62.5	78	63.4	79	66.9
TOTAL	10*	100.0	24*	100.0	123	100.0	118	100.0

Source: QGSO, QFCC

Cautionary note: small sample size (*)

Of the homicide offenders who record prior sentences, female offenders on average record fewer sentenced court events (3.3) than male offenders (4.3); however, the median number of prior sentenced MSOs are comparable (2.5 and 3.0 respectively) — see Table 28. The average number of prior sentenced MSOs for murder offenders is slightly lower (3.6) than manslaughter offenders (4.7); however, the median number of prior sentenced MSOs is the same (3.0).

Adult murder offenders on average record the highest number of prior sentenced MSOs (5.1) while child murder offenders record the lowest average number of prior sentenced MSOs (2.1) (note the small sample size, n=8) — see Table 28. Offenders sentenced for child murder and child manslaughter record the same median number of prior sentenced MSOs (2.0). Offenders sentenced for adult murder and adult manslaughter also record the same median number of prior sentenced MSOs, although this is slightly higher (3.0).

Table 28: Number of prior sentenced events, by gender, offence, and offence type by victim, Queensland, 2010–11 to 2016–17

	Number	Average	Median	Minimum	Maximum
Female homicide offenders	16*	3.3	2.5	1	8
Male homicide offenders	164	4.3	3.0	1	68
Offenders sentenced for murder	86	3.6	3.0	1	10
Offenders sentenced for manslaughter	94	4.7	3.0	1	68
Offenders sentenced for child murder	8*	2.1	2.0	1	3
Offenders sentenced for child manslaughter	15*	2.9	2.0	1	11
Offenders sentenced for adult murder	78	3.8	3.0	1	10
Offenders sentenced for adult manslaughter	79	5.1	3.0	1	68
TOTAL	180	4.2	3.0	1	68

Source: QGSO, QFCC

Cautionary note: small sample size (*)

According to international research, male filicide perpetrators are more likely than female perpetrators to record prior convictions.¹⁰³ In NSW, male child homicide offenders (n=56) are more likely than female offenders (n=17) to record prior convictions and much more likely to record convictions for violent offences.¹⁰⁴ Most sentenced child homicide offenders in NSW do not have prior convictions (53% overall; 50% of men and 65% of women).¹⁰⁵ One third of NSW offenders have prior convictions for non-violent offences (32% of men and 29% of women) and one in six male offenders have prior convictions for violent offences (18%, n=10, but only 6% of women, n=1).¹⁰⁶

Additional offender characteristics

This section provides additional child homicide/filicide offender-centric information derived from national and international research. While not derived from an analysis of Queensland’s homicide offenders, aspects may be relevant. The following offender characteristics are either unavailable within Queensland administrative datasets or are yet to be analysed for the Queensland cohort and will be included in the final report. Some of the referenced studies involve small numbers or strict research parameters. This means the findings are not necessarily indicative of Queensland’s cohort over the 12-year period. However, the qualitative value of broader findings is significant, reinforcing the diversity of child homicide and the various associated situational and contextual factors. Please note, some of the studies relate to child homicide, while others relate to filicide.

Motive, precipitating and explanatory factors

It is acknowledged that a significant amount of child homicide research, particularly in relation to mothers who kill their children, has focused on ‘pathological explanations’.¹⁰⁷ Research has now shifted from focusing on such explanations or motives to examining situational and contextual factors associated with offenders, victims and events. Varied precipitating factors have been linked to child homicide, however these are typically case-specific. It is also clear there is limited knowledge about how, when, in what combination and to what extent various precipitating factors interact and contribute to child homicide.¹⁰⁸

It is clear... that these deaths are, for the most part, a result of complex interacting factors. Each event occurs in a context where predisposing factors in the perpetrator's life interact with immediate stressors... child homicide is an extremely rare event and for each of the risk factors there are many more individuals with the same risk factors who never harm their children.¹⁰⁹

Situational and contextual factors associated with child homicide and filicide include a history of domestic or other violence, substance misuse and mental illness.¹¹⁰ Child protection history, parental separation and parenting very young children are among other factors which may increase the risk of filicide occurring.¹¹¹ For example, a study of paternal filicides in Canada found that "a rupture of the marital relationship had recently occurred in 40 per cent of the cases".¹¹² A Victorian filicide study found just over half the perpetrators in the study were separated and/or divorced or in the process of doing so.¹¹³ In cases of abuse-related child death in NSW, about two thirds of the families of victims had experienced separation or family breakdown prior to the child's death.¹¹⁴ However, it is also apparent the identified factors are not unique to child homicide or filicide. In addition, the presence of such factors does not precipitate child homicide; rather, the research discusses correlation as opposed to causation.

Retaliation as a motive for filicide also features in research.¹¹⁵ Referred to as 'retaliatory' or 'revenge' filicide these child homicides are predominantly committed by men, although women are also perpetrators. These cases involve a child killed intentionally to hurt the other parent, often due to separation or impending separation. Some retaliatory cases involve the death of both the child and the intimate partner:

[t]here has been limited research into retaliatory filicides. This may partly be due to the apparently high number of such cases that involve the suicide of the perpetrator.¹¹⁶

'Altruistic' filicide refers to cases in which a parent, usually the child's mother, believes that homicide will free the child from some type of real or perceived suffering.¹¹⁷ Filicide motivated by altruism, also referred to in research as 'misguided love' or 'mercy killing', represents one of the most cited reasons for female-perpetrated filicide.¹¹⁸ These mothers perceive that any other course of action is not in the child's best interests. Such perceptions include 'anticipated suffering caused by the parent's suicide'.¹¹⁹

Filicide-suicide cases relate to a parent who kills their child/children and themselves. While the proportion varies across studies, between 6 and 17 per cent of Australian filicides are filicide-suicides.¹²⁰ A significant proportion of filicide-suicide cases involve biological mothers and the overwhelming majority are custodial parents. Of note, parents as opposed to step-parents are responsible for filicide-suicide cases.¹²¹ Apparent motives for filicide-suicide vary, with one study of clinical records finding women tended to show a (prior) pattern of 'hopelessness and helplessness' while men tended to reflect 'anger and desperation'.¹²² No specific socio-demographic differences are observable between filicide-suicide and filicide cases.¹²³

About a quarter of filicides involve neonaticide¹²⁴ — the killing of a baby within 24 hours of its birth. Perpetrators are almost always the child's mother.¹²⁵ A child's homicide risk from a parent is highest in the first day of a child's life.¹²⁶ Various studies confirm this age-related risk. The primary motivation for neonaticide appears to be the undesirability of the child, with fear of repercussions an important factor.¹²⁷ Perpetrators, typically mothers, do not want a baby in their circumstances, and often deny and conceal the pregnancy.¹²⁸

Gender revisited

As noted above, child homicide, particularly filicide, involves female offenders in proportions not experienced in any other category of homicide.¹²⁹ Research indicates parental gender affects the type and extent of stressors experienced before the fatal event.¹³⁰ For mothers, identified stress factors include 'being the primary caregiver for children, unemployment or financial problems, being in an ongoing abusive intimate relationship and having limited social support'.¹³¹ For fathers, identified stressors include 'financial difficulties, pending or actual separation, and a partner having an affair'.¹³² Victorian research developed the following summary of the differences between mothers and fathers who commit filicide:

Filicidal mothers, when compared to filicidal fathers, were more likely to:

- perpetrate neonaticide
- act for 'altruistic' reasons
- be diagnosed with a mental illness
- be the primary carer for the child
- be a victim of domestic violence.

Filicidal fathers, when compared to filicidal mothers, were more likely to:

- perpetrate fatal child abuse
- have previously been violent towards their partner
- act in 'retaliation' towards their partner
- kill their partner as well as the children.¹³³

Substance misuse

Alcohol or drug misuse by perpetrators is often cited by research as present in child homicide and filicide cases.¹³⁴ However, drawing an inference that substance misuse is a precursor to child homicide or filicide is problematic.¹³⁵ Increasingly, research situates substance misuse as one of a range of economic, personal and social stressors child homicide perpetrators experience.¹³⁶ Differences associated with how individual studies assess the role of substance misuse in child homicide cases are also evident, while various studies also acknowledge that adult homicide perpetrators experience equally high or higher stressors, including substance misuse, and that the contribution of individual and/or multiple stressors may vary depending on gender, individual and/or situational circumstances.¹³⁷ Collectively, it is difficult to construct a clear assessment about the role of substance misuse in child homicide.

Mental health

Perpetrators of filicide record mental illnesses or disorders, with depression the most common condition followed by psychosis.¹³⁸ There are apparent differences however in how various studies assess, measure and report mental health and its potential contribution in cases of child homicide and filicide.¹³⁹ In addition, mothers who commit filicide were more likely to be diagnosed as having a mental illness than filicidal fathers.¹⁴⁰ However, as with substance misuse, inferring that mental illness precipitates child homicide would fail to acknowledge the multi-dimensional aspect of child homicide, the gendered profile of this crime type and the fact that many people with a mental illness do not harm children.¹⁴¹

Previous or current trauma

Having witnessed parental violence or experienced physical, sexual or emotional abuse as a child are also factors associated with perpetrators of filicide within the research.¹⁴² International research shows that similar proportions of male and female perpetrators suffered childhood abuse.¹⁴³

Australian research reveals while domestic/family or intimate partner violence is commonly associated with filicide cases, it is not always present. Less than a quarter of filicide incidents in Australia were linked to a history of domestic violence recorded by police (22%).¹⁴⁴ A Victorian filicide study found a relatively low incidence of prior domestic violence or child abuse,¹⁴⁵ leading to suggestions of under-reporting of prior domestic violence in official records of filicide cases.¹⁴⁶ Domestic and/or other violence was reported as common in NSW families where child abuse ultimately resulted in the child's death. Many of the suspected perpetrators were known to police for prior assaults and domestic violence.¹⁴⁷

However, fatal abuse occurs in families with no known history of risk or previous evidence of abuse, although subsequent investigations into the child's death revealed precipitating factors.¹⁴⁸ In fatal abuse cases, the death of the child often results from excessive physical discipline or maltreatment, and typically in response to the child's perceived poor or bad behaviour, particularly crying,¹⁴⁹ being disobedient/misbehaving, soiling, or wetting.¹⁵⁰

Socio-economic disadvantage, employment type and status, education level

The circumstances of filicide perpetrators and their families are characterised by socio-economic disadvantage, unemployment and low education:

- Child homicide victims and their families typically live in areas of greatest socio-economic disadvantage.¹⁵¹
- Most child homicide or filicide perpetrators were not in paid employment at the time of the killing and those who were employed had unskilled, low paid occupations.¹⁵²
- Low educational attainment was another common characteristic of child homicide/filicide perpetrators.¹⁵³

Queensland offenders

Preliminary analysis of homicide offenders in the Council's 12-year dataset provide an insight into their socio-economic status. However, as numbers are small, particularly as child homicide is disaggregated into murder and manslaughter offence categories, these findings relate only to the current Queensland cohort and are not necessarily transferable to other cohorts. The subsequent analysis uses an offender's home postcode as recorded in courts data.

Table 29 shows that Quintiles 1 and 2, which comprise the most and second most disadvantaged Queensland postcodes, were home to a disproportionately high percentage of child homicide and attempted child homicide offenders over the 12-year period. For example, Quintile 2 postcodes contained almost half of all child murder offenders, but only 15.9 per cent of Queensland's general population.

Table 29: Socio-economic status of offender's home postcode, offenders sentenced for homicide offences, Queensland, 2005–06 to 2016–17

Socio-Economic Indexes for Areas (SEIFA), Index of Relative Socio-Economic Disadvantage (IRSED) (2016)	% in Quintile 1 (most disadvantaged)	% in Quintile 2	% in Quintile 3	% in Quintile 4	% in Quintile 5 (least disadvantaged)
% of Qld population (2016, postcode level)	18.0	15.9	24.8	25.2	16.2
Murder-Child	13.6	45.5	22.7	18.2	0.0
Murder-Adult	35.5	24.0	21.3	13.7	5.5
Manslaughter-Child	29.7	18.9	35.1	10.8	5.4
Manslaughter-Adult	37.2	18.4	25.1	14.0	5.3

Source: Australian Bureau of Statistics (Cat. 2033.0.55.001) SEIFA, 2016, Postal Area; QGSO, QPS, QFCC

QCS IOMS provides an insight into other attributes of Queensland child homicide offenders sentenced to a penalty involving QCS supervision over the 12-year data period. For those offenders with associated IOMS data on their highest educational qualification (N=56), just under half of them finished grade 9–10, while almost one-third finished grade 11–12. At the commencement of their sentence, 51.8 per cent were unemployed, while 32.1 per cent were employed (N=56). For these offenders an additional 10.7 per cent of sentenced offenders recorded 'home duties/pensioner/student' as their employment status, potentially reflecting parental roles. A large proportion of offenders (64.3%) recorded 'self-harm' incidents while in QCS facilities for their homicide offence, with the number of episodes per offender ranging from 1 to 34 (median=1). Just over 20 per cent (N=56) recorded a need for substance misuse rehabilitation at their most recent assessment.

Chapter 5: Sentencing and penalties

Key points from this chapter

- All offenders sentenced by Queensland criminal courts between 2005–06 and 2016–17 for homicide offences as their MSO (N=479) received custodial sentences.
- Twenty offenders were aged under 17 at the time of the offence and were sentenced as children. Eleven (55.0%) of these were sentenced for murder.
- All adult offenders sentenced for murder received a life sentence (the mandatory sentence in Queensland for murder). For all manslaughter offenders, the average custodial sentence is 8.3 years. On average, offenders receive significantly longer sentences for manslaughter of an adult (8.5 years) than a child (6.8 years).
- The average custodial sentence for adult females sentenced for manslaughter is 6.5 years, significantly lower than for men (8.6 years). The figures for manslaughter of a child are different, but not significantly, with female offenders receiving 5.9 years on average and men 7.3 years.
- Of all offenders sentenced for manslaughter of a child, offenders with a victim aged 15 to 17 years receive the longest average sentence (9.6 years) and record the highest maximum sentence (15 years). Little difference exists in the average sentences for offenders with victims in the younger age groups.
- For child homicide offenders, the minimum time before parole eligibility ranges from 1.5 to 34.8 years. Offenders with more than one victim record longer periods before being eligible for parole. For offenders sentenced for child murder, the median increases from 15 years for one victim to 20 years for two victims and 27.3 years for three victims (in which at least one victim is a child). The median non-parole periods reflect the mandatory minimum non-parole periods that apply to murder, which are higher if the person is being sentenced for more than one murder or has a previous conviction for murder. For child manslaughter, the median non-parole period is 3.7 years for offenders with one victim and 4.5 years for offenders with two victims.

This final chapter brings together individual analyses presented in chapters 2, 3 and 4, examining the penalties imposed on sentence for those offenders (Chapter 4) convicted of homicide offences (Chapter 2) in relation to child victims (Chapter 3). This chapter represents the final instalment in the Secretariat's deliberations about offenders sentenced in Queensland for child homicide.

Sentencing is a complex process which necessarily considers many if not all of the associated individual, contextual and situational dimensions introduced in previous chapters. Sentencing outcomes for adult homicide offences are included where appropriate and complement detailed analyses of sentences imposed. The unit of analysis for this chapter is the sentence imposed. The subsequent discussion primarily relates to adult offenders sentenced for homicide, as there are very small numbers of young offenders within Queensland's cohort.

The following outlines how appeals, retrials and cumulative sentences were considered in the sentencing data analysis:

1. Any alteration to offence or sentence as a result of an appeal or retrial within the data period is used in the dataset.
2. Any case with an appeal pending is included with its original sentence outcome.
3. Where a retrial has occurred within the data period for an original sentence which was outside of the data period, the retrial sentence outcome is included in the dataset.
4. Any appeal outcome outside the data period is excluded from the dataset — if this appeal relates to an original sentence within the data period, the original sentence is used in the dataset.

- Cumulative penalties (sentences ordered to be served wholly or partially on top of each other) are considered separately for each offence and are not been analysed on the basis of cumulative sentence length.

Prior to presenting the results on sentences imposed, it is important to recall the available penalties associated with homicide in Queensland. Under the PSA, murder carries a mandatory penalty of life imprisonment, as well as a mandatory minimum non-parole period. The mandatory life sentence for murder cannot be mitigated or varied. An indefinite sentence can also be imposed under part 10 of the PSA. In Queensland, manslaughter carries a maximum penalty of life imprisonment; however, unlike murder this is not a mandatory penalty, enabling courts to exercise sentencing discretion to meet the unique circumstances of each case.

Sentencing outcomes for homicide offenders

All offenders sentenced between 2005–06 and 2016–17 for homicide offences as their MSO (N=479) received custodial sentences.

Homicide offenders sentenced as children

The mandatory sentence requirements of life imprisonment or an indefinite sentence do not apply to young offenders. If the young person is found guilty of murder, the court may order they are detained for a period of no more than 10 years, or up to the maximum for life if the court considers the offence to be a ‘particularly heinous offence’, such as being excessively violent or brutal.¹⁵⁴ In exceptional circumstances, it is also possible for a young person to be dealt with as an adult in the Supreme Court, including where there is an adult co-offender.¹⁵⁵

Twenty offenders were aged under 17 years when they committed their homicide offence — see Table 30. These young offenders were sentenced as children under the *Youth Justice Act 1992 (Qld)*. Eleven (55.0%) of the young offenders were sentenced for murder, of which five received a life sentence. Nearly half (45.0%; n=9) of all young offenders received an imprisonment sentence (see Table 30). For those offenders who did not receive a life sentence (n=4; 44.4%), the median sentence length was 8.5 years. An additional 35.0 per cent (n=7) of young homicide offenders received detention, with a median sentence length of five years.

Young offenders sentenced as children to actual detention must serve the period of detention in a detention centre (*Youth Justice Act 1992 (Qld)* s 210). Sentencing laws are different for children, and the *Youth Justice Act 1992 (Qld)* applies rather than the PSA, which relates to sentencing for adults, including imprisonment.

Table 30: Sentence outcomes for young offenders convicted of homicide (MSO), Queensland, 2005–06 to 2016–17

Penalty	N	%
Detention	7	35.0
Immediate release order	2	10.0
Imprisonment	9	45.0
Partially suspended sentence	1	5.0
Wholly suspended sentence	1	5.0
TOTAL	20	100.0

Source: QGSO

Cautionary note: The sample sizes for this analysis are small.

Homicide offenders sentenced as an adult

All subsequent analyses in this section: *Homicide offenders sentenced as an adult* relate **only to adult offenders** sentenced for homicide in Queensland over the 12-year period (N=459). The 20 young homicide offenders sentenced under the *Youth Justice Act 1992* (Qld) discussed above are excluded from analyses within this section.

All homicide offences (MSO)

All homicide offenders sentenced as an adult received a custodial sentence, with 95.6 per cent receiving a term of imprisonment — see Table 31. Five offenders (1.1%) received a wholly suspended sentence for manslaughter, with a median sentence length of 3.3 years. The median sentence length for a wholly suspended sentence is higher for those homicide events involving adult victims (3.9 years; n=2) compared to those with child victims (2.0 years; n = 3) — see Table 32.

Fifteen adult offenders received a partially suspended sentence for manslaughter (meaning they were required to serve part of their sentence in prison), with a median sentence of five years for offences committed against both adult (n=10) and child (n=5) victims. On average, offenders who received a partially suspended sentence were required to serve 1.3 years before release.

Table 31: Penalty outcomes for adult offenders sentenced for homicide (MSO), Queensland, 2005–06 to 2016–17

	All custodial sentences	Imprisonment sentence		Partially suspended sentence		Wholly suspended sentence	
	N	n	%	n	%	n	%
Adult offenders sentenced for homicide	459	439	95.6	15	3.3	5	1.1
Murder	209	209	100.0	0	0.0	0	0.0
Manslaughter	250	230	92.0	15	6	5	2.0
Adult offenders sentenced for homicide with child victims	58	50	86.2	5	8.6	3	5.2
Murder	23	23	100.0	0	0.0	0	0.0
Manslaughter	35	27	77.1	5	14.3	3	8.6
Adult offenders sentenced for homicide with adult victims	401	389	97.0	10	2.5	2	0.5
Murder	186	186	100.0	0	0.0	0	0.0
Manslaughter	215	203	94.4	10	4.6	2	1.0

Source: QGSO, QFCC

All offenders sentenced for murder received a mandatory sentence of life imprisonment. For offenders sentenced for manslaughter, the average custodial sentence is 8.3 years. Offenders sentenced for adult manslaughter received significantly longer average sentences (8.5 years) than offenders sentenced for child manslaughter (6.8 years) ($t(248)=4.30, p<.0001$), though the median values are not as different (8.0 and 7.5 respectively). Considering only imprisonment penalties (that is, excluding wholly or partially suspended sentences), the average sentence is 8.6 years — see Table 32. The average is significantly longer for those sentenced for the manslaughter of an adult (8.8 years) compared to those sentenced for child manslaughter (7.6 years) ($t(228)=2.79, p=0.006$), though again, the medians are closer (8.5 and 8.0 respectively).

Table 32: Summary of sentence lengths (years) for adult offenders sentenced for homicide (MSO), by penalty type and victim type, Queensland, 2005–06 to 2016–17

		Adult offenders sentenced for homicide	Adult offenders sentenced for homicide with child victims	Adult offenders sentenced for homicide with adult victims
MANSLAUGHTER				
All custodial	N	250	35	215
	Average (years)	8.3	6.8	8.5
	Median (years)	8.0	7.5	8.0
	Minimum (years)	1.5	1.5	3.0
	Maximum (years)	18	10	18
Imprisonment	n	230	27	203
	Average (years)	8.6	7.6	8.8
	Median (years)	8.5	8.0	8.5
	Minimum (years)	1.5	1.5	3.0
	Maximum (years)	18	10	18.0
Partially suspended sentence	n	15	5	10
	Average (years)	4.8	4.8	4.8
	Median (years)	5.0	5.0	5.0
	Minimum (years)	3.0	4.0	3.0
	Maximum (years)	5.0	5.0	5.0

Wholly suspended sentence	n	5	3	2
	Average (years)	3.3	2.8	3.9
	Median (years)	3.3	2.0	3.9
	Minimum (years)	1.5	1.5	3.3
	Maximum (years)	5.0	5.0	4.5
MURDER				
All custodial	N	209	23	186
	Average (years)	Life	Life	Life
	Median (years)	Life	Life	Life
	Minimum (years)	Life	Life	Life
	Maximum (years)	Life	Life	Life

Source: QGSO, QFCC

Cautionary note: some small sample sizes used in this analysis.

Manslaughter (MSO)

As murder carries a mandatory life sentence in Queensland, the following sections analyse adult offenders sentenced for manslaughter (MSO) from 2005–06 to 2016–17 (N=250). This cohort represents 54.5 per cent of the total adult homicide offenders (N=459) sentenced over the 12-year period in Queensland.

Manslaughter (MSO) by victim type

The average custodial sentence for adult offenders sentenced for manslaughter (MSO) was 8.3 years — see Table 33. The average custodial sentence was significantly higher for offenders sentenced for adult manslaughter (8.5 years) than offenders sentenced for child manslaughter (6.8 years) ($t(248)=4.30, p<.0001$). Table 33 details median, minimum and maximum (range), and the interquartile range for manslaughter custodial sentences over the 12-year period. The interquartile range provides information about the middle 50 per cent of custodial sentence length data for offenders sentenced for manslaughter. The interquartile range for child manslaughter was 3.5 years (5.0 years to 8.5 years) — a wider range than the interquartile range of 1.5 years for offenders sentenced for adult manslaughter (7.5 years to 9.0 years).

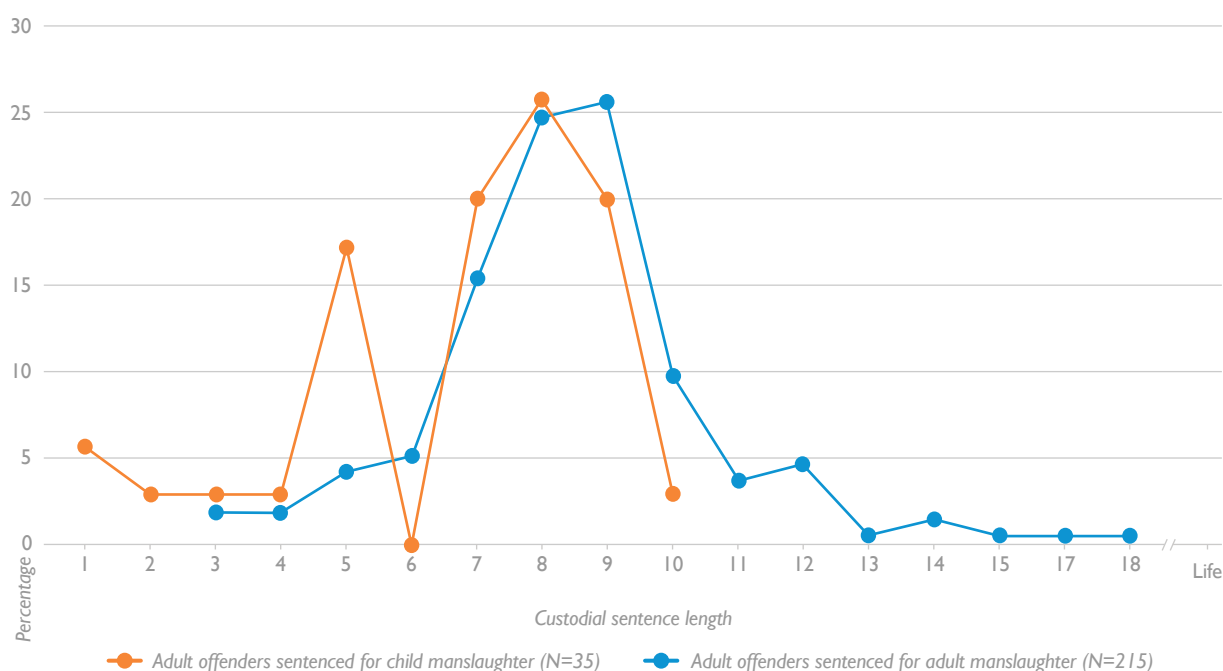
Table 33: Summary of custodial sentence lengths for adult offenders sentenced for manslaughter (MSO) by victim type, Queensland, 2005–06 to 2016–17

	N	Average (years)	Median (years)	Minimum (years)	Maximum (years)	Lower quartile (years)	Upper quartile (years)	Interquartile range (years)
Adult offenders sentenced for child manslaughter	35	6.8	7.5	1.5	10	5.0	8.5	3.5
Adult offenders sentenced for adult manslaughter	215	8.5	8.0	3.0	18	7.5	9.0	1.5
TOTAL	250	8.3	8.0	1.5	18.0	7.5	9.0	1.5

Source: QGSO, QFCC

As shown in Figure 28, the majority (75.3%) of offenders sentenced for adult manslaughter received between 7 and 10 years with a slight spike at nine years. For offenders sentenced for child manslaughter the distribution is quite different with a clear spike at eight years, and 65.7 per cent of sentences falling between seven and nine years. Offenders sentenced for child manslaughter record more sentences at the lower end of the sentencing range (31.4% of custodial sentences between one and five years) than offenders sentenced for adult manslaughter. Table 33 shows that for custodial sentences, child manslaughter ranges from 1.5 years (minimum) to 10 years (maximum) while adult manslaughter ranges from 3.0 years (minimum) to 18 years (maximum).

Figure 28: Custodial sentence lengths for adult offenders sentenced for manslaughter (MSO) by victim type, Queensland, 2005–06 to 2016–17



Source: QGSO, QFCC

Note: Each year indicated on the above graph includes all time periods between that year and the next year. For example, the indicator for six years includes any sentence greater than or equal to six years but less than seven years.

Manslaughter (MSO) sentence by offender gender

Sentences for manslaughter offenders differ by gender as shown in Table 34. The average custodial sentence for female manslaughter offenders is 6.5 years, significantly lower than the average of 8.6 years for male manslaughter offenders ($t(248)=5.81$ $p<.001$).

Female manslaughter offenders (3.0 years) record a wider interquartile range than for male manslaughter offenders (1.5 years). The upper quartile for female offenders (the 75th percentile) matches the lower quartile (the 25th percentile) for male offenders (both 8.0 years).

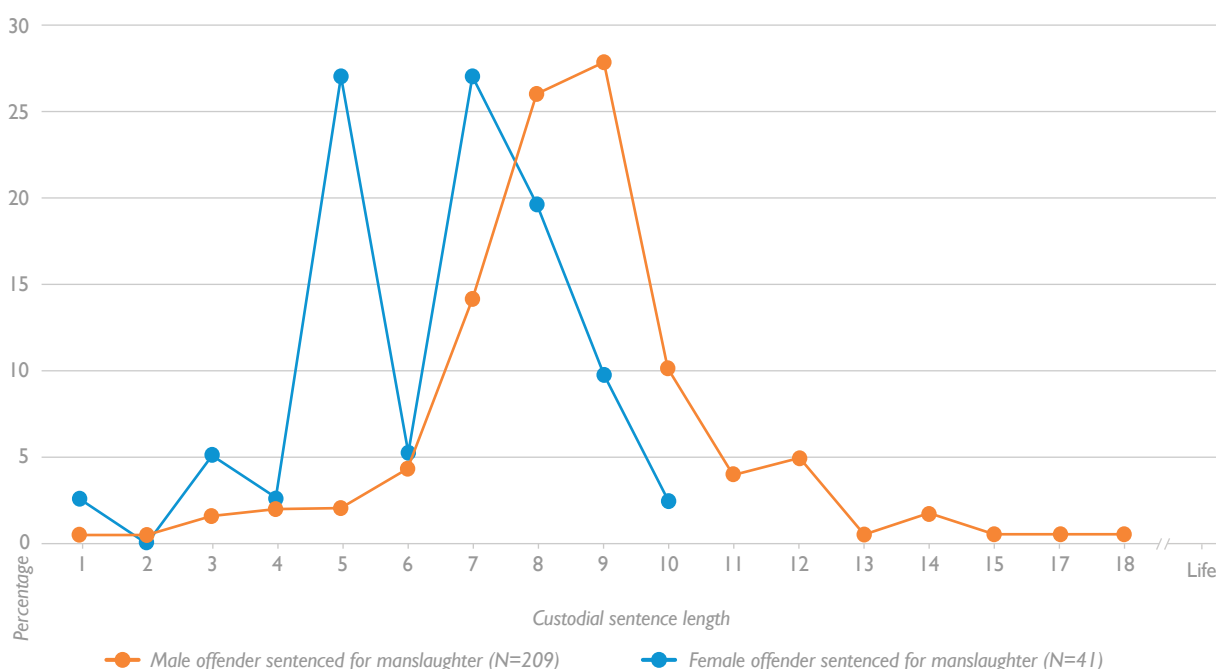
Table 34: Summary of custodial sentence lengths adult offenders sentenced for manslaughter (MSO) by offender gender, Queensland, 2005–06 to 2016–17

	N	Average (years)	Median (years)	Minimum (years)	Maximum (years)	Lower quartile (years)	Upper quartile (years)	Interquartile range (years)
Female	41	6.5	7.0	1.5	10.0	5.0	8.0	3.0
Male	209	8.6	8.5	1.5	18.0	8.0	9.5	1.5
TOTAL	250	8.3	8.0	1.5	18.0	7.5	9.0	1.5

Source: QGSO, QFCC

Figure 29 reveals two spikes in sentence lengths for female offenders, one at five years and the second at seven years (both 26.8%). The majority of female offender sentences (80.5%) fall between four and eight years. Figure 29 also shows a slight spike at nine years for male offenders, but a narrower sentencing range with 77.5 per cent of sentences between 7 and 10 years.

Figure 29: Custodial sentence lengths for adult offenders sentenced for manslaughter (MSO) by offender gender, Queensland, 2005–06 to 2016–17



Source: QGSO, QFCC

Note: Each year indicated on the above graph includes all time periods between that year and the next year. For example, the indicator for six years includes any sentence greater than or equal to six years but less than seven years.

Manslaughter (MSO) sentence by offender gender and victim type

Considering offender gender and victim type reveals further differences in sentence length (see Table 35). While no significant difference exists between male and female offenders of child homicide; for adult homicide, men on average received significantly longer sentences than women (8.8 years versus 6.8 years) ($F(3,246)=15.75, p<.001$). Male homicide offenders received significantly longer average sentences for adult victims (8.8 years) than for child victims (7.3 years). No significant differences exist in sentences received by female offenders by victim type (adult versus child).

Female offenders sentenced for adult manslaughter record the widest interquartile range (3.0 years), while male offenders sentenced for child manslaughter record the narrowest range (1.5 years). The interquartile range for male offenders of adult manslaughter (8.0 years to 9.5 years) does not overlap with the interquartile range associated with female adult manslaughter offenders (5.0 to 8.0 years). When manslaughter involved a child victim, a slight overlap in the interquartile ranges occurs for the two cohorts (2.0 years for male offenders versus 2.5 years for female offenders).

Table 35: Summary of custodial sentence lengths for adult offenders sentenced for manslaughter (MSO) by offender gender and victim type, Queensland, 2005–06 to 2016–17

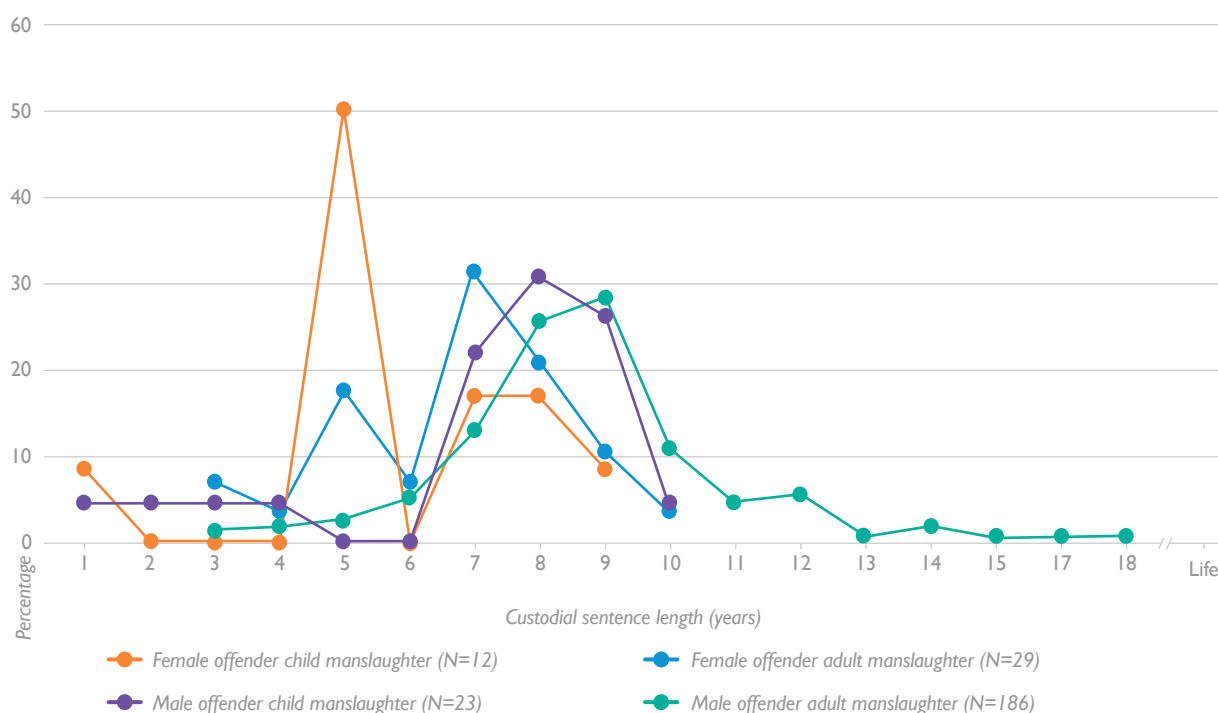
	N	Average (years)	Median (years)	Minimum (years)	Maximum (years)	Lower quartile (years)	Upper quartile (years)	Interquartile range (years)
Male offender with child victim/s	23	7.3	8.0	1.5	10.0	7.0	9.0	2.0
Male offender with adult victim/s	186	8.8	9.0	3.0	18.0	8.0	9.5	1.5
Female offender with child victim/s	12	5.9	5.0	1.5	9.0	5.0	7.5	2.5
Female offender with adult victim/s	29	6.8	7.0	3.0	10.0	5.0	8.0	3.0
TOTAL	250	8.3	8.0	1.5	18.0	7.5	9.0	1.5

Source: QGSO, QFCC

Cautionary note: some small sample sizes used in this analysis.

Figure 30 displays the proportion of sentences that fall within each one-year period. Women sentenced for child manslaughter record a large spike at five years with 50 per cent of sentences falling within this year range and the majority of the remaining proportion being between seven and nine years. The three other sub-groups each record a higher proportion of longer sentences, with the majority of the sentences falling within seven and nine years for each group (female offender of adult manslaughter=62.1%; male offender of adult manslaughter=66.1%; male offender of child manslaughter=78.3%). Female offenders sentenced for adult manslaughter also record a small spike at five years (17.2%).

Figure 30: Custodial sentence lengths for adult offenders sentenced for manslaughter (MSO) by offender gender and victim type, Queensland, 2005–06 to 2016–17



Source: QGSO, QFCC

Note: Each year indicated on the above graph includes all time periods between that year and the next year. For example, the indicator for six years includes any sentence greater than or equal to six years but less than seven years.

Cautionary note: some small sample sizes used in this analysis.

Manslaughter (MSO) sentence by manslaughter offence type

On average, sentences for adult manslaughter offenders are significantly longer (8.5 years) than the average sentence for child manslaughter (6.8 years; $t(248)=4.30$ $p<.001$) — see Table 36.

While small sample sizes associated with individual manslaughter categories preclude significance testing, there are differences in sentencing by manslaughter type. Within child manslaughter, *manslaughter — provocation* records the longest sentence at 10 years ($n=1$) — a period longer than any maximum sentence associated with other child manslaughter types. *Criminal negligence: neglect* cases receive the shortest sentence, a pattern that emerges irrespective of whether the manslaughter victim is a child or an adult (4.4 years and 5.0 years respectively). For adult manslaughter, *criminal negligence: vehicle* records the longest average sentence (9.5 years).

Table 36: Summary of custodial sentence lengths for adult offenders sentenced for manslaughter (MSO) by type of manslaughter (MSO), Queensland, 2005–06 to 2016–17

Manslaughter type	N	Average (years)	Median (years)	Minimum (years)	Maximum (years)	Lower quartile (years)	Upper quartile (years)	Interquartile range (years)
Adult offenders sentenced for the manslaughter of a child								
Manslaughter by violent or unlawful act	18*	8.1	8.0	7.0	9.5	7.0	9.0	2.0
Manslaughter – provocation	1*	10.0	10.0	10.0	10.0	10	10	0
Manslaughter – diminished responsibility	2*	7.7	7.7	7.5	8.0	7.5	8.0	0.5
Manslaughter by criminal negligence: neglect	12*	4.4	5.0	1.5	8.0	2.5	5.0	2.5
Manslaughter by criminal negligence: vehicle	1*	9.0	9.0	9.0	9.0	9.0	9.0	0.0
Manslaughter type not known	1*	5.0	5.0	5.0	5.0	5.0	5.0	0.0
TOTAL	35	6.8	7.5	1.5	10.0	5.0	8.5	3.5
Adult offenders sentenced for the manslaughter of an adult								
Manslaughter by violent or unlawful act	167	8.5	8.0	3.0	17.5	7.5	9.0	1.5
Manslaughter – provocation	19*	9.2	9.0	7.0	12.0	8.0	10.0	2.0
Manslaughter – diminished responsibility	12*	9.2	8.5	3.0	18.0	8.0	10.5	2.5
Manslaughter – Killing for preservation in an abusive domestic relationship	1*	7.0	7.0	7.0	7.0	7.0	7.0	0.0
Manslaughter by criminal negligence: neglect	6*	5.0	4.8	3.0	7.0	4.5	6.0	1.5
Manslaughter by criminal negligence: vehicle	10*	9.5	9.0	6.5	12.0	9.0	11.0	2.0
TOTAL	215	8.5	8.0	3.0	18.0	7.5	9.0	1.5

Source: QGSO, QGIS, QFCC

Cautionary note: some small sample sizes are included in this analysis (*).

Manslaughter (MSO) sentence by plea type

On average, offenders sentenced for adult manslaughter who proceeded to trial receive significantly longer sentences (9.4 years) than those who pleaded guilty (8.2 years) ($F(3,246)=12.61, p<0.0001$) — see Table 37. Offenders sentenced for adult manslaughter who pleaded guilty also receive significantly longer average sentences than offenders who pleaded guilty to child manslaughter (8.2 years versus 6.5 years).

Table 37: Summary of custodial sentence lengths for adult offenders sentenced for manslaughter (MSO) by plea type, Queensland, 2005–06 to 2016–17

	N	Average (years)	Median (years)	Minimum (years)	Maximum (years)	Lower quartile (years)	Upper quartile (years)	Interquartile range (years)
Child victim Pleaded guilty	31	6.5	7.0	1.5	9.0	5.0	8.0	3.0
Child victim Went to trial	4*	9.1	9.2	8.0	10.0	8.5	9.7	1.2
Adult victim Pleaded guilty	159	8.2	8.0	3.0	18.0	7.5	9.0	1.5
Adult victim Went to trial	56	9.4	9.0	3.0	17.5	8.0	11.0	3.0
TOTAL	250	8.3	8.0	1.5	18.0	7.5	9.0	1.5

Source: QGSO, QFCC

Cautionary note: some small sample sizes are included in this analysis (*).

Manslaughter sentence by cause of death of child victim

Table 38 shows that on average, offenders sentenced for the manslaughter of a child using a blunt instrument receive the longest sentence (10.7 years), while the shortest average sentence of 5.6 years is associated with manslaughter of a child — failure to provide necessaries.

Table 38: Summary of custodial sentence lengths for adult offenders sentenced for manslaughter by cause of death of child victim (N=40), Queensland, 2005–06 to 2016–17

	N	Average (years)	Median (years)	Minimum (years)	Maximum (years)	Lower quartile (years)	Upper quartile (years)	Interquartile range (years)
Failure to provide necessaries	12*	5.6	5.0	2.0	8.0	5.0	8.0	3.0
Striking	8*	8.2	8.2	7.0	9.0	8.0	8.7	0.7
Other	7*	5.9	7.5	1.5	9.0	1.5	9.0	7.5
Shaking	5*	7.5	7.5	7.0	8.0	7.0	8.0	1.0
Stabbing	3*	8.5	9.0	7.0	9.5	7.0	9.5	2.5
Blunt instrument	3*	10.7	10.0	7.0	15.0	7.0	15.0	8.0
Suffocation/ Strangulation	2*	8.5	8.5	8.0	9.0	8.0	9.0	1.0
TOTAL	40	7.2	8.0	1.5	15.0	5.0	8.7	3.7

Source: QGSO, QFCC

Cautionary notes: 1) This analysis is based on the sentence given to an offender for the manslaughter of a child. If an offender had multiple child manslaughter victims or a child victim had multiple offenders, all combinations were included, as sentences may be different for each offender-victim combination.

2) This analysis involves small sample sizes (*).

Manslaughter sentence by age of child victim

Table 39 shows on average, offenders sentenced for the manslaughter of child victims aged 15 to 17 years receive the longest sentence (9.6 years) and record the highest maximum sentence (15 years). This subgroup also record the narrowest interquartile range (0.5 years), a range that does not overlap with any other subgroup. Little difference exists in average sentences for offenders with child victims in the younger age groups. All interquartile ranges overlap for these three age-specific cohorts. Offenders sentenced for manslaughter associated with victims aged under one year record the widest interquartile range (three years).

Table 39: Summary of custodial sentence lengths for adult offenders sentenced for manslaughter by age of child victim (N=40) Queensland, 2005–06 to 2016–17

Child age	N	Average (years)	Median (years)	Minimum (years)	Maximum (years)	Lower quartile (years)	Upper quartile (years)	Interquartile range (years)
Under 1 year	15*	6.2	7.0	1.5	9.0	5.0	8.0	3.0
1-4 years	12*	6.9	8.0	1.5	9.0	6.5	8.2	1.7
5-9 years	4*	6.3	7.0	3.0	8.0	5.0	7.5	2.5
10- 14 years	0	-	-	-	-	-	-	-
15-17 years	9*	9.6	9.0	7.0	15.0	9.0	9.5	0.5
TOTAL	40	7.2	8.0	1.5	15.0	5.0	8.7	3.7

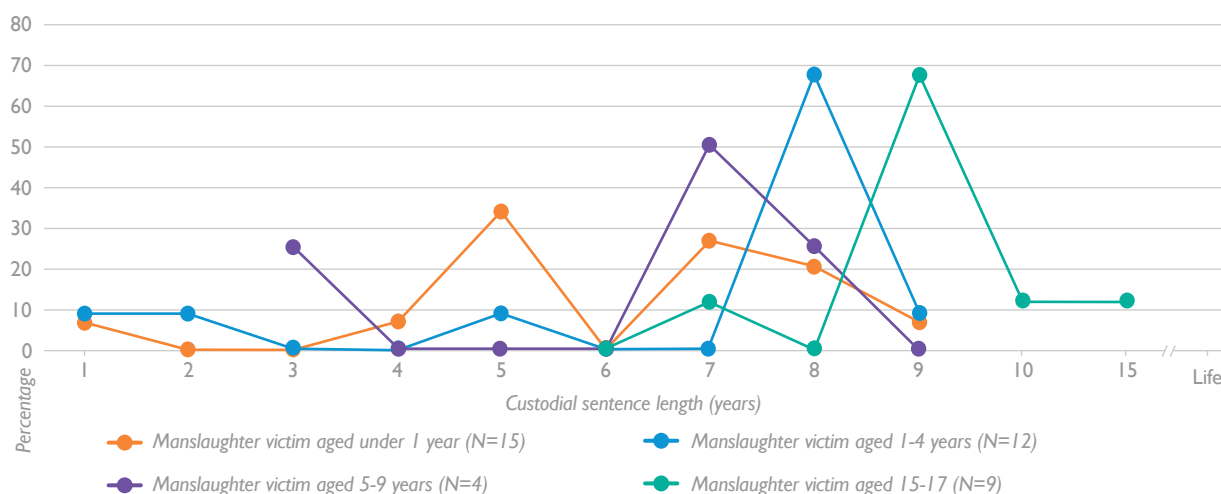
Source: QGSO, QFCC

Cautionary notes: 1) This analysis is based on the sentence given to an offender for the manslaughter of a child. If an offender had multiple child manslaughter victims or a child victim had multiple offenders, all combinations were included, as sentences may be different for each offender-victim combination.

2) This analysis involves small sample sizes (*).

As shown in Figure 31, the majority of offenders with manslaughter victims aged 15-17 years were sentenced to nine years (66.7%). Those offenders with victims aged one to four record a similar distribution, with 66.7 per cent of sentences at eight years. While acknowledging the small sample size (n=4) associated with offenders with manslaughter victims aged 5–9 years, 50 per cent were sentenced to seven years.

Figure 31: Custodial sentence lengths for adult offenders sentenced for manslaughter by age of child victim (N=40), Queensland, 2005–06 to 2016–17



Source: QGSO, QFCC

Notes: 1) Each year indicated on the above graph includes all time periods between that year and the next year. For example, the indicator for six years includes any sentence greater than or equal to six years but less than seven years.

2) This analysis is based on the sentence given to an offender for the manslaughter of a child. If an offender had multiple child manslaughter victims or a child victim had multiple offenders, all combinations were included, as sentences may be different for each offender-victim combination. No child victims were recorded in 10-14 years age bracket.: See Table 39. Cautionary note: This analysis involves small sample sizes.

A slightly smoother distribution emerged for those offenders with victims aged under one year, with small spikes observed at the five-year point (33.3%) and seven-year point (26.7%).

All homicide offences (non-MSO)

As shown in Table 40, 34 homicide offences are non-MSO offences. While all 34 are associated with offenders sentenced for another homicide offence as their MSO at the same court event, the majority of homicide non-MSO offences over the 12-year period are murder offences (73.5% or n=25). Nine manslaughter offences are non-MSO offences. Seven of these non-MSO manslaughter offences are associated with offenders who recorded another manslaughter offence as their MSO at the same court event, while two are associated with offenders who recorded a murder offence as their MSO at the same court event.

The majority of non-MSO homicide offences involved adult victims (70.6% or n=24), of which most (83.3% or n=20) were associated with the offence of murder — see Table 40. Table 12: *Number and type of victim for individuals sentenced for a homicide offence (MSO), 2005–06 to 2016–17* (page 27) provides details about homicide cases involving multiple victims over the 12-year period. Table 12 shows a proportion of both child and adult homicide offenders were sentenced at the one court event for homicides involving two victims; however, cases involving three victims are only associated with offenders sentenced for homicides involving mixed-aged victims (adult and child victims) and adult victims at the one court event.

Table 40: Non-MSO homicide offences sentenced, Queensland, 2005–06 to 2016–17

	Murder (n)	Manslaughter (n)	TOTAL (N)
Adult victims	20	4	24
Child victims	5	5	10
TOTAL	25	9	34

Source: QGSO

Mandatory life sentence was imposed for all non-MSO murder offences. For all non-MSO manslaughter offences a prison sentence was imposed (n=9). The average sentence associated with the non-MSO manslaughter offences was 9.4 years (median sentence=8.0 years) with a range of 6 to 15 years. The latter non-MSO manslaughter offence records a longer sentence than the highest sentence imposed for a manslaughter MSO in the dataset. The 15-year sentence for the non-MSO child manslaughter is associated with an offender who received a life sentence associated with their child murder MSO.

Pre-sentence custody⁴

As shown in Table 41, the median pre-sentence custody for sentenced homicide offenders over the 12-year period was 715 days or approximately two years, with a range of 0 days to 2271 days. The median pre-sentence custody for offenders sentenced for adult homicide was longer — 725 days or approximately two years, versus 640 days or approximately 1.8 years for offenders sentenced for child homicide.

When victim type and offence are considered, offenders sentenced for child manslaughter record the shortest median pre-sentence custody period — 560 days or approximately 1.5 years. Offenders sentenced for adult murder record the longest median pre-sentence custody — 825 days or approximately 2.3 years.

⁴ Pre-sentence custody includes time in a Queensland Corrective Services facility and/or in a mental health facility prior to the court imposing a formal sentence for the offence. The term 'Remand' may also be used to describe pre-sentence custody.

Table 41: Summary of pre-sentence custody lengths (days) for offenders sentenced for homicide (MSO), Queensland, 2005–06 to 2016–17

N	Average (days)	Median (days)	Minimum (days)	Maximum (days)	Lower quartile (days)	Upper quartile (days)	Interquartile range (days)
452	689.0	715.0	0.0	2271.0	437.0	955.0	518.0

Source: QGSO, QGIS

Note: Pre-sentence custody is unknown for 27 cases.

As shown in Table 42, the average number of days spent in pre-sentence custody for offenders sentenced for child homicide was 677.6, slightly lower than, but not significantly different to, the 690.8 days adult homicide offenders spent in pre-sentence custody. Both adult and child homicide offenders record an upper quartile of 955 days. However, child homicide offenders record a wider interquartile range (537 days versus 508 days for adult homicide offenders), yet less for their lower quartile (418 days versus 447 days for adult homicide offenders).

Table 42: Summary of pre-sentence custody lengths (days) for offenders sentenced for homicide (MSO) by victim type, Queensland, 2005–06 to 2016–17

	N	Average (days)	Median (days)	Minimum (days)	Maximum (days)	Lower quartile (days)	Upper quartile (days)	Interquartile range (days)
Offenders sentenced for the homicide of an adult	390	690.8	727.0	1.0	2271.0	447.0	955.0	508.0
Offenders sentenced for the homicide of a child	62	677.6	639.5	0.0	1885.0	418.0	955.0	537.0
TOTAL	452	689.0	715.0	0.0	2271.0	437.0	955.0	518.0

Source: QGSO, QGIS, QFCC

Note: Pre-sentence custody is unknown for 27 adult homicide cases

As shown in Table 43, offenders sentenced for child manslaughter spent on average the least amount of time in pre-sentence custody (576.1 days). In contrast, offenders sentenced for child murder spend on average the most time in pre-sentence custody (827.8 days).

Table 43: Summary of pre-sentence custody lengths for offenders sentenced for homicide (MSO) by victim type and offence type, Queensland, 2005–06 to 2016–17

	N	Average (days)	Median (days)	Minimum (days)	Maximum (days)	Lower quartile (days)	Upper quartile (days)	Interquartile range (days)
Sentenced for manslaughter of adult victims	211	600.2	613.0	1.0	2271.0	272.0	874.0	602.0
Sentenced for murder of adult victims	179	797.7	824.0	4.0	1877.0	589.0	995.0	406.0
Sentenced for manslaughter of child victims	37	576.1	560.0	0.0	1885.0	90.0	885.0	795.0
Sentenced for murder of child victims	25	827.8	732.0	249.0	1499.0	582.0	955.0	373.0
TOTAL	452	689.0	715.0	0.0	2271.0	437.0	955.0	518.0

Source: QGSO, QSIS, QFCC

The average pre-sentence custody for adult murder (797.7 days) was significantly longer than adult manslaughter (600.2 days) ($F(3,448)=10.52, p<0.001$). No significant difference exists between the average pre-sentence custody lengths for child murder versus child manslaughter. No significant differences exist in the average pre-sentence custody periods between the adult homicide subgroups and their respective child homicide subgroups.

As shown in Table 43, the interquartile ranges overlapped for all subgroups. Child manslaughter offenders record the widest range (795.0 days) while child murder offenders record the narrowest range (373.0 days).

Serious violent offence declarations¹⁵⁶

If a person is convicted of a serious violent offence and sentenced to 10 years imprisonment or more or, for sentences of less than 10 years, is declared convicted of a serious violent offence (SVO), special provisions apply. If a person is declared convicted of a SVO, it means the offender must serve 15 years' imprisonment or 80 per cent of their head sentence (whichever is less) before they can apply for parole. This can apply to a list of serious offences, including manslaughter, attempted murder, grievous bodily harm and torture. It does not apply to murder, as the mandatory non-parole laws for murder work in the same way. For more information about the SVO scheme, refer to the consultation paper *Sentencing for criminal offences arising from the death of a child* (pages 36–37).

Table 32: Summary of sentence lengths (years) for adult offenders sentenced for homicide (MSO), by penalty type and victim type, Queensland, 2005–06 to 2016–17 (p.63) details sentences imposed. For the 12-year period, Table 32 shows 27 child manslaughter offenders were sentenced to a term of imprisonment, excluding those offenders sentenced to wholly or partially suspended sentences. This cohort of 27 sentenced child manslaughter offenders are potentially subject to SVO declarations. Over a fifth of these offenders (22.2%; n=6) were declared to have been convicted of a serious violent offence — see Table 44.

Table 44: SVO status for offenders sentenced as an adult for manslaughter of a child and sentenced to term of imprisonment, Queensland, 2005–06 to 2016–17

SVO status	N	%
No	21	77.8
Yes	6	22.2
TOTAL	27	100.0

Source: QCS, QSIS

Parole eligibility

Parole is the supervised release of a prisoner to serve all or the remainder of their term of imprisonment in the community, subject to conditions and supervision. Consequences for non-compliance include returning to prison.¹⁵⁷ A prisoner released on parole is still serving their sentence.¹⁵⁸ Section 4: *Sentencing process and framework* in the Council's consultation paper provides an in-depth explanation of parole and parole eligibility Queensland.

Murder has mandatory minimum non-parole periods, which were amended in 2012. Manslaughter sentences are generally not mandatory ones, but there are different ways for courts to determine when a person sentenced for manslaughter will be released on parole, or become eligible to apply for parole.

Queensland's sentencing process and framework guide when an offender is eligible to apply for parole. For further information on parole, its purposes and the factors and criteria regarding the granting of parole, please refer to section 4: *Sentencing process and framework* of the Council's consultation paper *Sentencing for criminal offences arising from the death of a child*.

QCS provided data about parole eligibility only for those offenders sentenced for child homicide over the 12-year Queensland dataset. For offenders sentenced for child homicide within the 12-year period, the minimum time they were required to serve in prison before becoming eligible to apply for parole ranged from 1.5 years to 34.8 years (see Table 45). Parole periods differ substantially between the offences of murder and manslaughter because unlike murder, a mandatory non-parole period does not apply to manslaughter unless a sentence of life imprisonment is imposed or the offender is declared convicted of a serious violent offence. For offenders sentenced for child murder, the median minimum time to be served (non-parole period) before parole eligibility was 15 years. For child manslaughter offenders, the median minimum time served before parole eligibility was 3.9 years.

Table 45: Summary of minimum time served for offenders sentenced as an adult for a child homicide offence and sentenced to imprisonment, Queensland, 2005–06 to 2016–17

	N	Average (years)	Median (years)	Minimum (years)	Maximum (years)
Offenders sentenced for the homicide of a child	47	10.6	7.2	1.5	34.8
Murder	22	17.8	15.0	15.0	34.8
Manslaughter	25	4.3	3.9	1.5	8.0

Source: QCS, QGSO, QFCC

Notes:

1) Parole eligibility dates were unknown for three offenders.

2) Two offenders received court ordered parole dates. One offender received court ordered parole on date of sentence, the second offender received court ordered parole nine months post sentence.

Parole eligibility periods increased for offenders sentenced for a homicide event involving more than one victim. For child murder offenders, for whom different legislative minimum non-parole periods apply depending on whether the court is sentencing the person for one or more than one murder, the median minimum period served before parole eligibility increased from 15 years for one victim to 27.3 years for three victims — see Table 46. Similar patterns emerge for child manslaughter offenders: the median minimum time served before parole eligibility was 3.7 years for offenders with one victim compared to 4.5 years for offenders with two victims. Table 12: *Number and type of victim for individuals sentenced for a homicide offence (MSO), 2005–06 to 2016–17* (page 27) established that the maximum number of victims per offender in child only homicide events is two, while mixed-age homicide events and adult only homicide events, involve cases with a maximum of three victims.

Table 46: Summary of minimum time served for offenders sentenced as an adult for a child homicide offence and sentenced to imprisonment, by victim type and number of victims, 2005–06 to 2016–17

	Minimum time served (in years) for offenders sentenced as an adult for a child homicide offence				
	N	Average	Median	Minimum	Maximum
Child homicide	47	10.6	7.2	1.5	34.8
1 victim	37	8.8	7.0	1.5	20.0
2 victims	6*	11.7	10.1	3.7	22.0
3 victims	4*	26.2	27.3	15.3	34.8
Child murder	22	17.8	15.0	15.0	34.8
1 victim	15*	15.4	15.0	15.0	20.0
2 victims	3*	19.0	20.0	15.0	22.0
3 victims	4*	26.2	27.3	15.3	34.8
Child manslaughter	25	4.3	3.9	1.5	8.0
1 victim	22	4.3	3.7	1.5	8.0
2 victims	3*	4.5	4.5	3.7	5.2

Source: QCS, QGSO, QFCC

Cautionary note: The sample sizes for this analysis are small (*).

Note: Victim count reflects the total number of victims per offender. For child homicide and child murder, victim count includes at least one victim aged under 18 years; however, additional victims may be aged over 18 years.

Time in custody¹⁵⁹

At the time of the QCS February 2018 data extraction, 23 of the 62 offenders sentenced for child homicide within the 12-year period were no longer in prison. Caution is advised when interpreting this data for two reasons. First, this analysis involves small sample sizes and secondly, this analysis reflects results at a ‘point-in-time’ (extraction as at February 2018). The latter consideration means that some offenders are yet to reach their parole release or parole eligibility dates after their homicide MSO sentence. All 23 released offenders were child manslaughter offenders and had served an average time of approximately 4.1 years (1506.8 days), with a median of 4.0 years (1444.0 days) and a minimum of 6 months and a maximum of 7.4 years. The average sentence imposed on the 23 offenders was 7.4 years (2699.32 days). The majority (95.2% or n=59) of offenders sentenced for child homicide (N=62) spent time in the custody of QCS, either in pre-sentence custody, post-sentence custody or both.

The 23 child manslaughter offenders no longer in prison include:

- one offender who was released on court-ordered parole on the date specified
- three offenders who served the non-suspended imprisonment period of their partially suspended sentences, and were released after serving between 12.5 per cent and 50.0 per cent of their head sentences
- nine offenders released within one week of the parole eligibility date set by the court
- ten offenders who served beyond their specified parole eligibility dates including:
 - two who served up to one month longer
 - two who served between one and six months longer
 - two who served between six months and one year longer
 - four who served more than one year longer, including one who served 100 per cent of their head sentence — five years beyond their specified parole eligibility date.

Of the 23 released offenders, three had served partially suspended sentences and 20 had served imprisonment sentences. For the 20 that served non-suspended sentences, they spent an average of 56.1 per cent of their head sentence in prison prior to release (with a median of 54.0%, a minimum of 24.9% and a maximum of 100.0%).

While an additional five child manslaughter offenders who received suspended sentences did not spend any time in post-sentence custody, they served an average of 711.2 days (approximately two years) in pre-sentence custody (with a median of 581.0 days, a minimum of 306.0 days and a maximum of 1276.0 days).

Appeals¹⁶⁰

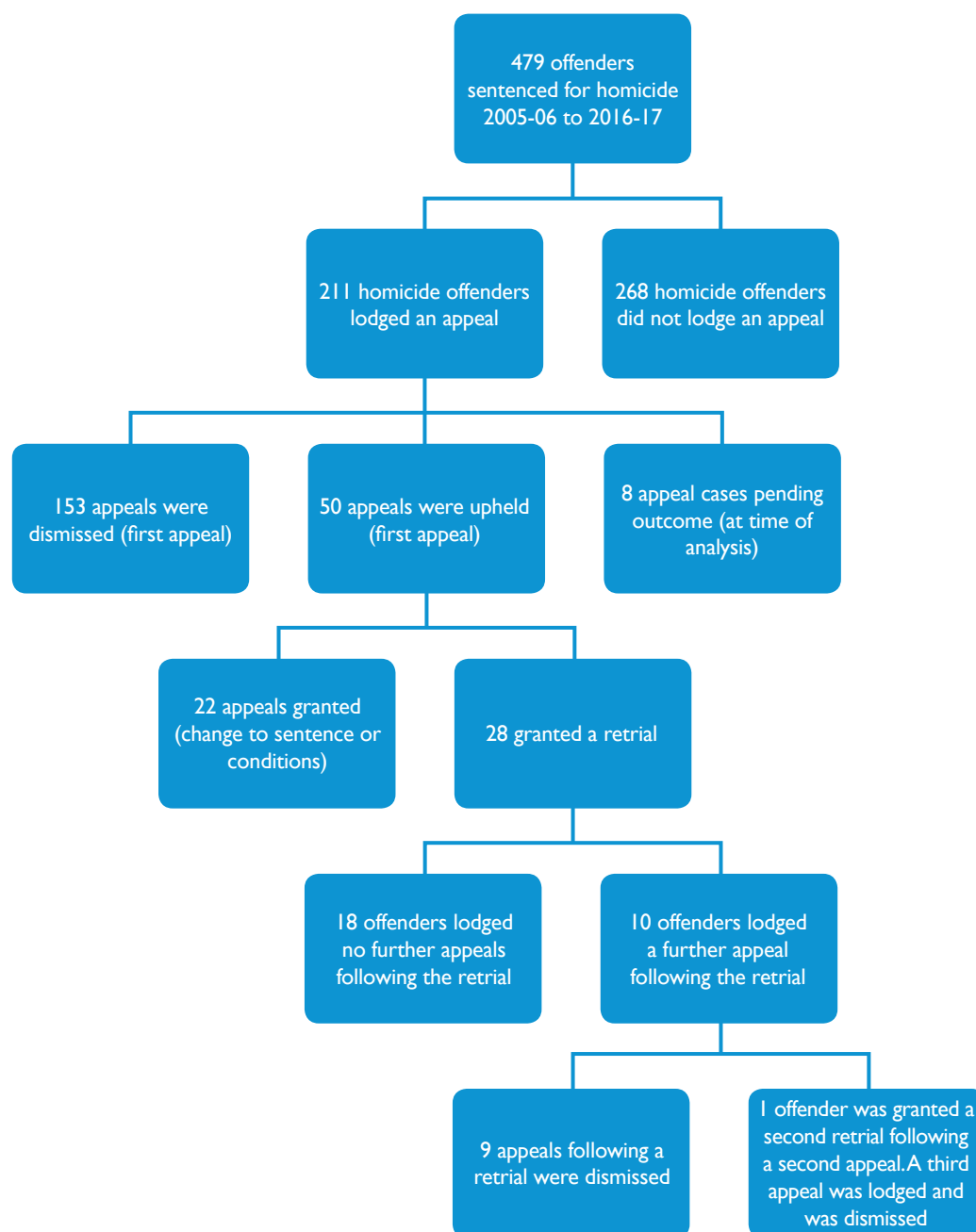
As shown in Figure 32, of the 479 (adult and young) offenders sentenced for homicide between 2005–06 and 2016–17, 44.1 per cent (n=211) lodged an appeal against conviction and/or sentence in the Court of Appeal — see Figure 32 for flowchart of appeal outcomes.

For homicide offenders who were granted leave to appeal by the Court of Appeal, most (72.5%; n=153) had their appeal dismissed, while 23.7 per cent had their appeal upheld (n=50). At the time of writing, appeal outcomes were pending for an additional eight offenders (3.8%). For those 50 homicide offenders who had their appeal upheld, the following outcomes occurred:

- 22 had their original penalty, sentence length, or conditions altered (44%)
- 28 had retrials ordered (56%).

Following their retrial, 10 offenders lodged further appeals with the Court of Appeal, with almost all subsequent appeals being dismissed (n=9).

Figure 32: Appeal lodgment and outcomes for offenders sentenced for homicide, Queensland, 2005–06 to 2016–17



Source: QGSO, QFCC

Homicide offenders are significantly more likely not to appeal (55.9%) than appeal (44.1%) ($t(478)=19.40, p<0001$). As shown in Table 47, offenders sentenced for murder are significantly more likely to lodge an appeal (60.5%) than offenders sentenced for manslaughter (30.1%) ($t(477)=6.98, p<0001$). This is not surprising, as these offenders will likely be appealing their conviction of murder, with their appeal focusing on the decision by the jury.

This pattern emerges irrespective of victim type (child homicide: $t(60)=2.98, p=0.004$, adult homicide: $t(415)=6.30, p<0001$). Offenders sentenced for child homicide lodged an appeal less often than those sentenced for adult homicide (38.7% and 44.8% respectively); however, this difference is not significant.

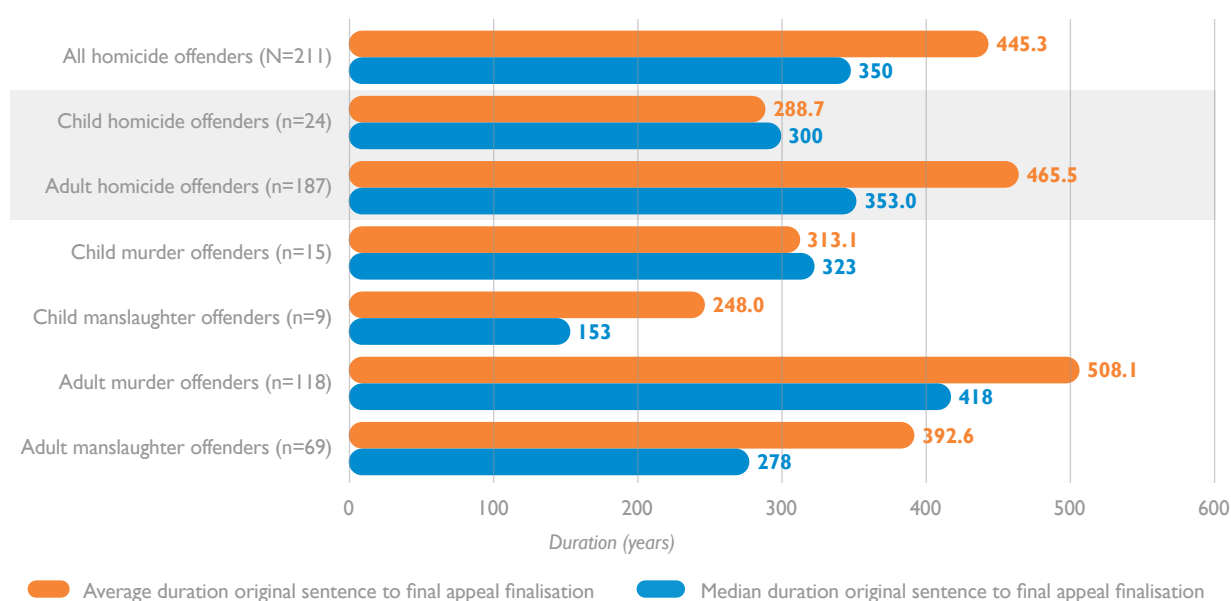
Table 47: Rates of appeal lodgment for offenders sentenced for homicide, by victim type and offence (MSO), Queensland, 2005–06 to 2016–17

	TOTAL	Lodged an appeal		Did not lodge an appeal	
	N	n	%	n	%
Offenders sentenced for homicide	479	211	44.1	268	55.9
Murder	220	133	60.5	87	39.5
Manslaughter	259	78	30.1	181	69.9
Offenders sentenced for homicide with child victims	62	24	38.7	38	61.3
Murder	25	15	60.0	10	40.0
Manslaughter	37	9	24.3	28	75.7
Offenders sentenced for homicide with adult victims	417	187	44.8	230	55.2
Murder	195	118	60.5	77	39.5
Manslaughter	222	69	31.1	153	68.9

Source: QGIS, QGSO, QFCC

On average, 445.3 days or approximately 1.2 years lapsed between original sentence and appeal outcome — see Figure 33. For child homicide offenders, appeals were processed on average in significantly less time (288.7 days) than appeals for adult homicide offenders (465.5 days) ($t(209)=2.14$, $p=0.03$). On average, the period between original sentence and finalised appeal was longest for adult murder offenders (508.1 days or approximately 1.4 years), and shortest for child manslaughter offenders (248.0 days or approximately 8.1 months). No significant differences exist when offence and victim type are considered.

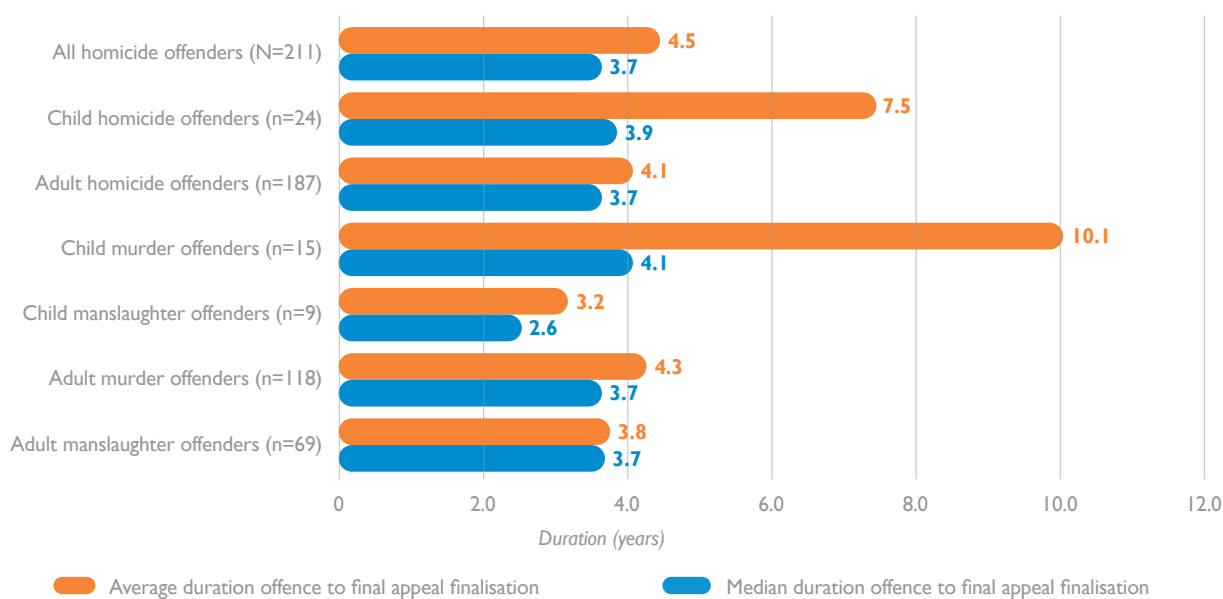
Figure 33: Average and median time from original sentence to finalisation of appeal (days) for MSO, by offender type, offence type, and victim type, Queensland, 2005–06 to 2016–17



Source: QGIS, QGSO, QFCC

When appeal processes are incorporated into duration analyses, an appealed homicide event took on average 4.5 years from offence to final appeal outcome — see Figure 34. The appeal process added on average 1.6 years to the finalisation of their criminal justice process. Figure 4: *Average and median time from offence to finalisation (sentence) (in years) for MSO, by offender type and offence and victim type, Queensland, 2005–06 to 2016–17* (page 14) shows on average homicide events take 2.9 years from offence to original sentence. Overall, child homicide offenders, particularly child murder offenders, record the longest duration. However, as discussed in Chapter 2: *Timeline*, a small number of historical/cold cases characterised by considerable time between the homicide offence and police charge complicate duration analyses for child murder cases in the 12-year dataset.

Figure 34: Average and median time from offence to finalisation of appeal (years) for MSO, by offender type, offence type, and victim type, Queensland, 2005–06 to 2016–17



Cautionary note: some small sample sizes.
Source: QGIS, QGSO, QFCC

Non-homicide offenders sentenced

Over the 12-year data period, six people were sentenced for an offence relating to the death of a child that was not a homicide offence. While none of these individual offenders were sentenced for murder or manslaughter offences, all child homicide events relating to these six offenders also involve an offender sentenced for a homicide offence relating to the same child/ren within the 12-year Queensland dataset. Four offenders were sentenced for accessory after the fact offences and two were sentenced for cruelty to children under 16 years (one of whom was also sentenced for failing to supply the necessaries of life). The following provides additional descriptive information about these six offenders:

Gender

- Two were female and four were male.

Aboriginal and Torres Strait Islander status

- Two identified as Aboriginal and Torres Strait Islander.

Relationship to victim

- Three were parents of the child victim, two mothers and one father
- Three were acquaintances of the child victim.

Age

- Two were aged under 20 years at the time of offence, while four were aged between 20 and 39 years.

Sentence outcome

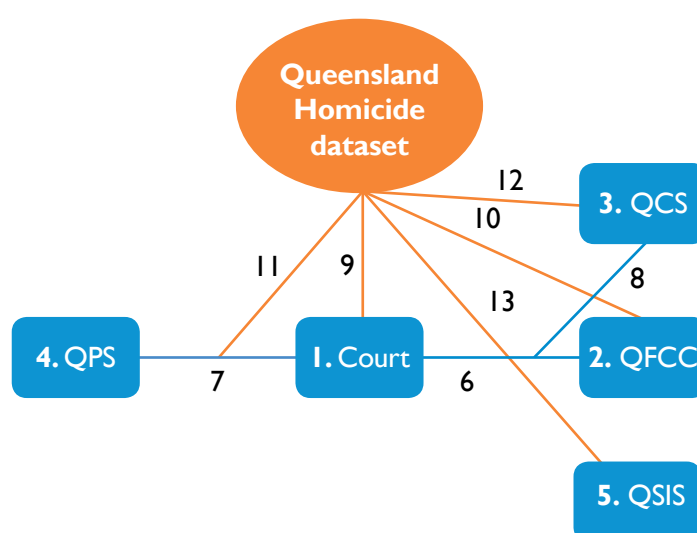
- Three received wholly suspended sentences.
- One received a partially suspended sentence, serving nearly nine months (which had been completed in pre-sentence custody).
- Two received a term of imprisonment — one was sentenced to 18 months with a parole release date on the sentence date; the other was sentenced to 2.5 years imprisonment with a parole release date after serving six months, including pre-sentence custody.

Appendix I: Data sources

The figure below demonstrates how the Queensland Sentencing Advisory Council linked data from various sources to form the master dataset, depicted by the orange circle below, which has been used in all homicide analyses in this report.

The other components of the figure are:

- The blue boxes (boxes 1 to 5) are the data sources from various agencies.
- The blue lines (lines 6 to 8) show the merging across data sources that was undertaken to identify the offenders and victims within the cohort.
- The orange lines (lines 9 to 13) indicate the data merging processes used to create the homicide dataset.



Key

- 1 Court data provided by QGSO.
- 2 Child death data provided by QFCC.
- 3 Offender information provided by QCS.
- 4 QPrime date provided by QPS.
- 5 Sentencing remarks from QSIS.
- 6 Child death data from QFCC was matched with court data on offender given names and surname.
- 7 QPS QPrime data was matched with court data on offender given names and surname, offender date of birth, and single person identifier.
- 8 The matched QFCC data and courts data was used to identify child homicide offenders. This list was provided to QPS for data matching and extraction.
- 9 Sentenced court events involving a homicide offence were pulled from the court data to create the basis for the homicide dataset.
- 10 QFCC data was merged into the homicide dataset for each child victim.
- 11 The QPS data matched with court data for homicide offenders was merged into the homicide dataset on offender given names and surname, offender date of birth, and single person identifier.
- 12 Offender data provided from QCS was merged into the homicide dataset on offender given names and surname, offender date of birth, and single person identifier.
- 13 Sentencing remarks coded from QSIS were merged into the homicide dataset on offender given names and surname, and date of sentence. Sentencing remarks were also used to code additional cases that were not in the courts data at time of extraction, and to update court events following appeals and re-trials.

Appendix 2: NHMP tables

The National Homicide Monitoring Program (NHMP) provided the Secretariat with the following methodological notes relevant to the data tables which follow below.

Methodology

The NHMP draws on two key sources of data:

- offence records obtained from each Australian state and territory police service and supplemented, where necessary, with information provided directly by investigating police officers and/or associated staff; and
- state coronial records such as toxicology and post-mortem reports. The National Coronial Information System (NCIS) has allowed coronial findings, including toxicology and autopsy reports, to be accessed online since 1 July 2001. Prior to 2001, the AIC accessed paper-based coroners files for the period 1 July 1996 to 30 June 2001 (Mouzos 2000).
- where appropriate, the data is further supplemented by media reports, which are monitored daily by staff at the Australian Institute of Criminology (AIC).

This report is compiled from police offence reports provided directly to the AIC. The NHMP dataset is based on 77 distinct variables; for each homicide incident, information relevant to these variables is extracted and entered into the NHMP database. The information is organised into three files:

- an incident file, which describes the case and its circumstances (for instance location, date, and time of the incident; status of investigation; and whether the incident occurred during the course of another crime)
- a victim file (or files) containing sociodemographic information relating to the victim(s), details of the cause of death and the type of weapon used, and any alcohol and/or illicit drug use
- an offender file containing information on those who have been charged, including data on their sociodemographic characteristics, their previous criminal history, any alcohol and/or illicit drug use, their mental health status and their relationship to the victim. Offender refers to suspected offenders only rather than convicted persons.

The accuracy of NHMP data is ensured through a quality control process that involves crosschecking the information contained in police offence records with other data sources.

These supplementary sources may include post-mortem coronial reports, information provided by other divisions of the police services (such as statistical services, homicide squads or major crime units and firearms registries) and media reports. Should there be any discrepancies between the information provided in the police offence report and one of the additional sources, the circumstances are verified with the police source. Depending on the reliability of the additional source, and the information provided in response to the NHMP query, the NHMP data relating to the homicide incident may be updated.

Table notes and limitations

Data up to 30 June 2014 (latest collection).

Filicide data refers to incidents in which one or more offender was charged with the murder or manslaughter of a child between 1 July 2005 and 30 June 2014. Data includes child (0-17 years; n=172) and adult (18 years and older; n=10) victims of filicide.

Victim-offender relationship is generally presented as the relationship between the victim and the primary offender (ie offender with the closest relationship to the victim). Data presented in Table 13 refers to the relationship between the primary offender and victim(s) in the filicide incident. There were 158 primary offenders and 16 secondary offenders charged with murder or manslaughter for filicide incidents recorded between 1 July 2005 and 30 June 2014.

See individual tables for notes and limitations.

Table 1: Child homicide incidents by jurisdiction, 1 July 2005 to 30 June 2014

	N	%
NSW	79	32.4
Vic	37	15.2
Qld	61	25.0
WA	28	11.5
SA	22	9.0
Tas	5	2.0
ACT	4	1.6
NT	8	3.3
Total	244	100

Source: AIC NHMP 1989–90 to 2013–14 [computer file]
[unpublished data]

Table 2: Homicide incidents by jurisdiction, 1 July 2005 to 30 June 2014

	N	%
NSW	716	31.3
Vic	468	20.5
Qld	446	19.5
WA	273	11.9
SA	170	7.4
Tas	54	2.4
ACT	26	1.1
NT	133	5.8
Total	2,286	100

Source: AIC NHMP 1989–90 to 2013–14 [computer file]
[unpublished data]

Table 3: Child homicide incidents by location, 1 July 2005 to 30 June 2014

	N	%
Victim's home	147	60.2
Offender's home	13	5.3
Other home	11	4.5
Street or open area	47	19.3
Other	24	9.8
Unknown	2	0.8
Total	244	100

Source: AIC NHMP 1989–90 to 2013–14 [computer file]
[unpublished data]

Table 4: Filicide incidents by location, 1 July 2005 to 30 June 2014

	N	%
Victim's home	126	79.7
Offender's home	6	3.8
Other home	1	0.6
Street or open area	14	8.9
Other	9	5.7
Unknown	2	1.3
Total	158	100

Source: AIC NHMP 1989–90 to 2013–14 [computer file]
[unpublished data]

Table 5: Child homicide victims by sex, 1 July 2005 to 30 June 2014

	N	%
Male	163	58.4
Female	115	41.2
Unknown	1	0.4
Total	279	100

Source: AIC NHMP 1989–90 to 2013–14 [computer file]
[unpublished data]

Table 6: Homicide victims by sex, 1 July 2005 to 30 June 2014

	N	%
Male	1559	64.6
Female	853	35.4
Unknown	1	0.0
Total	2,413	100

Source: AIC NHMP 1989–90 to 2013–14 [computer file]
[unpublished data]

Table 7: Child homicide victims by age group, 1 July 2005 to 30 June 2014

	N	%
Less than one year	66	23.7
1–4	80	28.7
5–9	35	12.5
10–14	35	12.5
15–17	60	21.5
Not stated/unknown	3	1.1
Total	279	100.0

Source: AIC NHMP 1989–90 to 2013–14 [computer file]
[unpublished data]

Table 8: Filicide victims by sex, 1 July 2005 to 30 June 2014

	N	%
Male	103	56.6
Female	79	43.4
Total	182	100

Source: AIC NHMP 1989–90 to 2013–14 [computer file]
[unpublished data]

Table 9: Child homicide victims by Indigenous status, 1 July 2005 to 30 June 2014

	N	%
Indigenous	33	11.8
Male	20	7.2
Female	12	4.3
Not stated/unknown	1	0.4
Non-Indigenous	246	88.2
Male	143	51.3
Female	103	36.9
Total	279	100

Source: AIC NHMP 1989–90 to 2013–14 [computer file]
[unpublished data]

Table 10: Filicide victims by Indigenous status, 1 July 2005 to 30 June 2014

	N	%
Indigenous	22	12.1
Male	15	8.2
Female	7	3.8
Non-Indigenous	160	87.9
Male	88	48.4
Female	72	39.6
Total	182	100

Source: AIC NHMP 1989–90 to 2013–14 [computer file]
[unpublished data]

Table 11: Child homicide victims by cause of death, 1 July 2005 to 30 June 2014

	N	%
Gunshot wound	15	5.4
Stab wound	53	19.0
Beating	75	26.9
Strangulation/suffocation	20	7.2
Drowning/submersion	20	7.2
Shaking	11	3.9
Poisoning/Injection	8	2.9
Criminal neglect	14	5.0
Other	41	14.7
Not stated/unknown	22	7.9
Total	279	100

Source: AIC NHMP 1989–90 to 2013–14 [computer file]
[unpublished data]

Table 12: Filicide victims by cause of death, 1 July 2005 to 30 June 2014

	N	%
Gunshot wound	9	4.9
Stab wound	23	12.6
Beating	48	26.4
Strangulation/suffocation	16	8.8
Drowning/submersion	15	8.2
Shaking	8	4.4
Poisoning/Injection	11	6.0
Criminal neglect	13	7.1
Other	24	13.2
Not stated/unknown	15	8.2
Total	182	100

Source: AIC NHMP 1989–90 to 2013–14 [computer file]
[unpublished data]

Table 13: Homicide offence and victim type for young offenders convicted of homicide, 1 July 2005 to 30 June 2014

	N	%
Custodial parent	107	67.7
Custodial father	41	25.9
Custodial mother	66	41.8
Non-custodial parent	17	10.8
Non-custodial father	15	9.5
Non-custodial mother	2	1.3
Step-parent	34	21.5
Step-father	34	21.5
Step-mother	0	0.0
Total	158	100

Note: Data refers to primary offender (n=158)
Source: AIC NHMP 1989–90 to 2013–14 [computer file]
[unpublished data]

Table 14: Child homicide offenders by sex, 1 July 2005 to 30 June 2014

	N	%
Male	191	69.7
Female	82	29.9
Not stated/unknown	1	0.4
Total	274	100

Source: AIC NHMP 1989–90 to 2013–14 [computer file]
[unpublished data]

Table 15: Homicide offenders by sex, 1 July 2005 to 30 June 2014

	N	%
Male	2283	86.3
Female	358	13.5
Not stated/unknown	5	0.2
Total	2,646	14

Source: AIC NHMP 1989–90 to 2013–14 [computer file]
[unpublished data]

Table 16: Filicide offenders by sex, 1 July 2005 to 30 June 2014

	N	%
Male	96	55.2
Female	78	44.8
Total	174	100

Source: AIC NHMP 1989–90 to 2013–14 [computer file]
[unpublished data]

Table 17: Homicide incidents by number of victims, 1 July 2005 to 30 June 2014

	N	%
One victim	2,183	95.5
Two victims	88	3.8
Three victims	13	0.6
Four or more	2	0.1
Total	2,286	100

Source: AIC NHMP 1989–90 to 2013–14 [computer file]
[unpublished data]

Table 18: Filicide incidents by number of victims, 1 July 2005 to 30 June 2014

	N	%
One victim	132	83.5
Two victims	19	12.0
Three victims	7	4.4
Total	158	100

Note: Includes non-filicide victims
Source: AIC NHMP 1989–90 to 2013–14 [computer file]
[unpublished data]

Table 19: Child homicide incidents by number of victims, 1 July 2005 to 30 June 2014

	N	%
One victim	215	88.1
Two victims	22	9.0
Three victims	7	2.9
Total	244	100

Source: AIC NHMP 1989–90 to 2013–14 [computer file]
[unpublished data]

Table 20: Child homicide offenders by age group, 1 July 2005 to 30 June 2014

	N	%
10–14	5	1.8
15–17	20	7.3
18–24	74	27.0
25–34	80	29.2
35–49	63	23.0
50–64	17	6.2
65 years and older	3	1.1
Not stated/unknown	12	4.4
Total	274	100.0

Source: AIC NHMP 1989–90 to 2013–14 [computer file]
[unpublished data]

Table 21: Homicide offenders by age group, 1 July 2005 to 30 June 2014

	N	%
10–14	20	0.8
15–17	140	5.3
18–24	630	23.8
25–34	710	26.8
35–49	770	29.1
50–64	235	8.9
65 years and older	63	2.4
Not stated/unknown	78	2.9
Total	2,646	100

Source: AIC NHMP 1989–90 to 2013–14 [computer file]
[unpublished data]

Table 22: Filicide offenders by age group, 1 July 2005 to 30 June 2014

	N	%
15–17	2	1.1
18–24	38	21.8
25–34	62	35.6
35–49	58	33.3
50–64	9	5.2
Not stated/unknown	5	2.9
Total	174	100

Source: AIC NHMP 1989–90 to 2013–14 [computer file]
[unpublished data]

Table 23: Filicide offenders by Indigenous status, 1 July 2005 to 30 June 2014

	N	%
Indigenous	17	9.8
Non-Indigenous	157	90.2
Total	174	100

Source: AIC NHMP 1989–90 to 2013–14 [computer file]
[unpublished data]

Table 24: Child homicide offenders by Indigenous status, 1 July 2005 to 30 June 2014

	N	%
Indigenous	32	11.7
Non-Indigenous	242	88.3
Total	274	100

Source: AIC NHMP 1989–90 to 2013–14 [computer file]
[unpublished data]

Table 25: Homicide offenders by Indigenous status, 1 July 2005 to 30 June 2014

	N	%
Indigenous	423	16.0
Non-Indigenous	2223	84.0
Total	2,646	100

Source: AIC NHMP 1989–90 to 2013–14 [computer file]
[unpublished data]

Appendix 3: Duration analyses data tables

Offence refers to the date when a victim/s was pronounced/detected deceased, not necessarily the date an offender inflicted the fatal injuries on the homicide victim.

Sentence refers to the original sentence date

Post -sentence finalisation refers to the completion of a case for an offender. This can be at the completion of an appeal or at the sentencing of a re-trial (following a successful appeal).

Cautionary note: The sample sizes for this analysis are small

Sources for all tables: QGSO, QPS, and QFCC

All homicide offenders						
	Total number	Average (days)	Median (days)	Standard deviation (days)	Minimum (days)	Maximum (days)
Offence to charge	256	124.6	3.0	481.6	0.0	5342.0
Charge to committal	256	435.7	409.0	198.3	21.0	1280.0
Committal to lodgment	453	190.7	148.0	178.9	0.0	1332.0
Lodgment to sentence	454	266.8	215.0	262.0	0.0	1441.0
Offence to sentence	479	1047.4	858.0	1150.6	114.0	15842.0
Sentence to post-sentence finalisation	211	445.3	350.0	384.1	0.0	2320.0
Offence to post-sentence finalisation	211	1641.1	1359.0	1601.6	416.0	15842.0

Child homicide offenders						
	Total number	Average (days)	Median (days)	Standard deviation (days)	Minimum (days)	Maximum (days)
Offence to charge	37	230.1	2.0	565.8	0.0	2806.0
Charge to committal	38	492.2	445.5	260.3	91.0	1280.0
Committal to lodgment	58	188.7	138.5	215.2	0.0	1332.0
Lodgment to sentence	58	302.9	212.5	303.3	0.0	1264.0
Offence to sentence	62	1581.5	943.0	2703.2	322.0	15842.0
Sentence to post-sentence finalisation	24	288.7	300.0	188.7	0.0	688.0
Offence to post-sentence finalisation	24	2734.6	1415.5	4144.7	656.0	15842.0

Adult homicide offenders						
	Total number	Average (days)	Median (days)	Standard deviation (days)	Minimum (days)	Maximum (days)
Offence to charge	219	106.8	3.0	465.1	0.0	5342.0
Charge to committal	218	425.8	409.0	184.4	21.0	1045.0
Committal to lodgment	395	190.9	148.0	173.3	0.0	1255.0
Lodgment to sentence	396	261.5	215.0	255.4	0.0	1441.0
Offence to sentence	417	968.0	852.0	633.0	114.0	6392.0
Sentence to post-sentence finalisation	187	465.5	353.0	398.2	0.0	2320.0
Offence to post-sentence finalisation	187	1500.7	1351.0	773.1	416.0	5728.0

Child murder offenders						
	Total number	Average (days)	Median (days)	Standard deviation (days)	Minimum (days)	Maximum (days)
Offence to charge	12	437.5	1.0	954.3	0.0	2806.0
Charge to committal	12	551.9	492.0	280.6	211.0	1280.0
Committal to lodgment	22	99.6	107.0	54.1	0.0	188.0
Lodgment to sentence	22	283.1	240.0	222.1	1.0	850.0
Offence to sentence	25	2352.3	924.0	4147.9	533.0	15842.0
Sentence to post-sentence finalisation	15	313.1	323.0	178.9	0.0	688.0
Offence to post-sentence finalisation	15	3673.2	1504.0	5048.1	733.0	15842.0

Child manslaughter offenders						
	Total number	Average (days)	Median (days)	Standard deviation (days)	Minimum (days)	Maximum (days)
Offence to charge	25	130.6	55.0	176.0	0.0	610.0
Charge to committal	26	464.7	423.5	251.4	91.0	1082.0
Committal to lodgment	36	243.1	160.5	256.2	15.0	1332.0
Lodgment to sentence	36	315.1	207.0	346.1	0.0	1264.0
Offence to sentence [^]	37	1060.7	1030.0	469.5	322.0	1994.0
Sentence to post-sentence finalisation	9	248.0	153.0	208.3	0.0	643.0
Offence to post-sentence finalisation	9	1170.3	943.0	623.2	656.0	2453.0

Adult murder offenders						
	Total number	Average (days)	Median (days)	Standard deviation (days)	Minimum (days)	Maximum (days)
Offence to charge	108	114.5	5.0	594.8	0.0	5342.0
Charge to committal	109	439.5	440.0	172.5	62.0	1045.0
Committal to lodgment	181	168.9	148.0	143.2	0.0	1095.0
Lodgment to sentence	181	316.7	281.0	270.3	0.0	1402.0
Offence to sentence	195	1037.2	889.0	706.8	114.0	6392.0
Sentence to post-sentence finalisation	118	508.1	418.0	396.0	0.0	2320.0
Offence to post-sentence finalisation	118	1567.5	1348.5	894.4	416.0	5728.0

Adult manslaughter offenders						
	Total number	Average (days)	Median (days)	Standard deviation (days)	Minimum (days)	Maximum (days)
Offence to charge	111	99.4	2.0	290.4	0.0	2030.0
Charge to committal	109	412.0	405.0	195.3	21.0	1008.0
Committal to lodgment	214	209.6	151.5	193.6	0.0	1255.0
Lodgment to sentence	215	215.0	161.0	232.7	0.0	1441.0
Offence to sentence	222	907.3	810.5	554.8	161.0	5772.0
Sentence to post-sentence finalisation	69	392.6	278.0	394.2	0.0	2290.0
Offence to post-sentence finalisation	69	1386.5	1359.0	487.4	554.0	3121.0

Endnotes

- 1 The Mental Health Court decides a person's mental capacity to be criminally responsible for committing an offence or to enter a plea to an offence.
- 2 Offences under the *Criminal Code* (Qld).
- 3 A child becomes a person capable of being killed when it has completely proceeded in a living state from the body of its mother, whether it has breathed or not, and whether it has an independent circulation or not, and whether the navel-string (umbilical cord) is severed or not: section 292 of sch 1 of the *Criminal Code Act 1899* (Qld) sch 1 ('*Criminal Code*' (Qld)).
- 4 *Criminal Code* (Qld) s 300.
- 5 *Criminal Code* (Qld) s 291.
- 6 *Criminal Code* (Qld) s 293
- 7 The act constituting the offence refers to some physical action, apart from its consequences: *Kaporonovski v The Queen* (1973) 133 CLR 209, 231 (cited in *Pickering v The Queen* (2017) 260 CLR 151, 159–160 [22] (Keifel CJ and Nettle J) and 164 [39] (Gageler, Gordon and Edelman JJ)).
- 8 An act or omission which renders the person doing the act or making the omission liable to punishment is called an offence: *Criminal Code* (Qld) s 2.
- 9 *R v Sherrington & Kuchler* [2001] QCA 105 (6 April 2001) 2–3 [4] (McPherson JA) citing *Royall v R* (1991) 172 CLR 378, 398, 423. See Judge M J Shanahan, S M Ryan QC and Judge A J Rafter, LexisNexis, *Carter's Criminal Law of Queensland*, [s 293.10] Scope of the provision (July 2013 update).
- 10 *R v Pagett* (1983) 76 Cr App R 279 cited in Shanahan, Ryan and Rafter, above n 53, [s 293.10] Scope of the provision (July 2013 update).
- 11 A person who causes someone else's bodily injury which results in death is still criminally responsible for the death even though the injury could have been avoided by proper precaution of the injured person, or the death from the injury could have been prevented by proper care or treatment: *Criminal Code* (Qld) s 297.
- 12 Where a person does grievous bodily harm to another person, who has medical treatment but dies from either the injury or the treatment (even if this is the immediate cause of death), the first person is still deemed to have killed that person. The medical treatment must have been reasonably proper under the circumstances and applied in good faith: *Criminal Code* (Qld) s 298.
- 13 See *Criminal Code* (Qld) ss 302(1)(a) and 302(2) regarding intention to harm the person killed.
- 14 Grievous bodily harm is defined in *Criminal Code* (Qld) s 1. There is a separate, lesser offence of causing grievous bodily harm in *Criminal Code* (Qld) s 320. It has a maximum penalty of 14 years imprisonment.
- 15 *Criminal Code* (Qld) s 302(1)(b).
- 16 *Criminal Code* (Qld) s 302(1)(c). The crime must be such that the offender can be arrested without warrant (this covers most of the offences in the *Criminal Code*).
- 17 *Criminal Code* (Qld) s 302(1)(c).
- 18 *Criminal Code* (Qld) s 302(1)(d).
- 19 *Criminal Code* (Qld) s 302(1)(e).
- 20 *Criminal Code* (Qld) s 302(4).
- 21 The ways in which these partial defences are raised at a trial are not the same. Diminished responsibility and killing on provocation apply where the prosecution first proves beyond reasonable doubt that murder was committed. Then, the defence must prove the partial defence on the less stringent test of 'on the balance of probabilities'. Regarding provocation, see *Criminal Code* (Qld) s 304(9) and Queensland Supreme and District Courts, above n 3, 98.3 – Provocation: s304 (for offences post 4 April 2011) <http://www.courts.qld.gov.au/__data/assets/pdf_file/0017/86102/sd-bb-98-provocation-s304-for-offences-post-4-april-2011.pdf>. Regarding diminished responsibility, see *Criminal Code* (Qld) s 304A(2) and Queensland Supreme and District Courts, above n 3, 100.1 Diminished Responsibility: s 304A <http://www.courts.qld.gov.au/__data/assets/pdf_file/0018/86103/sd-bb-100-diminished-responsibility-s-304a.pdf>. Killing for preservation in an abusive domestic relationship is different. It also reduces murder to manslaughter, but there is no evidential onus on the defendant – the prosecution must 'exclude' it, beyond reasonable doubt: Queensland Supreme and District Courts, above n 3, 99.2, 99.3 Killing for preservation in an abusive domestic relationship: s 304B <http://www.courts.qld.gov.au/__data/assets/pdf_file/0003/136497/sd-bb-99-killing-for-preservation-in-an-abusive-domestic-relationship-s-304b.pdf>.
- 22 *Pickering v The Queen* (2017) 260 CLR 151, 166 [47] (Gageler, Gordon, Edelman JJ) citing *R v Lavender* (2005) 222 CLR 67, 77 [22] (Gleeson CJ, McHugh, Gummow and Hayne JJ);. Kiefel CJ and Nettle J made the same point in *Pickering* (162 [29]) also citing *R v Blacklidge* (unreported, Court of Criminal Appeal, NSW, No 60510 of 1995, 12 December 1995), Gleeson CJ). *Blacklidge* was cited with approval in *R v Potter*; *Ex parte A-G* (Qld) (2008) 183 A Crim R 497 by Keane JA (499 [4]) and Chesterman J, dissenting (514 [75]–[76]). See also *R v Boyer* (1981) 3 Crim App R (S) 35, 37 (Dunn LJ) as cited in *R v Hoerler* (2004) 147 A Crim R 520, 530 [39] (Spigelman CJ).

- 23 Debbie Kirkwood, 'Just say goodbye': Parents who kill their children in the context of separation' (2012) Domestic Violence Resource Centre Victoria Discussion Paper No. 8 6, 19; Li Eriksson, Paul Mazerolle, Richard Wortley and Holly Johnson, 'Maternal and paternal filicide: Case studies from the Australian Homicide Project' (2016) 25 *Child Abuse Review* 18.
- 24 NHMP Tables 1 and 2, Appendix 2.
- 25 NHMP Table 3 Appendix 2, see also Cussen, T. & Bryant, W. (2015). *Domestic family homicide in Australia*. (Research in Practice Number 38). Australian Institute of Criminology. Canberra. ACT 3-4; Alder, C. & Polk, K. (2001). *Child Victims*. Cambridge, United Kingdom: Cambridge University Press 116, citing Silverman & Kennedy, 1993.
- 26 NHMP Table 4, Appendix 2.
- 27 Meeting with the Chief Forensic Pathologist, Forensic and Scientific Services, Queensland on 11 December 2017 and preliminary meeting with Queensland Police Service (Homicide and Child Trauma Unit) on 20 December 2017. See also Ling Li, 'Sudden Unexpected Infant Deaths' in Juan C. Troncoso, Ana Rubio and David Fowler (eds), *Essential Forensic Neuropathology* (Lippincott Williams & Wilkins, 2010) 173; L.J. Dragovic 'Neuropathology of Brain Trauma in Infants and Children' in Troncoso, Rubio and Fowler (eds), *Essential Forensic Neuropathology* (Lippincott Williams & Wilkins, 2010) 181.
- 28 QPS submission 26 April 2018.
- 29 QPS submission 26 April 2018
- 30 Calculated from NHMP tables 5 and 6, Appendix 2.
- 31 NHMP Table 7, Appendix 2.
- 32 Queensland Coroner's Court. (2017). *Filicides*. (unpublished); Crime and Misconduct Commission. (2013). *Vulnerable victims: homicide by parents*. (Research and Issues Number 10). Brisbane 3; Alder, C. & Polk, K. (2001). *Child Victims*. Cambridge, United Kingdom: Cambridge University Press 118.
- 33 Brown, T., Tyson, D. & Fernandez Arias, P. (2014.) Filicide and parental separation and divorce. *Child Abuse Review*, 23, 82.
- 34 NHMP Table 7, Appendix 2, see also Alder, C. & Polk, K. (2001). *Child Victims*. Cambridge, United Kingdom: Cambridge University Press 118-123.
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- 37 Alder, C. & Polk, K. (2001). *Child Victims*. Cambridge, United Kingdom: Cambridge University Press Ch 7.
- 38 Brown, T., Tyson, D. & Fernandez Arias, P. (2014.) Filicide and parental separation and divorce. *Child Abuse Review*, 23 82.
- 39 Kirkwood, D. (2012). 'Just say goodbye' Parents who kill their children in the context of separation. (Discussion Paper No. 8). Domestic Violence Resource Centre Victoria, Melbourne, Victoria 17-18.
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- 41 NHMP Table 5, Appendix 2.
- 42 NHMP Table 6, Appendix 2.
- 43 See for example Bourget, D., Grace, J. & Whitehurst, L. (2007). A review of maternal and paternal filicide. *The Journal of the American Academy of Psychiatry and Law*, 35 (1). 75-76.
- 44 NHMP Table 8, Appendix 2.
- 45 Kirkwood, D. (2012). 'Just say goodbye': Parents who kill their children in the context of separation. (Discussion Paper No. 8). Domestic Violence Resource Centre Victoria, Melbourne, Victoria 17 (see also footnote 27, p. 17).
- 46 NHMP Table 9, Appendix 2.
- 47 Gender is 'not stated' for one victim.
- 48 NHMP Table 10, Appendix 2.
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- 50 Alder, C. & Polk, K. (2001). *Child Victims*. Cambridge, United Kingdom: Cambridge University Press 89.
- 51 NHMP Table 11, Appendix 2.
- 52 NHMP Table 12, Appendix 2.
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- 55 Crime and Misconduct Commission. (2013). *Vulnerable victims: homicide by parents*. (Research and Issues Number 10). Brisbane 6, citing Bourget, Grace and Whitehurst, 2007.
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- 57 Queensland Family & Child Commission. (2017) *Annual Report: Deaths of children and young people Queensland 2016–17*. Brisbane 58.
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- 64 Kirkwood, D. (2012). 'Just say goodbye' Parents who kill their children in the context of separation. (Discussion Paper No. 8). Domestic Violence Resource Centre Victoria, Melbourne, Victoria 17; see also Alder, C. & Polk, K. (2001). *Child Victims*. Cambridge, United Kingdom: Cambridge University Press Ch 3; 46; Crime and Misconduct Commission. (2013). *Vulnerable victims: homicide by parents*. (Research and Issues Number 10). Brisbane 3.
- 65 NHMP Table 13, Appendix 2.
- 66 NHMP Table 13, Appendix 2; see also Kirkwood, D. (2012). 'Just say goodbye' Parents who kill their children in the context of separation. (Discussion Paper No. 8). Domestic Violence Resource Centre Victoria, Melbourne, Victoria 16.
- 67 NHMP Table 13, Appendix 2.
- 68 NHMP Table 14 and 15, Appendix 2.
- 69 NHMP Table 16, Appendix 2.
- 70 NHMP Table 17, Appendix 2.
- 71 NHMP Table 18 and 19, Appendix 2.
- 72 NHMP Table 18 and 19, Appendix 2.
- 73 Cussen, T. & Bryant, W. (2015). *Domestic/family homicide in Australia*. (Research in Practice Number 38). Australian Institute of Criminology. Canberra. ACT 6.
- 74 Cussen, T. & Bryant, W. (2015). *Domestic/family homicide in Australia*. (Research in Practice Number 38). Australian Institute of Criminology. Canberra. ACT 6.
- 75 Median age: child homicide offenders = 28.3 years, adult homicide offender = 31.2 years.
- 76 Median age: child manslaughter offenders = 28.2 years, child murder offenders = 28.6 years, adult manslaughter offenders = 30.5 years, adult murder offenders = 33.9 years.
- 77 Calculated using data in NHMP Table 20, Appendix 2.
- 78 NHMP Table 21, Appendix 2.
- 79 Calculated using data in NHMP Table 22, Appendix 2.
- 80 NHMP Table 15, Appendix 2.
- 81 NHMP Table 14, Appendix 2.
- 82 NHMP Table 16, Appendix 2.
- 83 NHMP Table 15, Appendix 2.
- 84 Kirkwood, D. (2012). 'Just say goodbye' Parents who kill their children in the context of separation. (Discussion Paper No. 8). Domestic Violence Resource Centre Victoria, Melbourne, Victoria 16.
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- 88 Kirkwood, D. (2012). *'Just say goodbye' Parents who kill their children in the context of separation*. (Discussion Paper No. 8). Domestic Violence Resource Centre Victoria, Melbourne, Victoria 17; Alder, C. & Polk, K. (2001). *Child Victims*. Cambridge, United Kingdom: Cambridge University Press 125.
- 89 NHMP Table 25, Appendix 2.
- 90 NHMP Tables 23 and 24, Appendix 2.
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- 92 Crime and Misconduct Commission. (2013). *Vulnerable victims: homicide by parents*. (Research and Issues Number 10). Brisbane 6-7; Alder, C. & Polk, K. (2001). *Child Victims*. Cambridge, United Kingdom: Cambridge University Press Ch 7; Brown, T., Tyson, D. & Fernandez Arias, P. (2015). *Submission to Royal Commission on Family Violence (Victoria) by the Monash University Filicide Project*. Melbourne, Victoria 5.
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- 95 Calculated using data in NHMP Table 20, Appendix 2.
- 96 NHMP Table 22, Appendix 2.
- 97 NHMP Table 21, Appendix 2.
- 98 Crime and Misconduct Commission. (2013). *Vulnerable victims: child homicide by parents*. (Research and Issues No. 10). 2.
- 99 Eriksson, L., Mazerolle, P., Wortley, R. & Johnson, H. (2016). Maternal and paternal filicide: case studies from the Australian Homicide Project. *Child Abuse Review*, 25 18; Alder, C. & Polk, K. (2001). *Child Victims*. Cambridge, United Kingdom: Cambridge University Press 19; Brown, T., Tyson, D. & Fernandez Arias, P. (2015). *Submission to Royal Commission on Family Violence (Victoria) by the Monash University Filicide Project*. Melbourne, Victoria 5.
- 100 Brown, T., Tyson, D. & Fernandez Arias, P. (2014). Filicide and parental separation and divorce. *Child Abuse Review* 23 83; Alder, C. & Polk, K. (2001) *Child Victims*. Cambridge, United Kingdom: Cambridge University Press 123.
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- 102 Kirkwood, D. (2012). *'Just say goodbye' Parents who kill their children in the context of separation*. (Discussion Paper No. 8). Domestic Violence Resource Centre Victoria, Melbourne, Victoria 17; Alder, C. & Polk, K. (2001). *Child Victims*. Cambridge, United Kingdom: Cambridge University Press 125.
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- 112 Kirkwood, D. (2012). *'Just say goodbye' Parents who kill their children in the context of separation*. (Discussion Paper No. 8). Domestic Violence Resource Centre Victoria, Melbourne, Victoria 33, citing Bourget & Gagne, 2005.
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- 154 *Youth Justice Act 1992 (Qld)*, s 176.
- 155 For example, *Youth Justice Act 1992 (Qld)*, s 111, s 140–144.
- 156 For further information on SVOs, please refer to pages 36-37 of the Council's Child Homicide Consultation Paper, located at: <http://www.sentencingcouncil.qld.gov.au/>.
- 157 See < <https://www.qld.gov.au/law/sentencing-prisons-and-probation/sentencing-probation-and-parole/applying-for-parole>>.
- 158 *Corrective Services Act 2006 (Qld)* s 214.
- 159 Total in custody includes pre-sentence and post-sentence custody.
- 160 Appeal refers to a review of all or part of a court's decision by a higher court.

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