

SENTENCING SPOTLIGHT ON

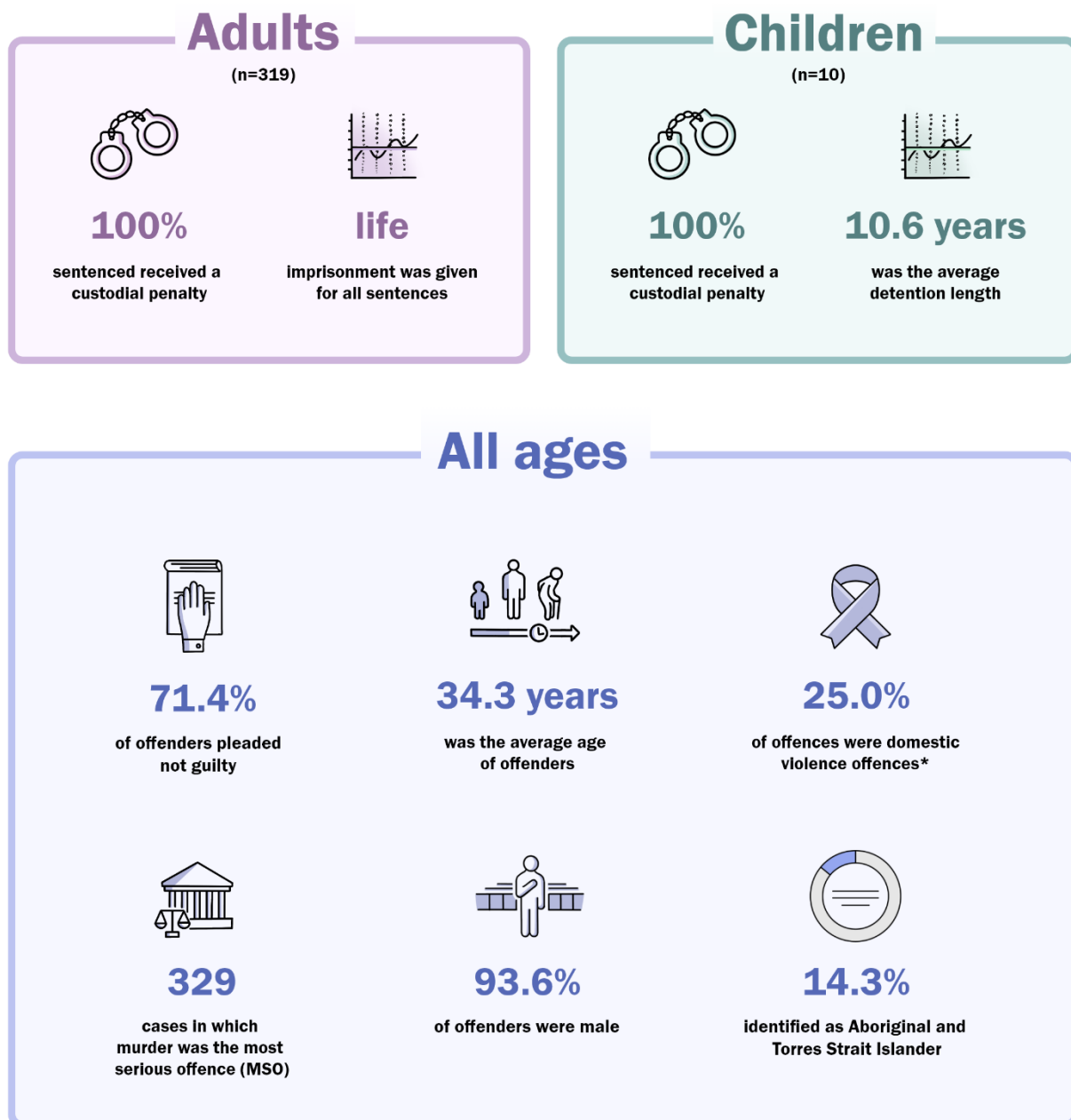
murder



Queensland Sentencing
Advisory Council

Sentencing Spotlight on... murder

This *Sentencing Spotlight* examines sentencing outcomes for murder offences under s 302 of the *Criminal Code* (Qld) finalised in Queensland courts between 2005–06 and 2023–24.



Source: Department of Justice and Attorney-General's Queensland Wide Inter-linked Courts (QWIC) database, as maintained by the Queensland Government Statistician's Office (QGSO).

The offence of murder

The *Criminal Code* (Qld) defines that a person is guilty of murder if they unlawfully kill another under any of the following circumstances:

- a) if the offender intends to cause the death of the person killed or that of some other person, or if the offender intends to do to the person killed or to some other person some grievous bodily harm;
- b) if death is caused by an act done, or omission made, with reckless indifference to human life;
- c) if death is caused by means of an act done in the prosecution of an unlawful purpose, which act is of such a nature as to be likely to endanger human life;
- d) if the offender intends to do grievous bodily harm to some person for the purpose of facilitating the commission of a crime which is such that the offender may be arrested without warrant, or for the purpose of facilitating the flight of an offender who has committed or attempted to commit any such crime;
- e) if death is caused by administering any stupefying or overpowering thing for either of the purposes mentioned in paragraph (c);
- f) if death is caused by wilfully stopping the breath of any person for either or such purposes.¹

Not all types of murder involve an intention to hurt or kill another person.

This *Sentencing Spotlight* focuses on the offence of murder. Other offences relating to the death of a person more broadly, such as manslaughter, dangerous driving causing death, unlawful striking causing death or associated crimes such as attempted murder or conspiracy to commit murder, are excluded from the analysis.

The penalty for murder

In Queensland, the penalty for the offence of murder is either imprisonment for life, which cannot be varied or mitigated, or an indefinite sentence under Part 10 of the *Penalties and Sentences Act 1992* (Qld) (PSA).²

The penalty of life imprisonment means a person will remain in custody or on parole (if granted parole by the Parole Board) for the rest of their life.

An indefinite sentence is a prison sentence that has no finite (fixed date) for when the sentence will end.³ Before a court imposes an indefinite sentence, it must be satisfied that the *Mental Health Act 2016* (Qld) does not apply and the offender is a serious danger to the community because of their personal characteristics (including character, age, mental conditions), the severity of the offence and any special circumstances.⁴

Determining whether an offender is a serious danger to the community requires the court to consider:

- whether the nature of the offence is exceptional;
- an offending person's characteristics (antecedents, age and character, including previous offending);
- any relevant medical, psychiatric, or other report about the offender;
- the risk of serious harm to members of the community if the person is not given an indefinite sentence; and
- the need to protect the community from the risk of serious harm.⁵

A court must state the finite term of imprisonment it would have imposed if an indefinite sentence was not ordered (referred to as the 'nominal sentence').⁶

The court must carry out regular reviews once the person has served the relevant non-parole period they would have otherwise been required to serve.⁷ At a review, if the court is satisfied that the person is still a serious danger to the community, the indefinite sentence continues. If not, the court discharges the sentence and imposes a finite sentence which cannot be less than the 'nominal sentence'.⁸

Parole

A person serving an indefinite sentence is not eligible to apply for parole.⁹

If a person is sentenced to life imprisonment for murder, they must serve a mandatory minimum non-parole period in custody before being eligible for release on parole.¹⁰ Currently, a person must serve a minimum of 20 years, however this increases to 25 years for murder of a police officer and 30 years for murder of more than one person or by a person with a previous murder conviction.¹¹

Prior to August 2012, the mandatory minimum non-parole period was 15 years imprisonment, or 20 years imprisonment in some circumstances.¹²

From 2016, if the person is sentenced with a serious organised crime circumstance of aggravation, they must serve an additional 7 years before being eligible for release on parole.¹³

A judge cannot reduce the non-parole period, but they can increase it by setting a later parole eligibility date.

Being eligible for release on parole does not mean release on parole is guaranteed — the prisoner must apply for parole to the Parole Board, who makes the decision about whether to grant the application for parole or if this should be refused.¹⁴ In some circumstances, a person's parole application must be refused (for example, if a no body-no parole prisoner and a no cooperation declaration is in force).¹⁵ A person may only be released

on parole before their parole eligibility date under exceptional circumstances (but some prisoners are excluded from exceptional circumstances parole).¹⁶

Children

Different sentencing principles usually apply to the sentencing of children. The *Youth Justice Act 1992* (Qld) ('YJA') governs the sentencing of children in Queensland.¹⁷

A child is a person aged 10 years and over but under 18 years¹⁸ at the time of committing the offence. Prior to changes coming into effect in February 2018, 17-year-olds were dealt with under Queensland law as adults rather than as children.

A child aged 10–13 years can only be held criminally responsible if the prosecution shows the child had the capacity to know that what they did was seriously wrong when they did it.¹⁹ For more information about the sentencing of children, see the Council's *Guide to the Sentencing of Children in Queensland*.

Penalties for children

The *Making Queensland Safer Act 2024* (Qld) changed the sentencing considerations and options available to a court when sentencing a child, including for the offence of murder. The changes only apply to an offence committed after the Act's commencement on 13 December 2024.

Under this legislation, a court must sentence a child to life detention for murder and the same minimum mandatory non-parole period that applies to adults applies to children.²⁰

This *Sentencing Spotlight* includes analysis of cases sentenced up to 30 June 2024. As such, the changes introduced by the *Making Queensland Safer Act 2024* did not apply to any of the data analysed in this paper.

Prior to 13 December 2024, the mandatory sentence of life imprisonment did not apply to a child.²¹ If the child pleaded guilty or was found guilty of murder, the court could order that they be detained for a period of no more than 10 years, or up to the maximum penalty of life imprisonment if the offence involved violence to another person and the court considered it was a 'particularly heinous offence' having regard to all the circumstances.²² The assessment of whether an offence was particularly heinous required a court to consider not only the type of offence committed and the facts involved in its commission, but also factors relating to the child and their personal circumstances.²³

Number of cases

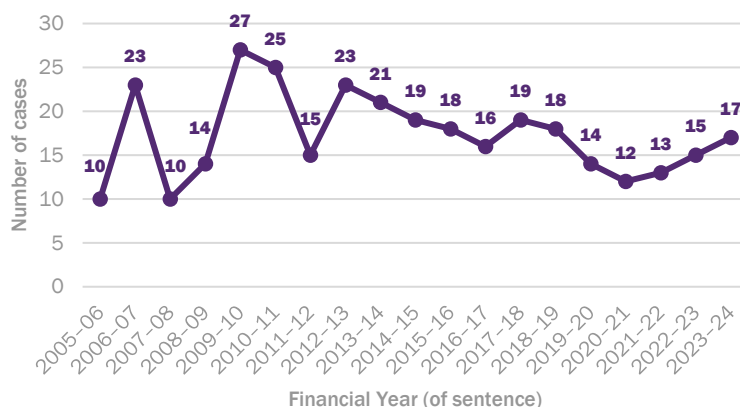
A total of 326 unique people were sentenced in 329 cases involving 359 charges of murder between 2005–06 and 2023–24. The difference in the number of unique people and the number of cases is due to the fact that 3 people committed multiple murders that were sentenced at different court events—this is explained in more detail in the recidivism section below. In addition, there were 27 cases that involved multiple sentenced charges of murder—this is explained in more detail in the co-sentenced offences section below.

Murder was the most serious offence (MSO) sentenced in all 329 cases that involved a charge of murder.

Over the 19-year data period, there were 2,814,365 cases sentenced in Queensland's criminal courts. Cases involving a homicide accounted for 0.04% of cases sentenced (n=1,047). The offence of murder was sentenced in 329 cases, representing 31.4% of homicide offences, but only 0.01% of matters sentenced from 2005–06 to 2023–24.

Figure 1 shows the number of murder cases sentenced (MSO) during the 19-year data period.

Figure 1: Number of murder (MSO) cases sentenced (MSO), 2005–06 to 2023–24



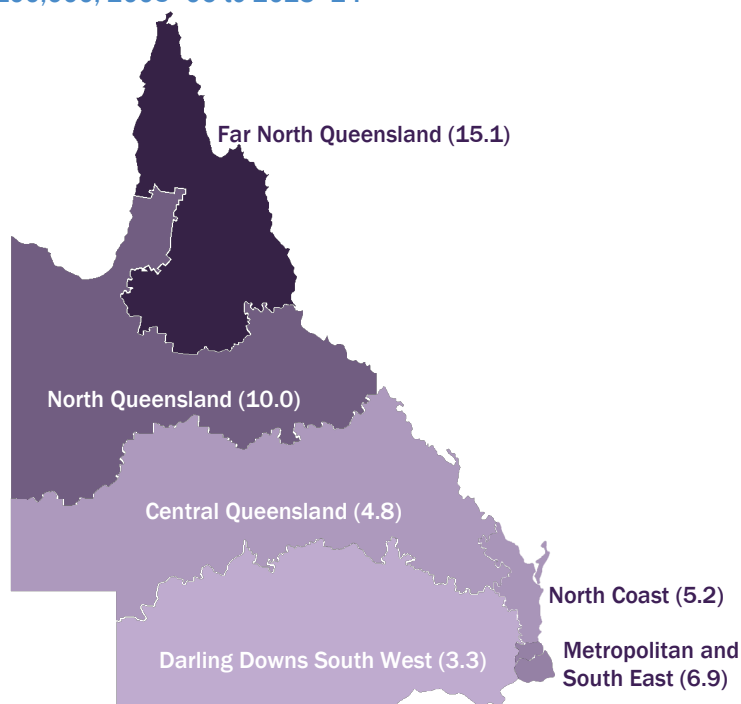
Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted August 2024.

Regions

The northern regions of Queensland had the highest proportional rate of sentenced murder (MSO) cases. The rate of murder cases in North Queensland (10.0) and Far North Queensland (15.1) was double the rate of other regions, and in some cases was triple the rate.

Figure 2 shows the distribution of murder offences by region in Queensland by rate per 100,000 population based on the location of the court in which they were sentenced.

Figure 2: Murder (MSO) cases by region by rate of population per 100,000, 2005–06 to 2023–24



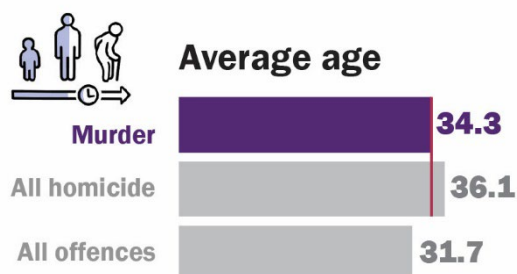
Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted August 2024. Rates calculated using estimated resident population data of people aged 10 and over, by Local Government Area from Australian Bureau of Statistics, "Regional population by age and sex", 2023. Note: as there is no Supreme Court located in the South East region, all cases from this region are heard in Brisbane. For this analysis, the Metropolitan and South East regions have been combined.

Demographic characteristics

This section compares the age, gender and Aboriginal and Torres Strait Islander status of all offenders sentenced for murder (MSO) over the period from 2005–06 to 2023–24.

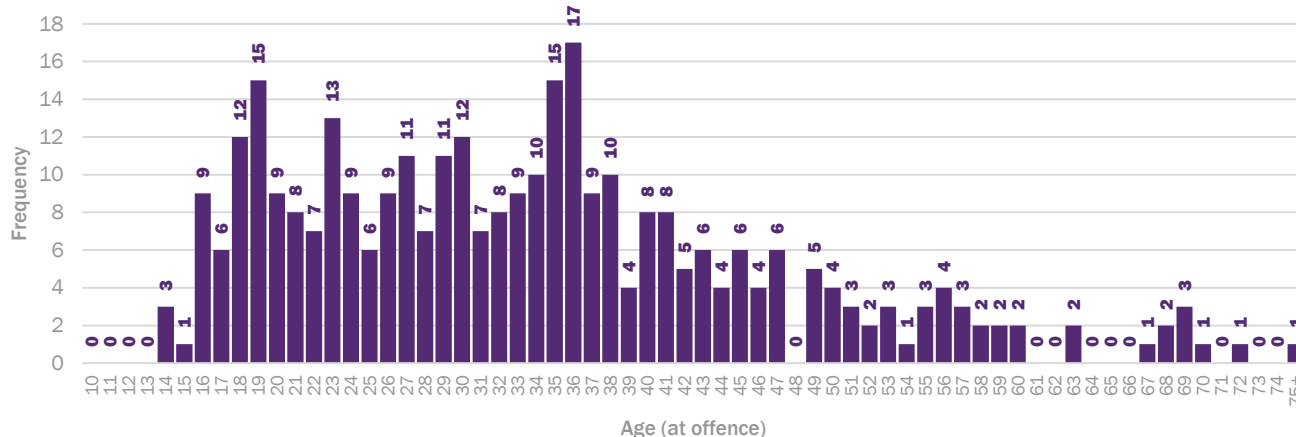
Age

On average, people sentenced for murder (MSO) were 34.3 years old at the time of committing the offence. This was older, on average, compared to the age of people sentenced in Queensland across all offence types (31.7 years), but younger than the average of all those sentenced for another offence that involved homicide (36.1 years).²⁴



The youngest person (at the time of offence) sentenced for murder was 14 years old, while the oldest person was 75 years old. The median age (at time of offence) was 33.1 years. Figure 4 shows age at the time of offence.

Figure 3: Number of people sentenced for murder (MSO) by age at offence, 2005–06 to 2023–24



Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted August 2024

Gender

During the 19-year data period, most people sentenced for murder (MSO) in Queensland were males (93.6%, n=308). There were 21 females sentenced for murder (6.4%).

This is considerably higher compared to all offences sentenced in Queensland, where 75.7% of people who are sentenced are male.



Aboriginal and Torres Strait Islander people

In Queensland, Aboriginal and Torres Strait Islander peoples are disproportionately represented in a range of offence categories. This is a result of multiple, complex current and historical factors that continue to impact on the lives of Aboriginal and Torres Strait Islander peoples.

Although people who identify as Aboriginal and Torres Strait Islander represent approximately 4.6% of Queensland's population aged 10 years and over,²⁵ they accounted for 14.3% (n=47) of all people sentenced for murder (MSO) during the 19-year data period, although this was less than they accounted for in all offence types (18.2%) and for homicide offences more generally (17.4%). Most people sentenced for murder (n=271) were non-Indigenous (82.4% of people sentenced).²⁶

Aboriginal and Torres Strait Islander offenders

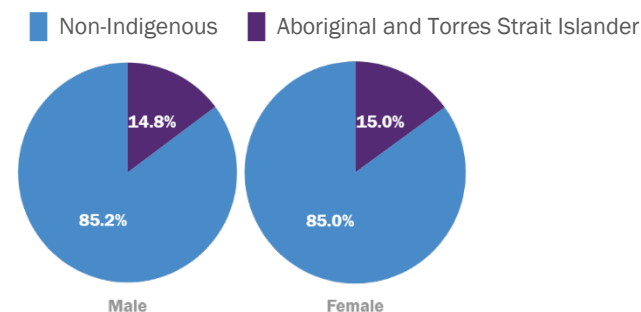


There was no significant difference in age (at time of offence) for Aboriginal and Torres Strait Islander people (31.6 years) and non-Indigenous offenders (34.4 years).²⁷

There was no significant difference in Aboriginal and Torres Strait Islander status based on gender.²⁸ Of the 298 male offenders sentenced for murder, over four-fifths were non-Indigenous (n=254, 85.2%). A similar

proportion of female offenders sentenced for this offence were non-Indigenous (n=17, 85.0%)—see Figure 5.

Figure 4: Aboriginal and Torres Strait Islander status by gender for people sentenced for murder (MSO), 2005–06 to 2023–24

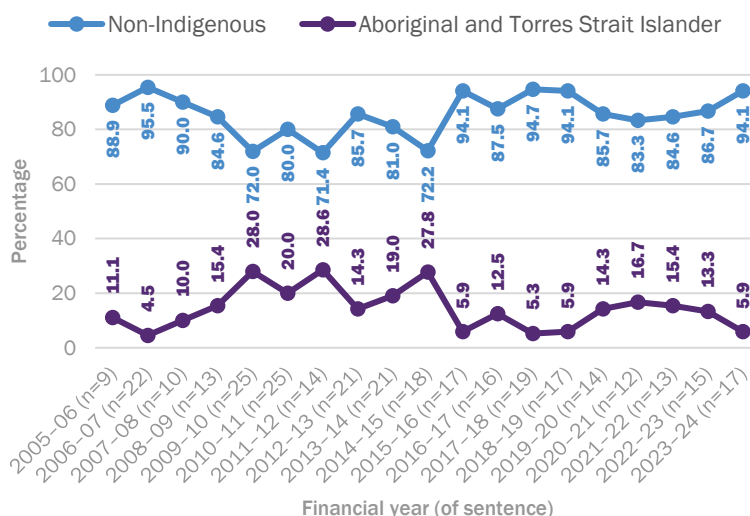


Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted August 2024.

Note: 11 cases (MSO) were excluded as their Aboriginal and Torres Strait Islander status was unknown.

There was some fluctuation year-to-year in the proportion of Aboriginal and Torres Strait Islander people sentenced for murder (MSO). The proportion ranged from as low as 4.5% (in 2006–07) to as high as 28.6% (in 2011–12).

Figure 5: Proportion of people sentenced for murder (MSO) by Aboriginal and Torres Strait Islander status and year of sentence, 2005–06 to 2023–24

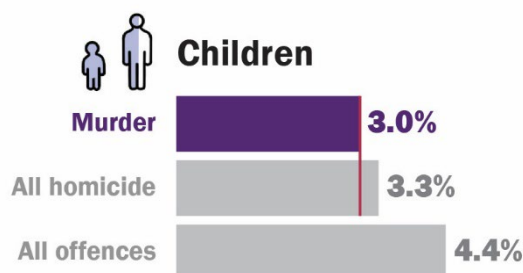


Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted August 2024.

Note: 11 cases (MSO) were excluded as their Aboriginal and Torres Strait Islander status was unknown.

Sentenced children

Across all offences sentenced in Queensland over the 19-year period, 4.4% were committed by a child. In comparison, the offence of murder (MSO) had a lower proportion of sentenced children, with 3.0% of these offences committed by children (n=10). Prior to February 2018, 17-year-olds were dealt with as adults rather than as children.²⁹



All of the children sentenced for murder (MSO) during the 19-year data period were boys (100.0%, n=10).

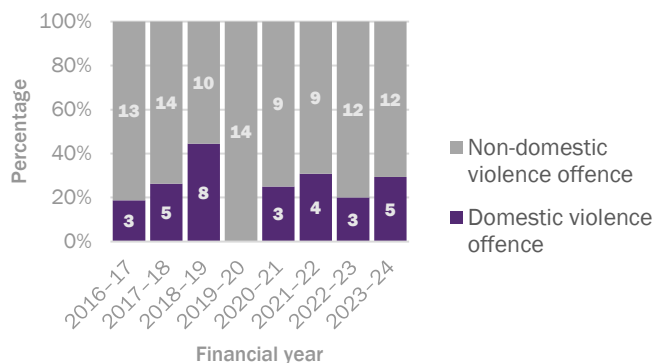
Over the 19-year data period, 3 of the children sentenced for murder were Aboriginal and Torres Strait Islander (30.0%).

Domestic violence offences

From 1 December 2015, Queensland legislation was amended to enable a conviction for an offence committed in a domestic violence context to be recorded or entered in that person's criminal history as a domestic violence offence.³⁰ A person's behaviour is considered 'domestic violence' if they have a relevant relationship (intimate personal, family, or informal care) with the victim. Domestic violence means behaviour or a pattern of behaviour by one person towards another person in a relevant relationship and that behaviour is abusive (physically, sexually, emotionally, or psychologically), is threatening, coercive, or in any other way controls or dominates the second person in a way that causes that person to fear for their safety or wellbeing (or someone else's).³¹

One-quarter of the 124 murder (MSO) cases sentenced from 2016–17 to 2023–24, were domestic violence offences (25.0%, n=31). The proportion of murder cases sentenced as a domestic violence offence (MSO) is displayed in Figure 6.

Figure 6: Number and proportion of murder offences sentenced as domestic violence offences (MSO), 2016–17 to 2023–24



Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted August 2024.

Analysis indicated that there are no statistically significant differences in the proportion of cases sentenced as domestic violence offences based on gender,³² age groups,³³ or Aboriginal and Torres Strait Islander status³⁴—however, this may be due to the fact that there were not enough cases sentenced to identify statistical significance between groups.

Sentencing court

The Supreme Court is the highest court in Queensland and hears the most serious offences. The offences of manslaughter and murder must be heard in the Supreme Court because the maximum penalty is life imprisonment. Generally, the District Court does not have jurisdiction if the penalty is more than 20 years.³⁵

For children, under the YJA, the offence of murder is a 'Supreme Court offence' which means it must be dealt with in the Supreme Court.

All of the 329 cases of murder (MSO) sentenced during the 19-year data period were sentenced in the Supreme Court.

Type of plea

Homicides generally have a higher proportion of not guilty pleas compared to all other offences sentenced in Queensland during the 19-year data period (31.3% and 0.9%, respectively).

The offence of murder has a much higher proportion of not guilty pleas, with almost three-quarters of sentenced defendants entering a plea of not guilty (71.4%, n=235). Noting that murder has a mandatory penalty of life imprisonment and mandatory minimum non-parole periods, whereas the alternative offence of manslaughter does not, may be a contributing factor.³⁶

This analysis does not explore the reasons a person may plead guilty.

There were no statistically significant differences in plea rates for murder based on Aboriginal and Torres Strait Islander status.³⁷

Males were more likely to enter a guilty plea for murder (29.9%, n = 92) compared to women (9.5%, n = 2).³⁸

Older defendants had significantly higher proportions of not guilty pleas for murder compared to younger defendants.³⁹ This difference is more pronounced when comparing adults to children, as all 10 children pleaded guilty (100.0%).⁴⁰

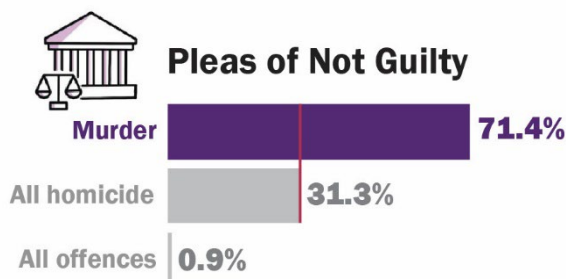
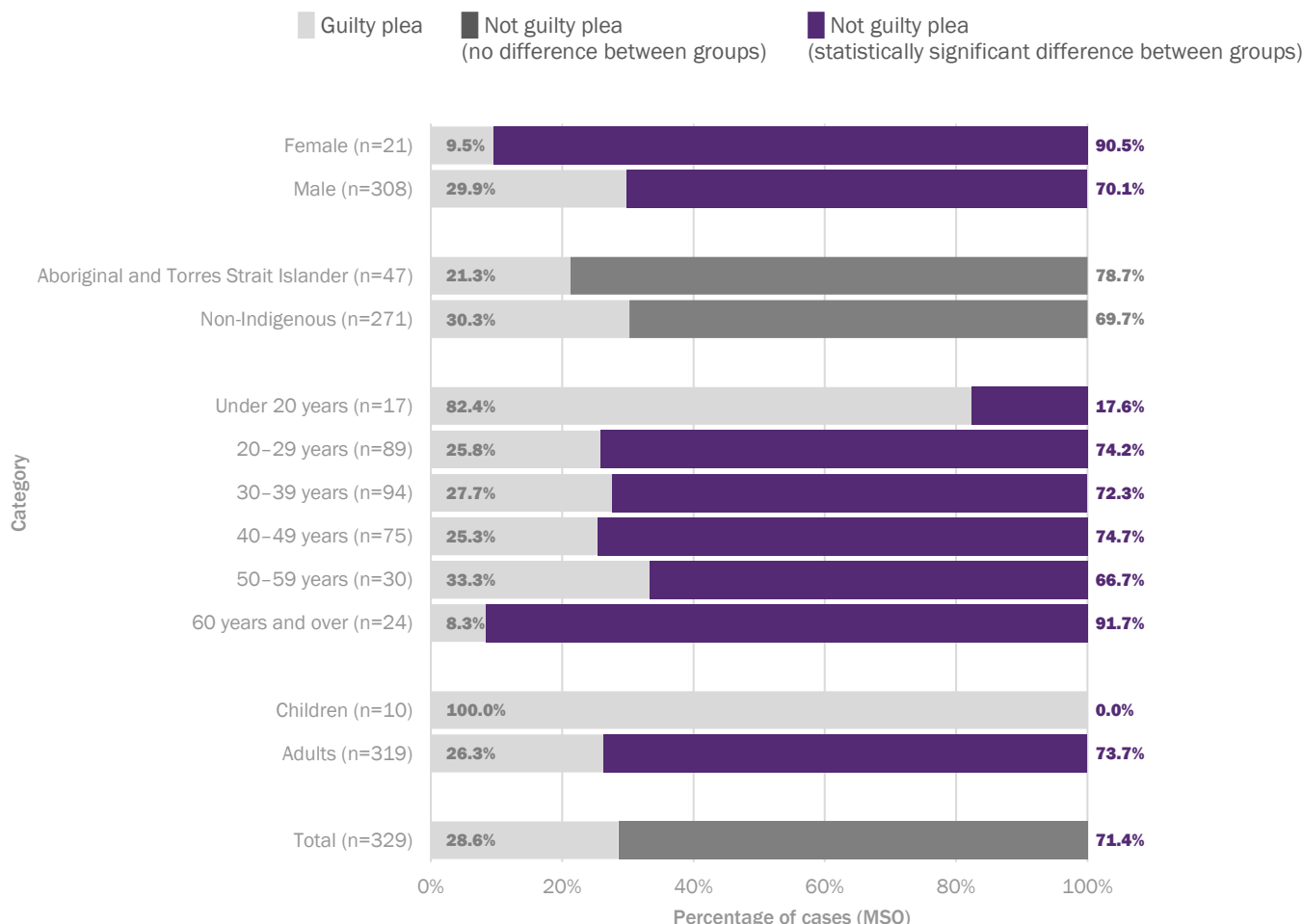


Table 1: Plea type of offenders sentenced for murder (MSO) by gender, Aboriginal and Torres Strait Islander status and age at sentence, 2005–06 to 2023–24

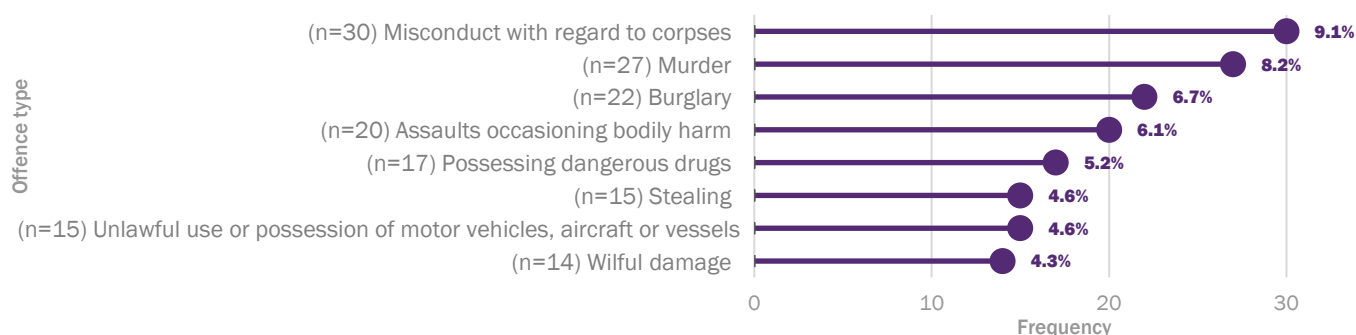


Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted August 2024.

Note: Grey highlighting indicates there was no statistically significant difference between the groups.

11 cases (MSO) were excluded from Indigenous status breakdown their Aboriginal and Torres Strait Islander status was unknown.

Figure 7: Most common offences co-sentenced with murder (MSO), 2005–06 to 2023–24



Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted August 2024.

Co-sentenced offences

A court will sometimes sentence a person for more than one offence at the same court event. This does not necessarily mean that the offences were committed as part of the same incident or even that the offences were committed on the same day. Analysis of offences that are sentenced together can provide context about the type of offending that is commonly associated with murder.

In 46.5% of murder cases (MSO, n=153), there was at least one co-sentenced offence. That is, in almost half of cases, the person being sentenced was also sentenced for other offences at the same court event. Inversely, just over half of cases involved only a single charge of murder (53.5%, n=176).

The number of sentenced offences per person per court event ranged from 1 to 25, with an average of 2.7 sentenced offences per event (median=1.0).

There was no difference in the average number of co-sentenced offences based on gender,⁴¹ or Aboriginal and Torres Strait Islander status.⁴²

Of the 329 murder cases (MSO) sentenced during the 19-year data period, 27 (8.2%) were sentenced for multiple murder offences at the same time. In 24 of these cases, the person was sentenced for one additional murder at the same time and in the remaining 3 cases the person was sentenced for 3 murder charges at the same time. There were no cases where a person was sentenced for more than 3 murders at the same court event during the 19-year data period.

The most commonly co-sentenced offence with murder (MSO) was misconduct with regard to corpses (9.1%, n=30) followed by a second charge of murder (8.2%, n=27), and burglary (6.7%, n=22)—see Figure 10.

These three offences were common for both males and females and adults and children. However, Aboriginal and Torres Strait Islander people had a different profile, with no co-sentenced charges of misconduct with regard to corpses.

Table 2: Number of sentenced offences per court event, by gender, and Aboriginal and Torres Strait Islander status, 2005–06 to 2023–24

Offender type	N	Single offence (%)	2 to 4 offences (%)	5 to 10 offences (%)	11+ offences (%)	Number of offences			
						Avg	Median	Min	Max
Female	21	61.9	28.6	4.8	4.8	2.4	1.0	1	16
Male	308	52.9	33.1	10.4	3.6	2.7	1.0	1	25
Aboriginal or Torres Strait Islander	47	66.0	21.3	8.5	4.3	2.5	1.0	1	16
Non-Indigenous	271	51.7	33.9	10.7	3.7	2.7	1.0	1	25
Total	329	53.5	32.8	10.0	3.6	2.7	1.0	1	25

Source: Queensland Government Statistician's Office, Queensland Treasury - Courts Database, extracted August 2024

Recidivism

Over the 19-year data period, there were 3 people who were sentenced for murder on more than 1 occasion.

The first person was initially sentenced for a murder, but the charge was subsequently overturned on appeal, a retrial was ordered, and the defendant was found not guilty (acquitted) of that murder charge at trial.⁴³ This person was subsequently sentenced for another murder that took place after the verdict of not guilty.⁴⁴ If an appeal is successful and a charge is overturned or a retrial is ordered, the Court’s database is not amended (appealed cases are maintained in a separate dataset). This means the Council cannot administratively identify changes to murder cases on appeal and this discrepancy is an acknowledged limitation of using datasets designed for administrative purposes for this analysis.

The second and third persons committed two separate murders at different times. Each murder offence was sentenced separately.⁴⁵

It was not possible to undertake an analysis of reoffending, as murder had a mandatory minimum non-

parole period of at least 15 years (which increased to 20 years in 2012). There was therefore not a sufficient number of cases where the person would have been released from prison to carry out a robust analysis.

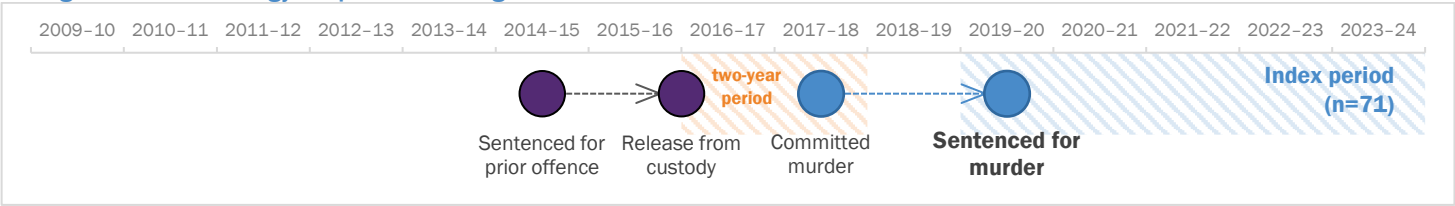
Prior offending

A sample of people were examined in more detail to determine whether they had committed any other offences before being sentenced for murder. A sample of people sentenced for murder between 2019–20 and 2023–24 (n=71) was examined for prior sentenced offences—see Figure 8.

Over half of these people sentenced had prior offences (54.9%). The remaining 45.1% had no prior offences. The number of prior sentenced court events ranged from 0 to 8. The average number of prior court events was 1.3 (median=1.0).









The most common prior offence was possessing dangerous drugs, with 13 individuals (18.3%) sentenced at 19 court events for this offence—see Figure 9. This was followed by breach of bail by failure to appear (n=12, 16.9% of people), and wilful damage (n=11, 15.5% of people).

Figure 8: Methodology for prior offending



The ‘two-year period’ refers to the time during which an offence must be committed for it to be included in the recidivism analysis. The person must have committed a new offence within 2 years of being released from custody for a prior offence.

Figure 9: Most common prior offences for people sentenced for murder between 2019–20 to 2023–24

Offence	Sentenced cases	Unique people
 Possessing dangerous drugs <i>Drugs Misuse Act 1986 (Qld) s 9</i>	19	13 (18.3%)
 Breach of bail – failure to appear <i>Bail Act 1980 (Qld) s 33</i>	19	12 (16.9%)
 Wilful damage <i>Criminal Code (Qld) s 469</i>	14	11 (15.5%)
 Possession of drug utensils <i>Drugs Misuse Act (Qld) s 10</i>	10	8 (11.3%)
 Assault or obstruct police officer <i>Police Powers and Responsibilities Act 2000 (Qld) s 790</i>	8	8 (11.3%)
 Stealing <i>Criminal Code (Qld) s 398</i>	13	7 (9.9%)
 Unlawful entry (of premises) <i>Criminal Code (Qld) s 421</i>	11	7 (9.9%)
 Unlicensed driving <i>Transport Operations (Road Use Management) Act 1995 (Qld) s 78</i>	8	7 (9.9%)

Source: Queensland Government Statistician’s Office, Queensland Treasury - Courts Database, extracted August 2024.

Table 3: Prior sentences for people sentenced for murder (MSO), 2019–20 to 2023–24

Category	Recidivist cases (n)	No recidivist cases (%)	1 to 4 recidivist cases (%)	5+ recidivist cases (%)	Number of recidivist cases			
					Average	Median	Min	Max
Prior offending (n=71)	39	45.1	50.7	4.2	1.3	1.0	0	8
Female (n=3)	2*	-	-	-	-	-	-	-
Male (n=68)	37	45.6	50.0	4.4	1.3	1.0	0	8
Aboriginal or Torres Strait Islander (n=9)	7	22.2	55.6	22.2	3.0	2.0	0	8
Non-Indigenous (n=62)	32	48.4	50.0	1.6	1.0	1.0	0	6

Source: Queensland Government Statistician’s Office, Queensland Treasury - Courts Database, extracted August 2024.

* Data withheld for cells with less than 5 cases sentenced.

Penalties and sentencing for adults

As discussed earlier, the court must impose imprisonment for life or an indefinite sentence on a person convicted of murder.⁴⁶ This is mandatory, so the court cannot impose a different sentence.

A sentence of life imprisonment was given in every sentenced murder case (n=319, 100%).

No indefinite sentences were given for murder.⁴⁷

Parole eligibility

A note on methodology

This section includes a different data source and time period to the rest of this *Sentencing Spotlight*. This section analyses adults sentenced between 1 July 2013 and 30 March 2024 where the offence was committed on or after 1 July 2013 (n=112).

Some parole eligibility dates for the offence of murder were not recorded in the Courts Database. To supplement this analysis, we reached out to the secretariat for the Queensland Law Reform Commission (QLRC) who are currently undertaking a review of particular criminal defences. The QLRC had manually reviewed court transcripts for murder and manslaughter offences and had recorded parole eligibility dates in these cases. The QLRC supplemented this case review with data from Queensland Corrective Services about parole eligibility dates.

We compiled a list of 117 cases from the Courts Database that were sentenced between 1 July 2013 and 30 March 2024 (to match the period used by the QLRC). This dataset was merged with the dataset obtained from the QLRC, thereby adding parole eligibility dates into our dataset. Cases with a parole eligibility date greater than 20 years (the mandatory minimum non-parole period) were manually reviewed to verify the parole eligibility date.

Only first instance sentencing outcomes were considered. If a conviction or sentence were changed on appeal, those appeal outcomes are not included as part of this *Sentencing Spotlight*.

If a person is sentenced to life imprisonment for murder, they must serve at least 20 years in custody before being eligible for release on parole. This mandatory non-parole period is longer in some situations, rising to 25 years for murder of a police officer, or 30 years for murder of more than one person or with a previous conviction for murder.⁴⁸ Of the 112 cases included in this analysis, 100 received the mandatory minimum non-parole period of 20 years (89.3%).

A non-parole period of more than 20 years was ordered in 12 cases. In 6 of these cases, the non-parole period was extended to 30 years due to the mandatory provision that the person was convicted of more than one murder or had previously been convicted of murder.⁴⁹ In the other 6 cases, the judge exercised discretion to raise the non-parole period.

Penalties and sentencing for children

Prior to 13 December 2024, if a child is convicted of murder, the court does not have to impose a life sentence.⁵⁰ For offences committed on or after this date a court must sentence a child to life detention for murder, and the same mandatory non-parole period that applies to adults applies to children.⁵¹

Since this *Sentencing Spotlight* covers cases sentenced up to 30 June 2024, these new provisions are not in effect, and life sentences were not mandatory for any of the case analysed.

All children sentenced for murder (MSO) received detention (n=10). No children received a life sentence.

The average length of detention was 10.6 years (median=10 years). The lowest sentence given to a child for murder was 7.5 years and the maximum detention length was 14 years.

Endnotes

¹ *Criminal Code Act 1899* (Qld) sch 1, s 302(1) ('*Criminal Code* (Qld)').

² *Ibid* s 305(1).

³ PSA s 163(1).

⁴ *Ibid* s 163(3).

⁵ *Ibid* s 163(4). A court is not limited to these matters: s 163(5).

⁶ *Ibid* s 163(2).

⁷ *Ibid* s 171(1)–(2)(a).

⁸ *Ibid* s 173.

⁹ *Corrective Services Act 2006* (Qld) s 179(2)(iii).

¹⁰ *Corrective Services Act 2006* (Qld) s 181(2)(d). There are exceptions to this – see ss 181(2A), (2B).

¹¹ *Corrective Services Act 2006* (Qld) s 181, amended by *Criminal Law Amendment Act 2012* (Qld) s 3, date of assent 29 August 2012.

¹² *Corrective Services Act 2006* (Qld) s 181 amended by *Criminal Law Amendment Act 2012* (Qld) s 3, date of assent 29 August 2012.

¹³ *Corrective Services Act 2006* (Qld) s 181(2A) amended by Serious and Organised Crime Legislation Amendment Act 2016 (Qld).

¹⁴ *Ibid* s 193(1).

¹⁵ *Ibid* s 193A(2).

¹⁶ *Corrective Services Act 2006* (Qld) ss 176–176B. This does not apply to no body-no parole prisoners if a no cooperation declaration is in force: s 176B.

¹⁷ YJA s 2.

¹⁸ *Criminal Code* (Qld) s 29(1): a person under the age 10 years is not criminal responsible for any act or omission; *Acts Interpretation Act 1954* (Qld) sch 1 def 'child' as 'an individual under 18 years'.

¹⁹ *Criminal Code* (Qld) s 29(2). *RP v The Queen* (2016) 259 CLR 641.

²⁰ YJA s 175A.

²¹ YJA s 155.

²² *Ibid* s 176(3).

²³ See *R v William (a pseudonym)* [2020] QCA 174 [25]–[26].

²⁴ QASOC categories of offences are the Queensland extension of the Australian Standard Offence Classification developed by the Australian Bureau of Statistics. Division 01, homicide and related offences includes the offences of murder, manslaughter, aiding suicide, killing an unborn child, attempted murder, manslaughter by driving and driving causing death. For more information see Australian Standard Offence Classification (Queensland Extension) 2008.

²⁵ As at 30 June 2021. See Australian Bureau of Statistics, *Estimates of Aboriginal and Torres Strait Islander Australians*, Table 7.3, available at <<https://www.abs.gov.au/statistics/people/aboriginal-and-torres-strait-islander-peoples/estimates-aboriginal-and-torres-strait-islander-australians/30-june-2021>> accessed 26 October 2023.

²⁶ 11 cases (MSO) were excluded from these calculations as the person's Aboriginal and Torres Strait Islander status as unknown.

²⁷ Independent groups t-test: $t(316) = 1.41$, $p = .160$, $r = 0.08$ (equal variances assumed).

²⁸ Fishers Exact Test: $p = 1.0000$.

²⁹ Before 12 February 2018, a 'child' for the purposes of the YJA, was a person who had not turned 17 years. Until that date, young people who were 17 were treated as adults for the purposes of sentencing.

³⁰ Explanatory Notes, Criminal Law (Domestic Violence) Amendment Bill 2015 (Qld) 2. The amending Act was the *Criminal Law (Domestic Violence) Amendment Act 2015* (Qld).

³¹ See *Domestic and Family Violence Protection Act 2012* (Qld) ss 8, 13.

³² Fishers Exact Test: $p = .1645$.

³³ Fishers Exact Test: $p = .2487$.

³⁴ Fishers Exact Test: $p = .7361$.

³⁵ There are some exceptions to this: see *District Court Act 1967* (Qld) s 61.

³⁶ *Criminal Code* (Qld) ss 303, 305; *Corrective Services Act 2006* (Qld) s 181. An indefinite sentence may be imposed in place of a life sentence. If an indictment charges a person with murder, they may be found guilty of manslaughter: *Criminal Code* (Qld) s 576.

³⁷ Pearson's chi-square test: $\chi^2(1) = 1.572$, $p = .210$.

³⁸ Pearson's chi-square test: $\chi^2(1) = 3.988$, $p = .0458$.

³⁹ Pearson's chi-square test: $\chi^2(5) = 29.992$, $p < .0001$.

⁴⁰ Fishers Exact Test: $p = 0.7361$.

⁴¹ Independent groups t-test: $t(327) = 0.35$, $p = .728$, $r = 0.02$ (equal variances assumed).

⁴² Independent groups t-test: $t(316) = 0.46$, $p = .648$, $r = 0.03$ (equal variances assumed).

⁴³ *R v Roberts & Pearce* [2012] QCA 82.

⁴⁴ *R v Pearce* [2016] QCA 126.

⁴⁵ *R v Crawford, Patea & Patea* [2018] QSC 122, [28]; *R v Teichmann* [2014] QCA 50 and *R v Teichmann* [2016] QCA 347.

⁴⁶ *Criminal Code* (Qld) s 305.

⁴⁷ 1 indefinite sentence was given for a person convicted of attempted murder in 2005. Attempted murder under s 306 of the *Criminal Code* (Qld) is a separate offence and is not included in this *Sentencing Spotlight*.

⁴⁸ *Corrective Services Act 2006* (Qld) s 181, amended by *Criminal Law Amendment Act 2012* (Qld) s 3, date of assent 29 August 2012.

⁴⁹ Two of these cases relate to an individual who was sentenced for murder on two separate occasions during the data period.

⁵⁰ YJA s 155.

⁵¹ YJA s 175A.



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