



## **Queensland Homicide Victims' Support Group**

### **Response to the QLD Law Reform Council Review of criminal defences**

#### **Who we are and what we do.**

Established in North Queensland in 1995 by families affected by homicide, the Queensland Homicide Victims' Support Group (QHVSG) provides education, advocacy, and support through the aftermath of homicide and for as long as families who have lost a loved one may want or need.

QHVSG responds to over fifty homicides in Queensland annually and consistently supports over eight hundred individuals each year. This support commences within 24-48 hours post homicide and, in most cases, continues for many years after the loss of the family member or friend. This long-term accessibility is a strength of our team and indicates that what we provide is of critical importance to those we support.

Our unique approach provides individual case management, offers 24-hour phone support, counselling, peer support, court support, parole submission support, personal advocacy and education. This is open to all people affected by homicides in Queensland, regardless of age, gender, culture, or religion. We support many families who reside interstate and overseas, who have lost a loved one in Queensland.

We have a unique understanding of homicide support after responding to over 1500 homicides and assisting over 9000 people. This includes how the justice system and particularity sentencing impacts their lives.

We work closely with the Queensland Police Service, the Office of the Director of Public Prosecutions, Queensland Corrective Services, QLD health agencies and a wide range of non-government organisations.

#### **Our feedback**

Our feedback is focused on the areas that we feel are most relevant to those we support, and where are experienced.

In addition, we undertook a survey from our members who have all lost one or more of their loved ones to homicide in Queensland. We feel that it is imperative that those with lived experience are always specifically approached for input. Too often they feel as they have no input into decisions, and that many decisions are and done too them, not with them. I have provided the raw feedback from this survey, which had 165 anonymous respondents.

As was expected, there was an overwhelming disagreement with the finding of the QLRC's consultation paper, that 'the community does not support the mandatory penalty of life imprisonment.'

The QHVSG Board Chair Sherrie Meyer and I were grateful to be able to speak with your representatives on May 1<sup>st</sup> 2025. This was a good opportunity be able to express the sentiment of those that we represent clearly and candidly. We are assuming that the minutes from that meeting have already been included as a part of our feedback.

Please find below our written feedback and raw survey results.

## **A. Feedback on Proposal 2**

The new self-defence provision should provide that evidence that the defendant experienced domestic violence (as defined in section 103CA Evidence Act 1977) is relevant to an assessment of self-defence. It should further provide that the person may believe that the person's conduct is necessary in self-defence, and the conduct may be a reasonable response in the circumstances as the person perceives them, even if:

- (a) the person is responding to a non-imminent threat of harm or
- (b) the use of force is in excess of the force involved in the harm or threatened harm.

### **QHVSg response**

1. We partially support this proposal.
2. We agree that a person should have the right to defend themselves if a person's life and wellbeing is at risk, as they may be acting in a way save themselves or others around them who are at risk.
3. We agree that the defence must be able to provide a robust case and as such, must be able to provide evidence that the defendant experienced domestic violence.
4. We feel however that it is also imperative that the prosecution is also able to provide evidence of any domestic violence that the deceased person may have experienced.
5. To do so, there may need to a review of the current bad character laws, to enable a level playing field. Most families of deceased persons (at murder / manslaughter trials) feel that the justice system favours the defendant. Addressing the bad character issue may address this belief.
6. Background to 'bad charter' concerns
  - Currently in QLD there is a significant imbalance around introducing a person's 'bad character', which provides significant advantage to the defence.
  - Legislation already exists in the United Kingdom (for example) which addresses this issue and provides greater equity.
  - Like NSW, the United Kingdom has systematically abolished or diluted several important defence safeguards

## Issue

- Currently in QLD, the prosecution is unable to introduce evidence of a defendant's bad character in trials (including homicide).
- This legislation does not apply to defence, who can bring into the court good character of their client and at the same time introduce bad character information against prosecution witnesses.

## Suggestion

To undertake inquiry into existing law, with consideration of other models (e.g. United Kingdom) and their benefits, drawbacks, effectiveness, and potential application in QLD.

## **B. Feedback on Proposal 3**

The new self-defence provision should provide that self-defence is not available where the person's belief that their actions were necessary and reasonable was substantially affected by self-induced intoxication.

### **QHVSG response**

1. QHVSG supports this proposal.
2. QHVSG understands that alcohol and other drug fuelled violence is a major risk factor for injury and death in Queensland. It should never be able to be used as an excuse for the use of any form of violence.

## **Feedback to question 9**

Should the Criminal Code be amended to add a new trauma-based partial defence to murder that applies when a victim-survivor of domestic violence kills their abuser? How should this be framed?

### **QHVSG response**

1. QHVSG supports this in principle but has concerns around how this is measured.
2. QHVSG supports a clear and non-gender biased approach to such an assessment.
3. QHVSG feels that the same concern may exist around the equal ability to apply the test or evidence to both the defence and to the deceased person. It must be an even play field.
4. QHVSG is interested to understand how the QLRC proposes this to be applied to both the defendant and the deceased.

### **C. Feedback on Proposal 5**

The partial defence of killing on provocation in section 304 of the criminal code should be repealed.

#### **QHVSG response**

1. QHVSG supports this proposal.
2. QHVSG completely rejects the concept that anger, jealousy, and control can be used as a defence in any court matter, including where any person is injured or killed.

### **D. Feedback to question 12**

Should the minimum non-parole periods for murder be retained?

#### **QHVSG response**

1. QHVSG is of the firm belief that minimum non-parole periods must be fully retained.
2. QHVSG is deeply concerned around how will sentencing for murder will be different to sentencing for manslaughter, if mandatory sentencing and minimum non-parole are left to the discretion of the court judge.

As we have seen via the [2018 QSAC review](#), sentencing for manslaughter is an ongoing failure and in no ways meets community expectation for justice. Leaving the sentencing to the judiciary discretion is problematic as the community do not hold trust and lack the confidence that there will be appropriate sentences and community protection. Mandatory sentencing and life parole for murder has been crucial safeguard in Queensland.

2. QHVSG understands that the judge does have **some** discretion to increase the sentence. There is a minimum 20 years, but they can increase the head sentence. We have seen this occur in several cases. Sadly, the ability to increase sentence above what we are seeing has been impacted by the many years of precedents that do not meet community expectations for murder.

As the QRLC know, the mandatory minimum sentencing for murder has steadily increased in Queensland across the past two decades or so. This has been due to the families of the deceased and the community at large not feeling that sentencing for murder was meeting community expectations. However, having more lenient sentencing for murder, like we see for manslaughter, is a far more devastating outcome on victims than have the current mandatory minimum.

3. QHVSG supports the use of indefinite sentences, however we rarely see them imposed.
4. In addition, an increased head sentence exists for the murder of two people, (30 years) or a police officer (25 years). Whilst this is not discretionary, it again provides some reassurance that the offender will be given a reasonable sentence.
5. In addition, the Restricted Prisoner Legislation exists to add a further layer of protection for the QLD community, as well as to reducing the traumatic impact associated with ongoing parole applications every 12 months by those who have killed children or multiple people. We would argue that this needs to apply to all murderers.

6. Sentencing remarks are an important consideration for assessing the suitability for parole for murders. Judges who provide comments around their concerns around the prospects of rehabilitation, or for future community safety are providing an additional level of protection for the community. Those who simply state that the prisoner is sentenced to the minimum of 20 years without providing deeper insights, are missing the opportunity to influence future release decisions.

QHVSG feels that this is an area that requires attention future examination and reflection.

### **E. Feedback to Question 13**

Do you have a preferred approach when combining reforms to the head sentence and non-parole period?

#### **QHVSG response**

1. QHVSG feels that this should stay the same as currently exists. There should be no combination that may lead to the possibility of a lesser sentence.

### **F. Rebutting the QLRC objections to mandatory minimum sentencing**

1. Financial costs – murder trials are expected to be costly. If this means that we have a safer community and that victims feel heard and validated, then it is a good investment.

Let's not forget the fact that Murder is the worst crime imaginable. It is not financial fraud case; it is not defamation case. It is the taking of someone's life that creates intergenerational trauma. It must be treated differently and seen as an abhorrent action that requires the appropriate investment.

2. Emotional costs due to time delays – What is the data that the QLRC have to support this claim?

Is there data from families that show they want to get it done quickly as opposed to getting a more just outcome for their loved one? QHVSG have not witnessed that sentiment in working with families for over 30 years.

Our experience is that families would rather see a suitable sentence outcome that takes time than short time frames that lead to inadequate sentencing which does not meet expectations. We wish that the QLRC had asked this direct question to those directly impacted.

3. Courts are clogged. This is a capacity issue that relates to government funding. It should not impact the need to conduct robust trials where, if found guilty, murderers are held to account.

4. Plead not guilty – Why are plea bargains and guilty pleas the end target by the QLRC to avoid a murder conviction. (e.g., approximately 12 – 20 trials a year – some of which are guilty pleas – possible 25 percent are guilty pleas).

As we pointed out in our meeting on May 1, 2025, this is murder – the ultimate criminal act. The community expects sentencing that reflects the seriousness of this crime. We should not prioritise efficiency over justice. Removing mandatory sentencing would introduce a risk that murderers could

receive inappropriately lenient sentences through negotiated plea deals, undermining justice for victims and their families.

Families need to be included in decision making regarding plea bargains to manslaughter and going to trial for murder.

There is currently no adequate statistics / data for whether mandatory sentencing for murder is working to meet the “Sentencing Guidelines” in Queensland. We are unsure how the QLRC can claim there is little evidence of recidivism after serving a mandatory sentence, when there is no adequate data to base this on.

QHVSG supports the need for more evidence through research to see if mandatory sentencing is indeed preventing further homicides or other criminal acts. Of course, this data is hard to come by due to the differences in minimum parole since 1992 – but this is extremely valuable data to obtain and if we need more years to get it then so be it.

## G. QHVSG survey to homicide victims

QHVSG felt that homicide victims needed to be specifically invited to be a part of the QLRC survey. It does seem that however that the survey’s distribution strategy meant that they were not. Our concerns around that approach included:

1. The survey did not seem to have any specific approach to those impacted by homicide. When we asked those with lived experience, the responses provided a vastly different conclusion to the key questions around mandatory sentencing and parole.
2. The survey did not provide clear educating around what murder and manslaughter were, nor what the sentences were. For the general population, the term ‘life sentence’ (for example) is taken as never to be released, which of course not correct.
3. The forums did not (from our recollection from participants that we knew of) provide any a depth of definition or discussion around what mandatory sentencing is for murder for or manslaughter sentencing. There was also no definition or discussion around parole and its purpose.



### The Queensland Law Reform Commission review of particular criminal defences and mandatory sentencing for murder.

#### Warning of confronting subject matter

Please note that as much as we would like as many people as possible with lived experience to respond to the survey that appears below, it does contain three scenarios that may cause distress.

We have provided links to support services at the end of the survey.

The Queensland Law Reform Commission is currently undertaking a review of particular criminal defences and mandatory sentencing for murder. One of their initial findings is that:

*‘The community does not support the mandatory penalty of life imprisonment for murder. The community expects sentencing to reflect the culpability of murder defendants.’*

QHVSG will never assume what individual opinions are, so we are asking you to complete a short survey. We value your point of view, and your responses will help us to form our submission to the Queensland Law Reform Commission. Please feel free to share this email and survey link to anyone who has lost someone to homicide in QLD.

If you wish to complete the survey, please click the link below:

[Click here to complete the survey](#)

The survey is anonymous, and we ask for you to complete this by 5pm, Monday 31 March.

Of course, we encourage everyone to provide input into the consultation directly to the QLRC. The Consultation paper, *‘Security and identity: Reforming criminal defences in Queensland’* seeks feedback on 7 reform proposals and asks 21 questions on proposed reforms. These feedback questions appear on pages 64-67 of the document.

This paper considers community attitudes about these defences (and the mandatory sentence for murder) and examines important context for any reforms including our understanding of DV, the over-incarceration of Aboriginal peoples and Torres Strait Islander peoples and the over-representation of Aboriginal and Torres Strait Islander women as victims of crime.

Please provide any feedback to the QLRC via the website [LawReform.Commission.Qld.qld.gov.au](https://lawreform.qld.gov.au)

With sincere thanks  
Brett Thompson  
Chief Executive Officer  
QHVSG

If you feel distressed or upset or need some advice, please contact one of the below listed services.

#### Emergency services (available 24/7)

Police/ambulance/fire: 000  
Lifeline Australia anytime: 13 11 14, or visit the website:  
<https://www.lifeline.org.au>

#### Other services (available 24/7)

Relationships Australia: 1300 364 277 <https://www.relationships.org.au/>  
National Sexual Assault and Domestic Family Violence Counselling Service (1800RESPECT): 1800 737 732 <https://www.1800respect.org.au/>  
Family Relationship Advice Line: 1800 050 321  
SANE Australia: 1800 187 263 <https://www.sane.org/>  
Full Stop Australia: 1800 355 575 <https://fullstop.org.au/>  
MensLine Australia: 1300 76 69 78 <https://www.mensline.org.au/>  
13YARN Australia: 13 92 78 <https://www.13yam.org.au/contact-us-13yam>  
QHVSG: 1800 774 744

#### Online services

Several safety apps are available for download from 1800RESPECT: <https://www.1800respect.org.au/help-and-support/safety-apps-for-mobile-phones/>  
The Daisy app provides information about local services and includes safety features that protect your privacy. The Sunny app is for women with a disability who have experienced violence and abuse.

## **H. Result from those with lived experience.**

The full survey is provided below, which includes 651 individual comments from 165 respondents.

We hope that feedback from this survey is taken into serious consideration, as these are the people who truly understand the impact of murder. It would be incredibly challenging to undertake such a survey and we are grateful for their candid responses.

The fundamental feedback is as follows.

### **1. An overwhelming number of respondents disagree with the QLRC finding that ‘the community does not support the mandatory sentencing of life imprisonment for murder.’ See page 34 of survey.**

- 58.2% disagree with this finding
- 22% agree
- 18% are unsure

### **2. An overwhelming support for mandatory sentencing (page 2)**

- 55% of respondents disagree that a minimum of 20 years is adequate. Most comments support the need for higher minimum sentencing.
- 10% of respondents agree with the 20 years mandatory minimum for murder. Most comments support the need for higher minimum sentencing.
- 7,7% are undecided

### **2. An overwhelming number felt that the current sentence for manslaughter is inadequate (page 8).**

- 84.4% feel it is inadequate
- 5.2% feel that it is adequate
- 10.4% are undecided

This for the basis of the deep concerns around judicial discretion when removing mandatory minimums for murder.

### **4. An overwhelming support for lifelong role exists for murderers**

- 75% of respondents feel that parole should be for life.
- 18% disagree that parole should be for life.
- 7% undecided

Our members understand that domestic and family violence is an abhorrent occurrence and that individuals have the right to defend themselves and their families. We invite you to explore their insights in relation to the scenarios that are presented, which are based upon the QLRC survey.

Question ten of our survey (pp 39-4) asks 'Would you like to add any other comment about the QLRC recommendations to remove all mandatory sentencing in Queensland.' QHVSG is aware that this was supposed to be related to murder only. Responses however do seem to indicate that this is how the question has been interpreted. NB. QHVSG has provided a full copy of the survey to the QLRC, including all feedback comments. This copy has these comments removed for public distribution.

### **In conclusion**

It is obvious that QHVSG does not agree with QLRC finding that the community does not support the mandatory sentencing of life imprisonment for murder. The evidence from those with lived experience is overwhelming. We support many of the recommendations that have been put forward by the QLRC, but in no way support the removal of mandatory minimums of the removal of lifelong parole for those found guilty of murder. We remain deeply concern around manslaughter sentencing in Queensland. It is totally inadequate.

It is always our hope that those that we support and represent are always consulted. They have a genuine feeling that their 'journey' has been to sit in the back seat of the justice system bus, to put on the seatbelt and then just hang on for the ride.

Empowerment, choice and acknowledge are incredibly important, and we are always happy to approach people in relation to their opinions. Their lived experience is a rich source of knowledge and insight that can cannot be taught through formal education and training. It is instead a source of truth, and a truth that many want to share.

We thank you for agreeing to meet with us, for the robust and conversation, and for taking the feedback from those we support into consideration. We value that time and that opportunity.



Brett Thompson

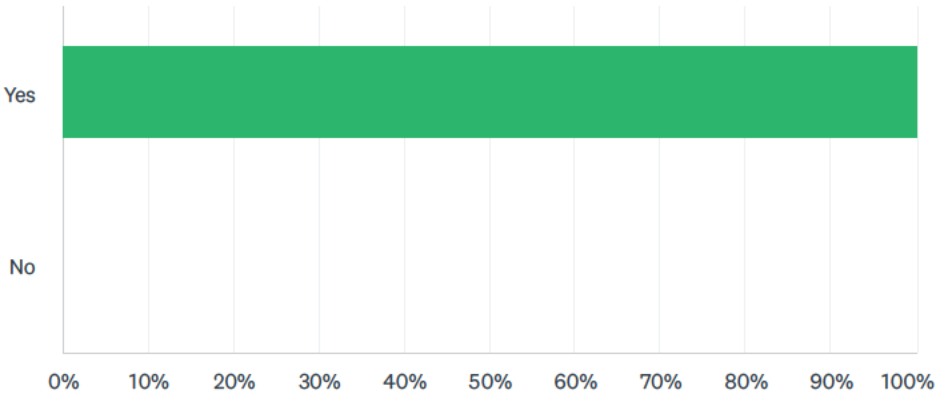
Chief Executive Officer  
Queensland Homicide Victims' Support Group  
[www.qhvsg.org.au](http://www.qhvsg.org.au)

May 2025



# Q1 Have you lost someone to homicide?

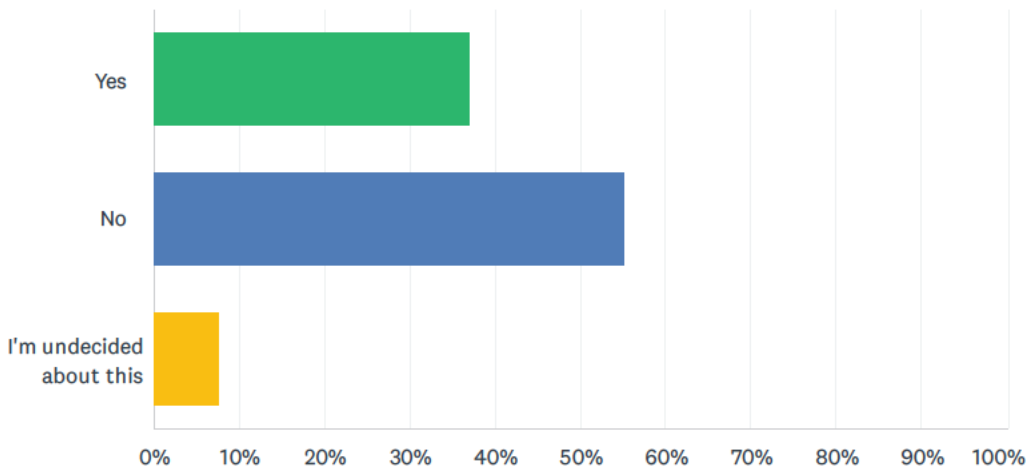
Answered: 165    Skipped: 0



| ANSWER CHOICES | RESPONSES |     |
|----------------|-----------|-----|
| Yes            | 100.00%   | 165 |
| No             | 0.00%     | 0   |
| TOTAL          |           | 165 |

Q2 The penalty for the offence of murder in Queensland for an adult is mandatory life imprisonment with the prospect of parole after serving 20 years imprisonment. Does this meet your expectations?

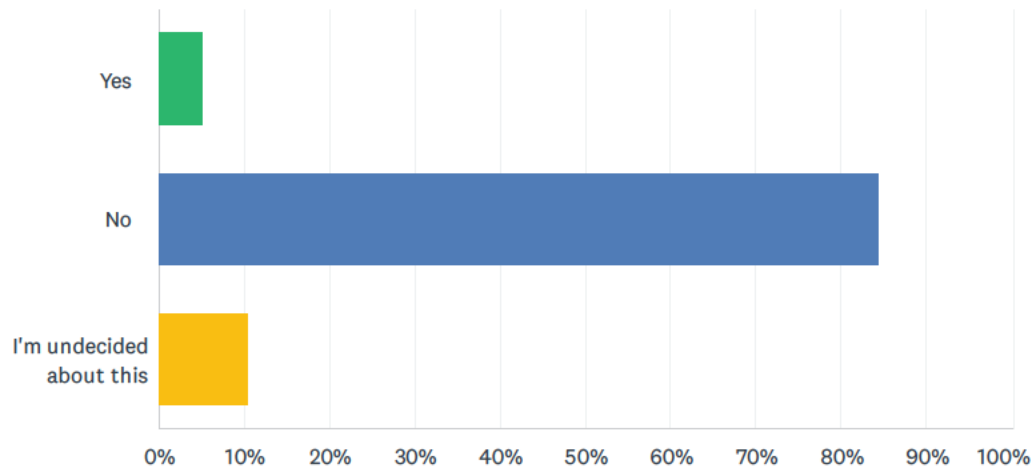
Answered: 156    Skipped: 9



| ANSWER CHOICES           | RESPONSES |     |
|--------------------------|-----------|-----|
| Yes                      | 37.18%    | 58  |
| No                       | 55.13%    | 86  |
| I'm undecided about this | 7.69%     | 12  |
| TOTAL                    |           | 156 |

Q3 The maximum penalty for the offence of manslaughter in Queensland for an adult is life imprisonment. The average head sentence is approximately 8 years with the prospect of parole after serving 1/3 of that sentence. Does this meet your expectations?

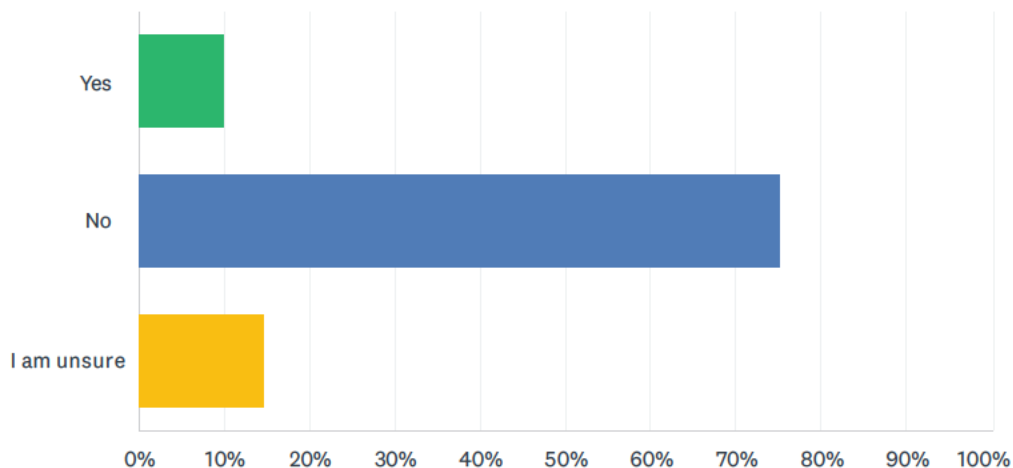
Answered: 154 Skipped: 11



| ANSWER CHOICES           | RESPONSES |     |
|--------------------------|-----------|-----|
| Yes                      | 5.19%     | 8   |
| No                       | 84.42%    | 130 |
| I'm undecided about this | 10.39%    | 16  |
| TOTAL                    |           | 154 |

## Q4 Do you believe that mandatory sentencing for murder in QLD should be removed? This may see some offenders receive less than 20 years for murder, and others receive more than 20 years for murder.

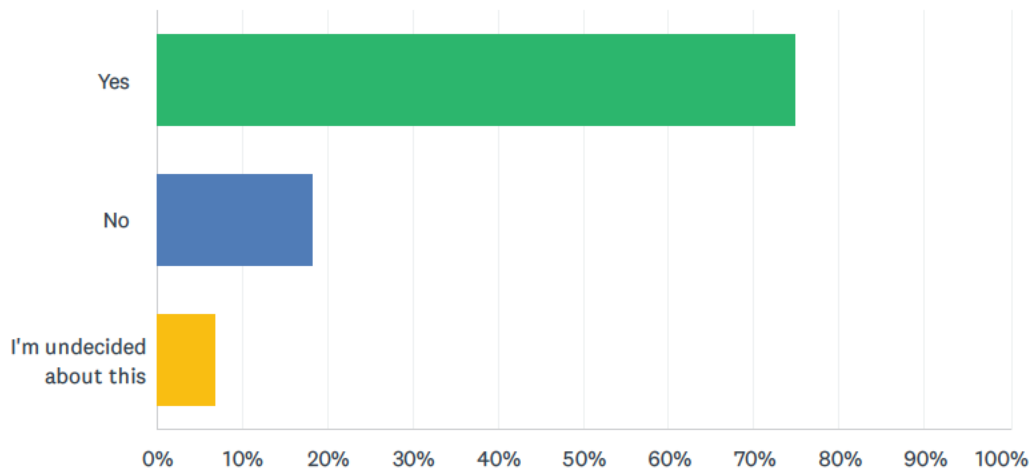
Answered: 150 Skipped: 15



| ANSWER CHOICES | RESPONSES |     |
|----------------|-----------|-----|
| Yes            | 10.00%    | 15  |
| No             | 75.33%    | 113 |
| I am unsure    | 14.67%    | 22  |
| TOTAL          |           | 150 |

Q5 A 'life sentence' in QLD means that the offender, if released on parole, will be on parole for the rest of their life. This means that the offender will need to adhere to specific conditions such as not drinking or using other drugs, and not being allowed to visit or live in certain towns or suburbs. Do you support this parole being applied for the rest of the person's life?

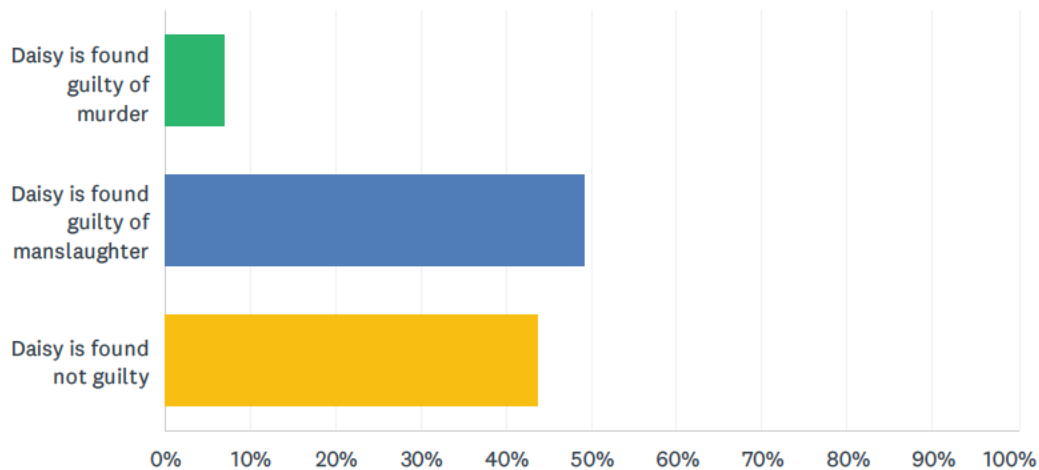
Answered: 147 Skipped: 18



| ANSWER CHOICES           | RESPONSES |     |
|--------------------------|-----------|-----|
| Yes                      | 74.83%    | 110 |
| No                       | 18.37%    | 27  |
| I'm undecided about this | 6.80%     | 10  |
| TOTAL                    |           | 147 |

Q6 Please consider the following scenario and respond to the questions below. Vaughan and Daisy had previously met through mutual friends. They bumped into each other at a bar and Daisy went back to Vaughan's house. When inside, Vaughan grabbed Daisy and kissed her. Daisy pushed him off and walked into the kitchen. Vaughan followed and pinned Daisy to the counter and started removing her pants. Daisy became frightened and grabbed a knife that was within her reach. She stabbed Vaughan and ran out of the apartment. No one was there to assist Vaughan, who died. If the scenario below went to court, based on the information you have been given, what do you think the outcome should be?

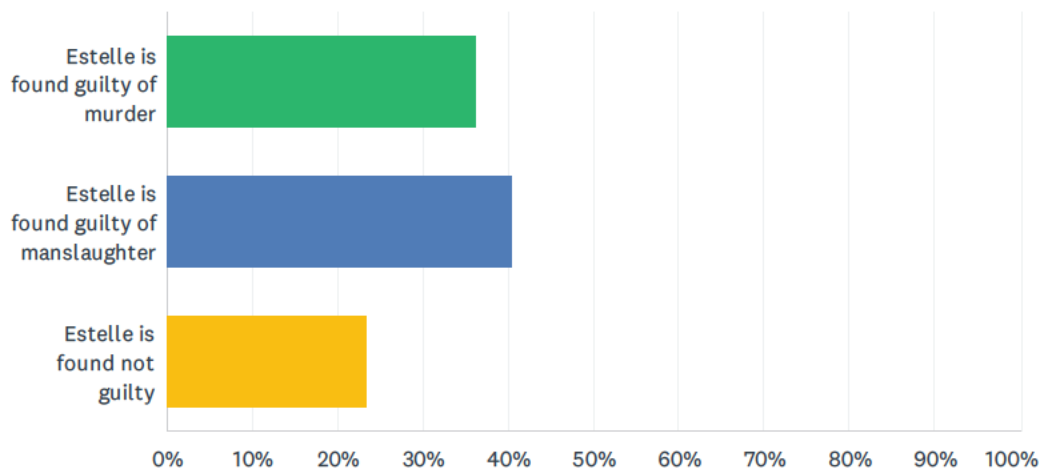
Answered: 144 Skipped: 21



| ANSWER CHOICES                        | RESPONSES |     |
|---------------------------------------|-----------|-----|
| Daisy is found guilty of murder       | 6.94%     | 10  |
| Daisy is found guilty of manslaughter | 49.31%    | 71  |
| Daisy is found not guilty             | 43.75%    | 63  |
| TOTAL                                 |           | 144 |

Q7 Please consider the following scenario and respond to the questions below. Vernon had abused his partner Estelle for a number of years. This included Vernon calling Estelle names and telling her she is worthless, as well as punching, slapping, kicking and shoving her, resulting in bruising, black eyes and hospitalisation for broken bones. A couple of times, Vernon's abuse led Estelle's family or friends to call the police. However, Estelle always refused to make a statement to the police. One afternoon, they were in the kitchen together and started to argue. Vernon slapped Estelle on the face and told her that she was useless. Then Vernon said no one would miss Estelle if he killed her. In fear of her life, Estelle decided she couldn't take anymore abuse, so she waited until Vernon was asleep, took a knife from the kitchen and killed him. If the scenario below went to court, based on the information you have been given, what do you think the outcome should be?

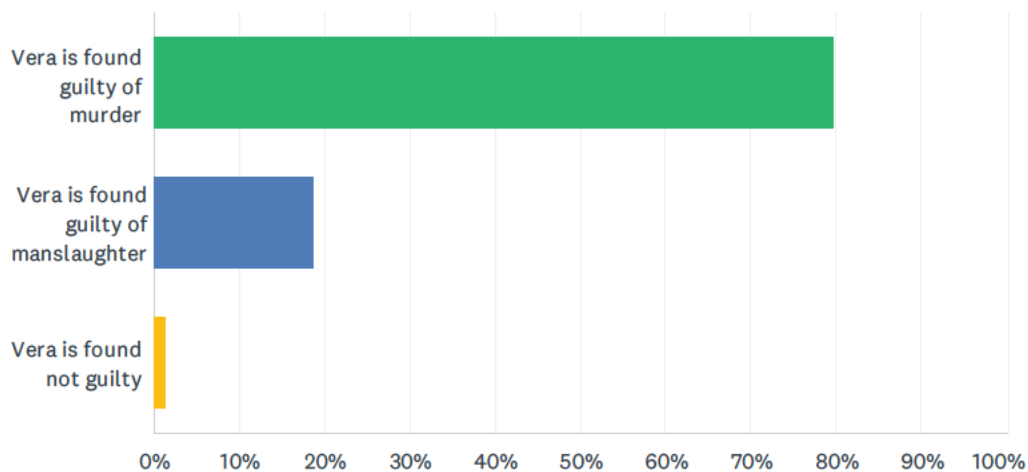
Answered: 141   Skipped: 24



| ANSWER CHOICES                          | RESPONSES |     |
|---|-----------|-----|
| Estelle is found guilty of murder       | 36.17%    | 51  |
| Estelle is found guilty of manslaughter | 40.43%    | 57  |
| Estelle is found not guilty             | 23.40%    | 33  |
| TOTAL                                   |           | 141 |

Q8 Please consider the following scenario and respond to the questions below. Vera and Dylan have been in a relationship for 10 years and have two children together. They've been arguing a lot over the past few months, and Dylan had told Vera that he has been thinking about a relationship separation. One night Vera came home and accused Dylan of having an affair. Dylan admitted that he had and during a heated argument, he said that his new partner was much better than Vera in bed. Vera became angry, went to the shed, grabbed a shot gun and killed Dylan. If the scenario below went to court, based on the information you have been given, what do you think the outcome should be?

Answered: 138 Skipped: 27

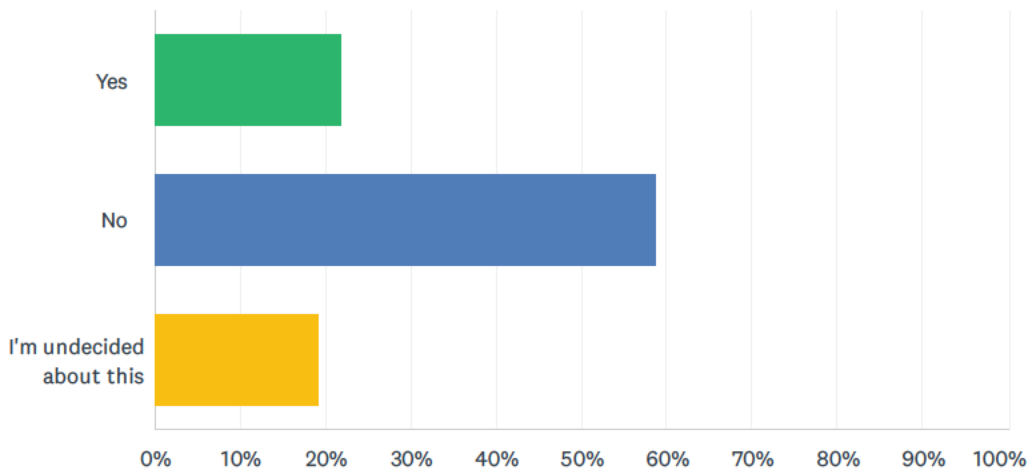


| ANSWER CHOICES                       | RESPONSES |     |
|--------------------------------------|-----------|-----|
| Vera is found guilty of murder       | 79.71%    | 110 |
| Vera is found guilty of manslaughter | 18.84%    | 26  |
| Vera is found not guilty             | 1.45%     | 2   |
| TOTAL                                |           | 138 |



Q9 From their own recent consultations, The QLD Law reform Commission have stated that 'The community does not support the mandatory penalty of life imprisonment for murder. The community expects sentencing to reflect the culpability of murder defendants.' Do you agree with this statement?

Answered: 136 Skipped: 29



| ANSWER CHOICES           | RESPONSES |     |
|--------------------------|-----------|-----|
| Yes                      | 22.06%    | 30  |
| No                       | 58.82%    | 80  |
| I'm undecided about this | 19.12%    | 26  |
| TOTAL                    |           | 136 |

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