



The Hon Jarrod Bleijie MP
Attorney-General and Minister for Justice

In reply please quote: 549021/1, 2066492

Your ref: 10.4 Petitions

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Mr Neil Laurie
The Clerk of the Parliament
Parliament House
Cnr Alice and George Streets
BRISBANE QLD 4000

Dear Mr Laurie

Thank you for your letter dated 29 November 2012 regarding petitions number 2031-12 and number 1945-12 received by the Queensland Legislative Assembly on 29 November 2012.

The petitions draw to the attention of the House section 222(8) of the Criminal Code which provides a defence to incest where the parties are lawfully entitled to be married. The petition refers to the case of *R v Rose* [2009] QCA 83 which concerned a successful appeal against conviction on six counts of incest. The petition requests the House to urgently amend section 222(8) of the Criminal Code.

Pursuant to Standing Order 125, I provide the following Ministerial response to the petition.

Section 222 of the Criminal Code provides for the offence of incest, punishable by up to life imprisonment. Mr Rose was convicted at first instance, for having consensual vaginal intercourse with his long time de facto wife's 17 year old daughter. However, the conviction was set aside by the Court of Appeal on the basis that Mr Rose and the complainant were 'lawfully entitled to be married' at the time of the charged offences as provided for under section 222(8) of the Criminal Code.

On 29 November 2012, I introduced the Criminal Law (Child Exploitation and Dangerous Drugs) Amendment Bill 2012 (the Bill) into the Queensland Parliament. The Bill amends section 222(8) of the Criminal Code to close the loophole in such cases as *Rose* where an adult engages in consensual sex with their de facto partner's child being over the age of consent (aged 16 or 17 years) but not yet an adult (18 years).

A defence that both parties were lawfully entitled to be married at the time will be provided in cases only where both parties were adults at the time. The defence that both parties were lawfully married at the time will remain.

(2)

On introduction into the Queensland Parliament, the Bill was referred to the Legal Affairs and Community Safety Committee for detailed consideration. The Committee is due to report back to Parliament by 7 March 2013.

I trust this information is of assistance.

Yours sincerely



JARROD BLEIJIE MP
Attorney-General and Minister for Justice