

**House of Representatives**  
**Supplementary Order Paper**

**Tuesday, 9 December 2008**

**Sentencing (Offences Against Children)  
Amendment Bill**

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*Proposed amendment*

Metiria Turei, in Committee, to move the following amendment:

*Clause 4*

To omit subclause (2)(a).

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**Explanatory note**

To refer to the ‘defencelessness’ of the child as an aggravating factor will introduce unnecessary litigation about the relative ability of any one child to defend themselves and/or as to why one child might be more or less defenceless than another. The provision invites argument inferring the child bears some responsibility for the neglect or violence. Rather all children under the age of 14 should, by definition, be considered vulnerable and defenceless. Subclause (2)(c) addresses breach of trust aggravating factors—the likely intention underlying subclause (2)(a).