

## Infanticide

### s 22A (NSW) *Crimes Act*

Where a woman by any wilful act or omission causes the death of her child, being a child under the age of twelve months, but at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child

**Maximum Penalty:** 25 years (punished as if guilty of manslaughter)

	Case (age if known)	Offence	Plea	Sentence	Appeal	Record	Facts
1.	<b>Cooper</b> (21) <a href="#">[2001] NSWSC 769</a> Simpson J	Infanticide	PG	4y GBB			Female - smothered 7 month old daughter – also had 2y old at time of killing - difficult and abusive childhood - suffering depression prior to and after birth of all children - unable to cope with responsibility.
2.	<b>Pope</b> <a href="#">[2002] NSWSC 397</a> Greg James J	Infanticide	PG	3y GBB			Mother drowned 12w daughter in bath - existing mental condition worsened after birth of baby - nature and extent of condition not fully realised Some improvement in mental condition - support of husband and family
3.	<b>Azzopardi</b> <a href="#">[2004] VSC 509</a>	Infanticide – s.6 (VIC) <i>Crimes Act – [5y]</i>	PG	18m community based order			Drowned 5w baby – suffering psychiatric condition after birth of child
4.	<b>CRS</b> (29) <a href="#">[2012] NZHC 709</a>	Infanticide – [3y]	PG	2y intensive supervision	Breached bond for conceal death of child		Concealed pregnancy from friends and family – smothered baby at birth and concealed in plastic bag for 6 weeks in cupboard – body found by mother – spontaneous offence – still affected by still birth of earlier child Troubled psychiatric history – major depressive disorder
5.	<b>Q P X</b> <a href="#">[2014] VSC 189</a>	Infanticide – s.6 (VIC) <i>Crimes Act – [5y]</i>	PG  Recklessly causing serious injury	12m community corrections order			2 months old twin girls suffered colic and difficulty in settling – both suffered serious injuries inflicted over period of time – mother accepted she inflicted injuries – one twin survived – suffering serious psychiatric condition

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

	Case (age if known)	Offence	Plea	Sentence	Appeal	Record	Facts
6.	Z Z H M <a href="#">[2015] VSC 524</a>	Infanticide – s.6 (VIC) <i>Crimes Act – [5y]</i>	PG	12m community corrections order		nil	Gave birth to daughter alone in bedroom – unaware pregnant – placed hand over mouth for short time to keep quiet – believed could breathe through mouth – concealed body in bag under tree – disclosed birth to sister one week later and attended police station– baby probably born in poor condition at risk of natural death - 'rare but recognised' mental state called 'denial of pregnancy (or pregnancy denial) – birth led to severe shock and dissociated state Remorse and strong prospects of rehabilitation

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