

Attention: The Legal Affairs and Community Safety Committee

**Re: Criminal Code and Other Legislation Amendment Bill 2019 (Government Bill) and
Criminal Code and Other Legislation (Mason Jett Lee) Amendment Bill 2019 (Private
Member's Bill)**

I write to support of both the above Bill Amendments.

It is incomprehensible that we continue to see grossly inadequate sentencing for the protracted abuse and eventual death of innocent and helpless children.

When the sentencing was disclosed for William O'Sullivan (responsible for the murder of little Mason Jet Lee)- we were surrounded by promotion for Child Protection week, the irony is tragic is it not? Of what value are the morning teas, the posters, the fundraisers, the pledges - when this pitiful sentence sends such a powerful message that we in fact DO NOT value the protection of our children?

If we truly did, then I would not have been able to easily find on the internet many instances of tougher sentencing for theft and tax fraud.

I applaud the actions in ordering a report from Queensland's Sentencing **Advisory** Council, to review sentencing in child homicide cases. The majority of adults who are found to cause the death of a child are convicted of manslaughter rather than murder. On average, people found guilty of child manslaughter spend 6.8 years in jail. Those found guilty of adult manslaughter spend 8.5 years in jail.

What exactly is a child's life worth? What will we take from this report to ensure that innocent young lives matter?. Enough talking, we need change or more children are going to die and more offenders will be free to live out their lives unlike their victims. According to Queensland Government statistics – Mason's average life expectancy was 80.1 years. You do the maths on the life he has been robbed off, and all the experiences in between.

The United Nations Convention on the Rights of the Child are clear and applicable in this matter;

- Governments should ensure that children are properly cared for and protect them from violence, abuse and neglect by their parents or other caregiver
- The right to be alive

Sentencing in no way reflects the important obligation we have to send clear messages as to the value of a child's life. The pure innocence, vulnerability and dependence of a child is not considered.

I reflect back on the tragic case of little 2 year old Tanilla Warrick-Deaves, who was bashed and left to die in her pram by her violent stepfather Warren Ross in 2011. It was of some consolation that Justice Rothman sentenced Ross to a maximum of 40 years in jail, with a 30-year non-parole period. This was appealed by Ross, with the appeal dismissed. Whilst I would ultimately like to see life without parole sentencing for child killers - I thank Justice Rothman for his courage and conviction. Why aren't we continuing his strong lead?.

The definition of denunciation as it applies to the principle in sentencing law "that the sentence send a clear message to the general public that the offence is serious and the punishment just".

A reflection over the below extracts from articles relating to Mason's horrific abuse and murder is heartbreaking to say the least. Public expectation is certainly of a far greater punishment than that imposed in this case and others similiar. The public are united in saying that this is not acceptable, and our voices are not being rightly represented.

As we read, can we just take a few moments to think about the vulnerability of a 22 month old toddler, barely yet able to put a sentence of more than a few words together. To think of the pain and the fear little Mason endured in his short life, and particularly the last few months of his life. Totally dependant upon his "caregivers" to provide care, when all he received was further abuse and neglect.

Can I ask, how was Mason was meant to seek help? How was he meant to leave the dangerous and violent situation he was in? How could he have known what was to happen to him? How could he seek pain relief and treatment for himself? How could he tell someone what was happening to him? How could he receive comfort as he lay alone and dying, in agony?

“During O'Sullivan's sentencing, the court heard he had failed to seek adequate medical attention for Mason's fractured shin and severe perianal injures earlier in 2016”.

“The boy suffered skin loss in the perianal region similar to "that of a burn", either caused by a poor diet, lack of regular nappy changes or from a hose used by O'Sullivan to clean him”.

“Mason spent more than three weeks in hospital as a result and required a blood transfusion, but despite the injuries being labelled by a treating paediatrician as the worst he had seen in his 40 years on the job, he was returned home”.

“The little boy lived a short and tragic life of untreated broken bones, neglect and abuse”.

“In the months before his death, Mason was treated for multiple injuries and was admitted to Lady Cilento Children's Hospital for three weeks in February 2016.

That was for treatment of an abscess on Mason's right leg but doctors soon discovered he had a "chronic" and "extensive" rash around his genitals, including deep abscesses”.

“Ms Low went on to testify that Mr O'Sullivan could be quite aggressive and he had told her that Mason Lee’s skin marked very easily.

The court heard of one occasion where Mr O'Sullivan pinched little Mason’s stomach in front of her to prove it marked easily, however she said it did not”.

“Paediatric surgeon Professor Roy Kimble told the court the little boy’s death was avoidable, and it would have been obvious he was extremely ill and covered in bruises”.

“The boy is thought to have been struck hard enough that his bowel was perforated, and caused faeces to bleed into his abdomen.

He was allegedly not taken to a doctor, despite days of vomiting”.

“This child has had significant trauma,” he said.

“You should have known there was something very wrong with this child.”

“The boy spent the last of those days vomiting, feverish and dehydrated because O'Sullivan failed to get him treatment after hitting or kicking him in the abdomen in response to him crying, also yelling at him to shut up”.

“The court also heard that Mr Hodson was allegedly captured on CCTV verbally abusing Mason three times before he died.

"You walk like a spastic. Hurry up and grab your f*ing bottle and shut up c*** or I'm going to hit you in the head," Sergeant Murray said, quoting the alleged footage”.**

“Little Mason Lee was taken to McDonald’s for burgers at 3am, instead of the hospital, in the days before his death, a court has heard”.

“The Courier Mail reports Mason Jet Lee had been been vomiting for days before he was seen on CCTV footage returning home from McDonald’s, early in the morning on June 7”.

“The Queensland Supreme Court in Brisbane heard Mason suffered a slow and painful death over days”

“Mason Lee’s stepfather sent the boy's mother a sickening photo of him lying face down in "volumes of vomit" inside a Brisbane home before he died, a court heard”.

“The chilling new details come as it was revealed Lee was allegedly in an abusive relationship with O'Sullivan, which she claimed prevented contact with the toddler before his death”

“Mason’s final hours were spent alone wrapped in a towel, lips blue, making grunting noises”.

“After he died traces of methamphetamine were found in his blood”

“His little body was found at 12.30am on June 11 by officers summoned to the home by a 000 call. His “horrific” injuries were immediately obvious”.

“O’ Sullivan tried to cover up his involvement in Mason’s death by blaming paramedics for responding slowly when they had taken only six minutes to arrive after being called by a friend.

He also lied to police by saying he found Mason with his lips blue and mouth clamped on a bottle before calling an ambulance and later claimed his 12-year-old “serial killer” daughter may have beaten him”.

“Before he was declared dead by paramedics, Mason Lee's scarred and bruised body, clad in nothing but a vomit and faeces stained singlet, lay on a stretcher”

"His belly was bloated and massively swollen. His skin glazed and waxy. His face red and puffy. A bruise surrounded his left eye," [the Courier-Mail reported](#).

"Under his singlet, his abdomen was bruised and scarred. More scars and bruises showed on his arms and legs”.

“Prosecutor Aaron Murray said Mason had suffered widespread injuries”

“The hearing was told Mason was covered in bruises when his lifeless body was handed over a fence to a paramedic in the early hours of June 11”.

“He also had a tear to his anus that a paramedic believed could have been caused by a five to six-centimetre object”

“Prosecutor Sergeant Liesl Stephenson said O'Sullivan changed his story several times about what happened the night that Mason died, according to reports from the [Courier-Mail](#).

Police believe O'Sullivan left the children alone so he could visit Mason's mother for sex. CCTV footage shows the defendant leave the children unsupervised after 10pm on the night of Mason's death," she told the court”.

“The court also heard O'Sullivan took photos of the young boy alongside his own vomit, which he texted to his friends as the toddler lay dying”.

"That's the extent of care that this defendant has shown to a child who is clearly dying." Sgt Stephenson told the court.

“Forensic pathologist Dr Christopher Day, who performed the autopsy on the little boy’s body, testified that he died from abdominal injuries that caused his small intestine to rupture. That caused faeces to leak out, leading to an infection and sepsis, which killed the toddler”.

“He suffered extensive injuries, they were horrific and they were visible from head to toe,” Detective Acting Inspector Ben Fadian told media on Monday, following the results of a post-mortem.

“Doctors told the court they believe the child could have been saved had he received proper medical treatment”.

“Welfare officers visited Mason Lee’s mother three days before his death, failing to discover he was dying at another residence. It’s alleged Anne Maree Lee told welfare officers that Mason was not home, and was staying with his stepfather William O’Sullivan at Caboolture South, only four minutes drive from her home”

“Ms Low claimed she had raised concerns with Hodson about O’Sullivan, who allegedly showered with Mason for more than an hour at a time”. She told police Hodson replied that he wasn’t going to accuse my mate. Hodson had also told Ms Low how he encouraged O’Sullivan to rub the toddler’s face in vomit. F*** him. The stupid dog c***. I told him ‘you want to act like a dog, get on the floor like a dog’” Hodson allegedly said in a recording.

“Ms Low told police she had previously questioned O’Sullivan’s treatment of Mason. She claimed she saw Mason two days before his death, lying on O’Sullivan’s bed covered in vomit”.

“Chief Justice Catherine Holmes said Mason’s condition in the days before his death must have been wretched and painful”. He was not treated with any gentleness or kindness,” Justice Holmes said. "Worse, you did nothing to get help for him despite what would have been his evident distress."

My 4 year old son was curious regarding my photo's of Mason, and why I was writing about them. I simply told him that a bad man had hurt Mason and mummy thinks he needs to be punished.

His reply "if the man hurt Mason mummy he should go to jail for more than a hundred years".

Why has our justice system remained so fundamentally out of touch with humanity and public expectation?. How many more innocent children need to suffer and die, before we take meaningful action?. The current sentencing of child killers is quite simply grossly inadequate, and until such time as it is changed – we share the blood on our hands. We may think we sit in our high ground of difference and morality – and yet we are not far removed from evil if we do nothing.

Thank you for your time.

Yours sincerely
Stacey Brakenridge

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