




Speech By  
**Andrew Powell**

**MEMBER FOR GLASS HOUSE**

---

Record of Proceedings, 1 May 2019

**CRIMINAL CODE AND OTHER LEGISLATION AMENDMENT BILL; CRIMINAL  
CODE AND OTHER LEGISLATION (MASON JETT LEE) AMENDMENT BILL**

 **Mr POWELL** (Glass House—LNP) (3.53 pm): May I begin my contribution to this debate by acknowledging the contribution of the member for Ninderry. I want to acknowledge the work that he has done over many years, alongside a number of others in this chamber, to protect our kids and ensure that those who harm our children are brought to justice. I want to acknowledge the heartfelt contribution of the member for Ninderry in particular.

Before I became the member for Glass House just over 10 years ago I served four years with the department of child safety in this state. I have to say that I am very grateful for the fact that I was not a front-line child safety worker. Even so, through working with foster carers, child safety workers, police and health workers, I heard some horrifying stories. When we were told through the media in June of 2016 of the dreadful death of Mason Jett Lee in Caboolture, I have to say that I was left appalled, saddened and extremely angry. Until the redistribution a couple of years ago I represented parts of Caboolture. Indeed, members of Mason's broader family resided in the electorate of Glass House. I joined them and the member for Mudgeeraba in a community day of action not long after Mason's death to try to bring to the attention of the Palaszczuk Labor government concerns around child safety practices, what was known and what action was not taken.

When a 21-month-old suffers and dies from, and with, a perforated duodenum, peritonitis, a fractured leg, a fractured skull, a fractured coccyx, abscesses, dermatitis, a prolapsed anus and has traces of drugs in his bloodstream, my blood boils. So does that of the community that I represent and, I suspect, a lot of Queensland. Despite the severity of these injuries Mason Jett Lee's mother, his stepfather and a lodger who was residing with them at the time were only charged with manslaughter. What is more, Mason's mother, Anne Maree Lee, pleaded guilty to manslaughter and received a nine-year jail sentence, but at the time of sentencing she was likely to walk free after serving just five more months. That lodger I referred to, Ryan Robert Hodson, was originally charged with manslaughter. He pleaded guilty to the downgraded charge of child cruelty, but even this was reversed when the judge determined there was insufficient evidence and he walked free. Mason's killer—his stepfather, Andrew O'Sullivan—was sentenced to nine years in jail for manslaughter, but he could walk free after serving just six.

It is fair to say that those charges and sentences do not meet community expectations for such crimes, which brings us to the bills we are debating today. I will start by looking at the government's bill. The government is looking to strengthen sentencing practices around child homicide. It intends to do that by expanding the definition of murder in section 302 of the Criminal Code to include reckless indifference to human life. It intends to do that by inserting a new aggravating factor into the sentencing principles to provide that, in sentencing an adult offender convicted of the manslaughter of a child under 12 years, the court must treat the child's defencelessness and vulnerability, having regard to the child's

age, as an aggravating factor. It intends to do this by increasing the maximum penalty for failure to supply necessities from three years imprisonment to seven years imprisonment and to reclassify the offence as a crime.

As the member for Ninderry has outlined, whilst these are positive steps there are some concerns about the ability to have reckless indifference achieve the outcome the government is seeking. It will not be specific to child victims. There are significant concerns that the proposed expanded definition of murder will not always result in a murder conviction, even when the killing was violent or grossly negligent. As we have seen from child homicide cases in New South Wales, in many cases the offender is charged with murder but later enters a guilty plea to the lesser charge of manslaughter. Indeed, for those reasons it was not recommended by the Queensland Sentencing Advisory Council.

Having said that, we in the LNP will support these changes, but we do not believe they go far enough. That is why I call on members in this chamber to support the LNP's bill. The LNP's bill will enforce stronger penalties for unlawful homicide offences involving the death of a child. It will ensure that sentencing for homicide offences involving children reflects broader community expectations. It will do that by introducing a mandatory minimum non-parole period of 25 years imprisonment for the murder of a child under 18 years. I know there are members in this House who do not like the concept of mandatory sentencing. It is interesting that at various times both sides of parliament and politics have chosen to support them. I think in this instance that change speaks for itself, and it will have enormous support from the Queensland community when we consider that we are talking about the murder of a defenceless child.

The LNP bill will also introduce a new offence of child homicide, which will attract a mandatory minimum non-parole period of 15 years imprisonment. When we think about the sentences given to the members of Mason Jett Lee's family and the sentences given in the case the member for Ninderry outlined, how much more appropriate would a 15-year mandatory minimum sentence be? The proposed child homicide offence will apply to any person who kills a child by an act or omission, including an act of violence, a sexual offence or a breach of duty in the Criminal Code. Violence will include vigorous shaking, punching, kicking, stamping, throwing, squeezing, suffocating, strangling or any violent act that causes a child's death. The intent of this bill is to recognise and protect vulnerable and defenceless children, whether it is their age or capacity that increases their vulnerability. Yes, there will be defences. There will be defences around diminished responsibility, killing on provocation and killing for preservation in an abusive domestic relationship.

At the end of the day, unlike Labor the LNP can guarantee that a person convicted of child murder will spend a minimum of 25 years in prison. Unlike Labor, the LNP can guarantee that a person convicted of child manslaughter will spend a minimum of 15 years in prison. This is double the average of what offenders are currently getting. We have a track record of introducing tough criminal law reforms aimed at protecting our children. We are committed to ensuring that the length of sentence imposed on child killers reflects the gravity of the crime and, indeed, the expectations of the communities throughout Queensland, starting with the community of Glass House and those who personally knew Mason Jett Lee and have been part of the journey since his tragic and unnecessary death in June 2016.