



Speech By **Dr Christian Rowan**

MEMBER FOR MOGGILL

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

 **Dr ROWAN** (Moggill—LNP) (3.30 pm): I rise to address the cognate debate on the Criminal Code and Other Legislation Amendment Bill and the Criminal Code and Other Legislation (Mason Jett Lee) Amendment Bill. There are few events and issues that can truly unite and draw a common response from the community. The one I am about to address—the death of a child, especially the murder or manslaughter of a child—is such an event.

When we sit in front of the evening news or open the day's newspapers and learn of yet another horrific and senseless death of a child, we are shocked, stunned and saddened. No matter who you are or where you live, when you learn of the violent death of a child it is something that is ultimately very emotionally traumatic. Your heart sinks. You cannot help but think of the sheer grief that the child's family must be going through and you are left feeling for the defenceless child and the life they will never be able to live. Ultimately, you are left thinking 'How can these things happen?'

The devastation at such a loss of an innocent life is only further compounded when we later learn of the wholly inadequate sentence that is often handed down for the killing of that child. Again, we are left asking, 'How can such a light sentence be imposed and not meet community standards and expectations?'

This is where we find ourselves this week and in this debate. In this House, 93 elected members sit across six political and independent parties representing just over five million Queenslanders. Sure, we have our differences and our competing views on what is best for the state of Queensland and its people and how we go about achieving good government, but I truly believe that in this House there is more that unites us than divides us and I believe that we are united in acknowledging that the current sentencing and penalties for the murder or manslaughter of a child need to be enhanced. That is why we on this side of the House will support the government's Criminal Code and Other Legislation Amendment Bill in the spirit of bridging the community's expectations, but Labor's bill was only introduced in response to the LNP's bill and the additional LNP legislative content could ensure that the Labor government's bill is strengthened.

Turning to Labor's Criminal Code and Other Legislation Amendment Bill, the government proposes to: firstly, expand the definition of murder in section 302 of the Criminal Code to include reckless indifference to human life; secondly, insert 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; and, thirdly, increase the maximum penalty for failure to supply necessaries from three years imprisonment to seven years imprisonment and reclassify the offence as a crime.

As noted by my Liberal National Party colleagues on the Legal Affairs and Community Safety Committee, the member for Southern Downs and the member for Lockyer, these amendments by the government should strengthen the existing legal framework and may lead to increased sentences for

child killers. That is where we, the Liberal National Party, differ from the government. The Liberal National Party believes in this instance it is far better to amend legislation that takes us from an outcome that may lead to increased sentences for child killers to one that will lead to increased sentences. That is why the Liberal National Party is proposing to, firstly, increase the sentence for those who murder a child from 20 years to 25 years to bring Queensland's law in line with other Australian states and territories and, secondly, create a new child homicide offence that will see offenders convicted of child manslaughter serve a mandatory minimum sentence of 15 years, which is the maximum penalty for manslaughter.

The LNP's proposed child homicide offence will apply to any person who kills a child by an act or omission, including an act of violence, sexual offence or a breach of duty in the Criminal Code, which is the duty to provide necessities. Violence includes vigorous shaking, punching, kicking, stamping, throwing, squeezing, suffocating, strangling or engaging in any violent act that causes a child's death. The intent of the bill is to recognise and protect vulnerable and defenceless children, whether it is their age or capacity that increases their vulnerability.

Contrary to some of the claims made by those opposite, the bill proposed by the Liberal National Party provides for defences including diminished responsibility, killing on provocation and killing for preservation in an abusive domestic relationship. Importantly, and again contrary to some of the claims by those opposite, the child homicide offence will not apply to accidental deaths such as a child drowning in a home pool or a child being accidentally run over.

The Liberal National Party makes no apologies for these tough measures. The situation we face here in Queensland demands nothing less. As the Queensland Sentencing Advisory Council found last year, Queensland has the highest rate of child homicides in Australia but those convicted of child manslaughter face less time in jail on average than those convicted of adult manslaughter. At the time of the release of the council's report last year, Dr Samantha Bricknell of the Australian Institute of Criminology was reported as noting that Queensland's child homicide rate in some years has been double the national average. Further, Dr Bricknell was quoted as saying—

Something is genuinely happening with child homicide in Queensland.

Not only is something happening with child homicide but something is happening with sentencing for child homicide. Quite simply, it is failing to live up to the community's expectations. As the *Courier-Mail* articulated in an editorial in February this year—

Too often the pages of this newspaper have contained examples of horrific violence against defenceless children. And too frequently the killers have been handed sentences shorter than what the community might expect or even what white-collar criminals were receiving.

As I am conscious of time, I will refrain from repeating some of the examples but I note that many tragic instances have been highlighted in this debate already, including the circumstances of Mason Jett Lee, whom our bill is named after. They have been truly confronting and extraordinary to digest as an elected representative, let alone as a father and community representative.

What we are dealing with here is a system that has failed to meet the expectations of the community. That is why we, the 93 members in this House who have been elected by our individual communities, must act and we must act now. Our community expects nothing less. Whilst this legislation is putting in a minimum safety framework, we all must do more together to ensure that our most vulnerable and defenceless are protected. We need to make sure that parents are given the support they need. We need to ensure that people and community organisations act when it is identified that there are at-risk children in our communities. In this way, we can make sure that these tragic sets of circumstances are prevented in the future. We need to value our children, who are our future generation.