




Speech By
Corrine McMillan

MEMBER FOR MANSFIELD

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

 **Ms McMILLAN** (Mansfield—ALP) (4.18 pm): Today I rise to speak to the Criminal Code and Other Legislation Amendment Bill 2019, the government bill. Under this legislation, killers whose callous disregard for their victims leads to their death will, if convicted, face life in jail. These are the people who are escaping murder convictions because intent is inherently difficult to prove in these types of cases. This bill will expand the definition of murder to include the unlawful killing of another if the death is caused by an act or omission with reckless indifference to human life.

The Palaszczuk government wants justice for the victims and justice for those left behind, their families and their friends. We want to see strong sentences imposed when people take the lives of our most vulnerable—our children, our elderly and the disabled. The community must have confidence that Queensland has a criminal justice system that is robust in its protection of the most vulnerable members of our community. Some of the most vulnerable members of our community are of course our children. All too often I have supported child victims of abuse and their families in my role as a teacher and school leader. I have witnessed firsthand the impact of physical and sexual abuse on young people and the form of abuse or neglect, whether this be neglect through hunger, deprivation of love, safety or exposing young people to harm. Nothing is harder than leading a school community through a tragedy that involves a child. Every child has the right to be safe and to live in a home free from violence. However, the bill is not limited to child victims. Rather, it is also intended to capture other vulnerable people in our community such as the elderly.

On 25 October 2017 the then attorney-general and minister for justice and minister for training and skills referred an inquiry to the Queensland Sentencing Advisory Council to review the adequacy of penalties imposed on sentence for criminal offences arising from the death of a child following significant and ongoing community concern about whether such sentences are meeting expectations. On 21 November 2018 the council released its report, *Sentencing for criminal offences arising from the death of a child*. The report contains eight recommendations and presents four areas of advice to provide an evidence based response to improve sentencing practices for child homicide. Also on 21 November 2018 the Attorney-General and Minister for Justice and Leader of the House announced that the government will implement all recommendations from the report and introduce amendments to expand the definition of murder to include reckless indifference to human life.

The bill implements recommendation 1 of the report by amending section 9 of the Penalties and Sentences Act 1992 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. This is the only report recommendation requiring legislative change. The amendment to the definition of murder will operate prospectively to offences committed after commencement. Work is progressing by the Queensland Police Service, the Office of the Director

of Public Prosecutions and the Department of Justice and Attorney-General to implement the other report recommendations to ensure that, as far as possible, the justice system is responsive to the needs and expectations of bereaved family members of victims of child homicide.

In conclusion, I acknowledge and thank all of the stakeholders for their time provided during consultation in development of this bill. I also thank the family members who have tragically lost a child and who have advocated long and hard for changes to our law to ensure that sentencing adequately reflects community expectations. I commend the bill to the House and I recommend that the Criminal Code and Other Legislation (Mason Jett Lee) Amendment Bill 2019 not be passed.