




Speech By
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MEMBER FOR GREGORY

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

 **Mr MILLAR** (Gregory—LNP) (5.22 pm): I support mandatory sentencing for child killers. It is one of the most horrendous crimes we can ever see in our community. If a child is intentionally taken early in life by a person, it is the most horrific crime that we can have in our society. Our children play an important role. They are our most important resource when it comes to making this state and this country better. If someone takes their life intentionally, they should face mandatory sentencing.

These matters are very serious. Sadly, they have been prompted by many shameful and tragic cases in recent years. This topic is a difficult one to discuss but, as the testimony to the committee showed, the widespread social disgust it engenders is dwarfed only by the terrible burden of grief that the families of victims are left with. I acknowledge those in the gallery tonight. I thank those who testified before the committee. I hope you see in the deliberations of the House today some solace in your pain. Please accept my most sincere and heartfelt condolences for your tragic loss.

All of us in this House have been left shocked and distressed by these cases. There is a widespread feeling in my seat of Gregory that this House needs to address the situation that sees the offence of manslaughter of a child attracting a lesser sentence than the offence of manslaughter of an adult. According to QSAC, it can be up to two or more years. Intuitively, this seems a nonsense. We do not value our children in a lesser way than our adults. I know that for a fact.

As legislators, we sometimes have the responsibility of facing the hard questions, and the value of a child's life must be among the hardest. Indeed, as a parent, I can barely stand to contemplate these cases. It is heartbreaking—absolutely heartbreaking. I am making this contribution because I want to see laws that are clear and stern. If you take the life of a child by murder or reckless indifference, you will face the most stringent of consequences and you will face them most certainly—no ifs or buts. Because of their very defencelessness, because of their very dependence on the adults around them, we should cherish the life of every child in Queensland, and our laws and institutions should reflect that. Otherwise it is lip-service, and these dreadful tragedies will continue to shame us and, most importantly, break our hearts.

The government's bill makes a good start to addressing the issue by expanding the definition of murder to include reckless indifference to human life. Many Queensland child killers have only been charged with manslaughter because an offence of murder requires the prosecution to be able to prove the intent of murder. This proof can be difficult to establish, although the outcome is devastatingly clear.

Every time we see one of these tragic cases come before the courts, it is clear that there has been a reckless indifference towards the welfare of the most important person—the child. This offence of reckless murder does indeed exist in several other Australian jurisdictions. I know from constituents who have spoken to me about these cases that Queenslanders feel very deeply that it should exist in Queensland's jurisdiction.

If the likely outcome of your action is loss of life and you continue with those actions, to my mind you are just as guilty as someone who plans and intends the death of another in any other way. The charge of recklessness will extend not only to children but to anyone—the disabled, seniors, teenagers, victims of domestic violence. I also welcome the legislation addressing the issue of failure to provide the necessities of life. Children are particularly vulnerable; we all know that. They are essentially defenceless. I am pleased to see this recognised and addressed by treating the defencelessness of the child as an aggravation. Treating this as an aggravation in no way restricts the court's ability to take account of the other factors listed in section 9 of the Penalties and Sentences Act, such as violence and domestic violence.

I welcome the government's bill, but I do not believe it is robust enough. It adds an aggravation factor to what is already a long list of aggravating factors which should already be reflected in sentencing but which in practice can lead to a lawyers picnic of plea bargaining. I can only imagine that, for the family of the victim, this is an added injury. Evidence from New South Wales does show us this concern is real if you only take the approach of treating the age of the child as an aggravation.

The LNP bill would guarantee, through mandatory sentencing, that child killers will receive a sentence equal to the horror of their actions, a sentence that reflects community attitudes to this horrendous crime, a sentence that addresses justice for the victim and the family of the victim. I say this to the government so they understand: I stand here supporting the government's bill but I am asking them to support the LNP's bill. By passing both bills, we will be able to obtain the best outcomes for Queenslanders in such serious matters. This surely must be our paramount concern.

We are talking about something that is incredibly important. I want the families of the children who have been lost to understand that our hearts break. Every child's life in this state is incredibly important. I know both sides of the House are trying to do what they can to make sure we have the right sentences available, but I ask those opposite on the government side to support the LNP bill.

I would also like to take this opportunity to thank the member for Toowoomba South, the shadow Attorney-General, who has done a wonderful job in putting his private member's bill together. I have three children of my own and he has two beautiful daughters and a son, and I know that some of the issues that he has had to face with this bill have been heartbreaking. I also pay respect to the police officers in this chamber who have seen things that we never have to see, who have gone to victims of this sort of violence and had to investigate but also communicate to those families in a way that would have been hard.

As a parliament we have to provide the best laws and severe penalties if someone takes a child's life. A child is so precious to us. A child is so precious to this community in Queensland and to Australia because they are our future. Take a child's life and you may be taking the person who cures cancer, the person who is the next doctor, the person who is the next physicist, the person who is the next person to do something incredibly special for this great state. That is why we need to put in place penalties so that if someone takes a child's life they face a mandatory jail sentence and they do not see the end of jail.