




Speech By
Hon. Mark Ryan

MEMBER FOR MORAYFIELD

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

 **Hon. MT RYAN** (Morayfield—ALP) (Minister for Police and Minister for Corrective Services) (4.30 pm): Changing these laws is the right thing to do. Changing these laws will put victims first. Changing these laws means that those who would do harm to our most vulnerable people will be treated in the manner they deserve.

I rise to speak to the Criminal Code and Other Legislation Amendment Bill 2019 in this cognate debate. Let us not mince words. A person who deliberately or recklessly causes the death of a child is a murderer and should be treated as such. That is what these new laws will do. It is what the community expects. It is what this government will do. The law is not a static, unbending, unchanging entity that sits gathering dust in the corner of a courtroom. The law must be alive to the valid expectations of the community it serves. Laws evolve just as society does. That is what this government is doing with its bill. It is evolving the law.

It is no small thing to change the law. Therefore, it is important that any changes are carefully thought out. We need to be ever vigilant to unintended consequences. When changing the law, we need to make sure that those changes are evidence based. That is what the government is doing. Its changes have been carefully considered. Thought bubble laws do not work. We have seen that in the past. Laws, no matter how superficially appealing, have to work. A law that does not work is no law at all.

The Queensland Sentencing Advisory Council examined these issues very carefully. As a consequence, the government is making amendments to expand the definition of murder to include reckless indifference to human life. Under these changes, those who recklessly cause the death of the vulnerable are murderers. In addition, when an adult offender is 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. The bill also increases the maximum penalty for failure to supply the necessities of life from three years to seven years imprisonment. These laws are not limited to child victims. They will also apply to those who harm other vulnerable people in the community, such as elderly people.

A short time earlier I spoke about unintended consequences. We do not want to see those involved in a tragic accident—people who had no intention of causing another's death—being treated as murderers. I do not want to speak too much about the opposition's alternative proposals, except to say this. Once more, when it comes to critical matters of law, those opposite show a lack of understanding. Their sentencing proposals risk the unintended consequences that I have spoken of. It risks people, who are guilty of being inadvertently involved in a tragic accident, spending 15 years in jail. That person would get the same sentence as someone who deliberately or recklessly caused the death of a vulnerable person—in other words, an unintended consequence. These are important matters and should not be reduced to some kind of tough-on-crime arms race in search of a favourable headline. The victims and their families deserve better from those of us who inhabit this House.

I simply make the point that, under the government's legislation, by expanding the definition of murder, offenders face a life sentence, or 20 years in prison. Under the alternative child manslaughter plan of those opposite, the maximum penalty is 15 years. More important than any difference in sentencing, it is important to call things as they are. Under our new laws, those who recklessly kill a vulnerable person will be recognised as murderers, because that is what they are. I support the government's bill in this debate and I encourage all members to vote accordingly.