Speech By

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

Ms SCANLON (Gaven—ALP) (4.09 pm): I rise to make a contribution to the debate on the Criminal Code and Other Legislation Amendment Bill 2019. I start by thanking the committee for its work in relation to this matter. I can only imagine how difficult the nature of the contents of its inquiry would have been. This issue is not easy and it is not something that in an ideal world we would have to deal with. I came into this parliament, like many, wanting to create meaningful reform that changes people's lives and I share the views of the member for Macalister that if we can find measures and fund programs that prevent these horrible situations from occurring that is of course the preference, but the unfortunate reality is that these horrible deaths occur and all right-minded people are concerned that the consequences are not in line with community expectations.

The death of any child is tragic. It is particularly confronting and almost hard to believe when the people who are supposed to be responsible for that child caused their death. Children are our future leaders. They deserve to be cared for, nurtured and loved and, at the very least, protected from harm. We have all heard about the widely publicised, heartbreaking stories that have rightfully concerned almost everyone in our community. I was out doorknocking a couple of weeks ago and met a woman who has been trying and trying to have a baby. She has been through numerous rounds of IVF and she shared with me how angry she was that she is desperately trying to provide a loving and caring home for a child while there are parents out there who have completely abrogated their responsibility, which in some horrible cases has resulted in the death of an innocent and vulnerable little human being. I understand our community's frustration that the sentences given to people being convicted for these offences relating to the death of a child are not adequate, and that is what this bill aims to address.

The Attorney-General and Minister for Justice responded to these concerns sensibly by asking the Queensland Sentencing Advisory Council to review the penalties and sentences arising from the death of a child. The *Sentencing for criminal offences arising from the death of a child: final report* was released in October last year and outlined eight recommendations. QSAC found that sentencing for manslaughter cases involving direct use of violence against a child does not reflect community views and, further, does not adequately reflect the significant vulnerabilities of a child. Recommendation 1 of the QSAC report was the introduction of a new aggravating factor for child homicide offences. The Criminal Code and Other Legislation Amendment Bill 2019 amends section 9 of the Penalties and Sentences Act by including subparagraph 9B—

In determining the appropriate sentence for an 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.

The bill also expands the definition of murder to include reckless indifference to human life and increases the maximum penalty for an offence of failing to supply necessaries under section 324 of the Criminal Code from three years to seven years imprisonment. QSAC also recommended that victims, their representatives, the public and media be provided with more information in relation to sentencing in a timely manner. The comment I am sure we have all heard from constituents is that sentences are

too weak and that judges are out of touch. Interestingly though, research reveals that the more people are informed they report less punitive views on crime, offenders and sentencing. That is to say that the more informed of the facts and circumstances of an individual case the more closely aligned public opinion is with judges and jurors. QSAC reports recommendations about better information sharing. However, they are not included expressly in this bill as the implementation does not require legislative amendment.

The opposition's response in its private member's bill effectively takes away the discretion of the court—the people who have all of the evidence and circumstances before them—to be able to make an informed decision. Mandatory sentencing does not deter offenders. Mandatory sentencing acts as a disincentive for people to plead guilty, meaning that witnesses and victims' families have to face the uncertainty and delays of a trial and the system experiences increased costs. Mandatory sentencing also increases the likelihood of contested trials as the offender has nothing to lose, again retraumatising the families already suffering.

As the Attorney-General and Minister for Justice stated in her introductory speech—

The mother who pleaded guilty to manslaughter on the basis that she did not obtain medical assistance for her child quickly enough, in a domestic and family violence context, would be sentenced potentially to 15 years jail under the LNP's proposed mandatory regime for manslaughter, the same as her partner who violently assaulted their child and showed a callous disregard for their child's needs. Any proposal to apply minimum mandatory sentencing would see the father who tragically forgot about his child in the back seat of his car also receive a mandatory 15-year jail sentence.

These examples outline the potential injustice that could occur if this parliament were to adopt the LNP's proposal. The Palaszczuk government wants justice to be done for those who are left behind, their families and friends and I genuinely believe that every single person in this House wants to protect vulnerable and defenceless children. I thank the family members, the legal stakeholders and community organisations that examined and reported on both of these bills. I commend the Criminal Code and Other Legislation Amendment Bill 2019 to the House.