




Speech By  
**Ros Bates**

**MEMBER FOR MUDGEERABA**

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

 **Ms BATES** (Mudgeeraba—LNP) (3.15 pm): I rise to make a contribution to the cognate debate on the Criminal Code and Other Legislation Amendment Bill 2019 and the Criminal Code and Other Legislation (Mason Jett Lee) Amendment Bill 2019. Our policy commitment to impose tough penalties for child killers was featured on the front page of the *Sunday Mail* on 4 November 2018. We also had intentions of bringing it to parliament in the form of a private member's bill and would have done so if the Premier had not suspended parliament a week early last year.

This new law by Labor is a cheap imitation. This new law fails to guarantee harsher penalties for child killers in Queensland. This soft approach by Labor leaves open the possibility for offenders to enter plea bargains with prosecutors to receive the lesser charge of manslaughter, which is still occurring in New South Wales. This approach fails to meet community expectations and address public outcry for tougher penalties.

The unlawful killing of a child is considered by the community as a despicable crime, particularly where the offence has involved violence, neglect or abuse. In response to a number of high-profile child killings, the Queensland Sentencing Advisory Council, QSAC, was directed to, among other things, review the penalties for criminal offences associated with the death of a child by the Attorney-General in October 2017.

The highest profile child killing has been the tragic case of Mason Jett Lee. Sadly, we have all seen and read the details of little Mason's tragic death. What happened to Mason Jett Lee was an absolute tragedy. As a mother, it breaks my heart to think about what little Mason suffered at the end of his short, sad life.

Madam Deputy Speaker McMillan, I am the proud patron of Act for Mason and, as you know, a passionate advocate for child safety and protecting the most vulnerable members of our community—children. There is nothing more evil than killing a child. The safety of our kids should be the priority for every government.

In August 2018, Mason Jett Lee's killer, William O'Sullivan, was sentenced to nine years jail, with a non-parole period of six years. In February this year, Anne Maree Lee was sentenced to nine years in jail but is eligible for parole from July this year, given the two years and seven months already served. This weak sentence highlighted major issues with sentences handed down by judges.

I tabled a petition on behalf of Act for Mason. It was on behalf of 38,030 people who wanted tougher penalties for child killers after what happened to Mason. Penalties need to meet community expectation and the kinds of sentences we have seen lately certainly do not meet that threshold. If the laws are not working, it is the parliament's role to change them. That is our role in this place.

QSAC handed down its report in November 2018. It found that manslaughter by violent or unlawful act—54 per cent—and manslaughter by criminal negligence, and that is neglect—32 per cent—are the two highest types of child manslaughter. Sadly, the majority of manslaughter offences are committed against the most vulnerable children under one year of age.

Offenders sentenced for adult manslaughter received significantly longer average sentences of 8.5 years than offenders sentenced for child manslaughter of 6.8 years. This is where the focus of this new law should be—ensuring offenders of such heinous crimes are punished accordingly. A loophole exists in our law as it stands that allows monsters convicted of killing children to receive more lenient sentences than adult manslaughter offenders. Should we now be addressing this as a priority? The LNP's policy certainly does.

Our Mason Jett Lee laws set out to raise the minimum non-parole period for the murder of a child under 18 from 20 to 25 years and to introduce a separate child manslaughter offence that will see any convicted person serve at least 15 years behind bars rather than the current 6.8 years as is currently the case. Our Mason Jett Lee law would see the child manslaughter offence inserted in the Criminal Code between murder and manslaughter to reflect that that offence does not amount to murder but is harsher than 'standard' manslaughter.

The LNP does have a track record on child safety that puts children first. I served as shadow minister for child safety from 2015 to 2017. I have seen firsthand how broken this system is under Labor. I have seen firsthand the lengths this government will go to hide the truth from Queenslanders. Time and time again I saw the Minister for Child Safety try to throw the crisis in child safety through the spin cycle and wash the data until it was barely recognisable. Under Labor we have seen a record number of carers walking away from the system, and that is a sad indictment when more and more carers of our most vulnerable are walking away. Despite all the money being thrown at the system, we still see abused children at further risk of harm. During my time as shadow minister for child safety we extended mandatory reporting obligations to include workers in early childhood education and care. This was in response to the tragic death of Mason Parker, a 16-month-old toddler from Townsville who was murdered by his mother's then boyfriend in 2011.

Only the LNP has a proven track record on child safety. Between 2013 and 2015 the LNP began to turn the child safety system around. Response times were improving and things were on the mend. Sadly, when Labor won government child safety began to languish. We saw investigation backlogs return, abuse cases go uninvestigated and a record number of children in out-of-home care. We have seen backlogs increasing, case loads expanding, resources remaining stagnant and child safety officers struggling to cope. We have seen excuses made, reports hidden, solutions ignored and careers terminated but, most frighteningly, we see children suffering and children dying because the department is not getting to them on time. We see children at risk of abuse today waiting hopelessly and helplessly for Child Safety to knock on their door, but in many cases help does not come. This is happening right here in our backyards in Queensland. Under this Labor government, child safety standards and figures went backwards, back to the days well before the Carmody inquiry.

While I am elated that Labor is finally paying the necessary attentions to the issues of child safety with these laws, it is too little too late. Since 2015 when Labor took power we have seen systemic failings occur and continue to occur under its watch. We cannot forget that these are the people who at the time hid the reports into the handling of Mason Jett Lee. Instead of a full, open, transparent release of the internal findings into Mason Jett Lee given the extraordinary level of public interest in this case, the then minister shamelessly refused to release them. This is the same government that is now standing before us with a law that does not go far enough to bring sentencing for child killers in line with community expectations.

We need to send a message that killing a child will involve lengthy jail sentences so that we set a tougher deterrent. Labor need to go further and adopt our policy. Under the LNP's plan the new offence of child manslaughter will ensure similar crimes are punished with a mandatory minimum 15 years jail penalty. We need more than what Labor is offering and we need it now. Government members should hang their heads in shame if they vote against our Mason Jett Lee laws. Hemi Burke's parents have travelled overnight—they slept in a car on the way down from Mackay—to be here to hopefully witness history with this government and the opposition working together to strengthen our laws. If this government had done its job in child safety, Mason Jett Lee would have been saved. Rest in peace, little Mason. You will never be forgotten.