




Speech By  
**Sandy Bolton**

**MEMBER FOR NOOSA**

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

 **Ms BOLTON** (Noosa—Ind) (12.13 pm): I rise to speak both on the Criminal Code and Other Legislation (Mason Jett Lee) Amendment Bill 2019 and the Criminal Code and Other Legislation Amendment Bill 2019. The death of a child is deeply tragic at any time and the killing of our innocent and vulnerable, be it by deliberate means, reckless indifference or negligence, is one of the most shameful crimes any person can commit and for our society not to address. Undeniably, ensuring that these acts are met with the appropriate severity of punishment is crucial. The tragic murders of our children has come under significant and understandable scrutiny from our communities for receiving grossly insufficient punishments. On these grounds, both proposed bills aim to ensure that such offenders receive the tougher sentences which our communities have called for and which are essential in seeking justice.

As noted by submitters, unintended implications may emerge from these proposed amendments. The member for Toowoomba South's bill to enforce a mandatory minimum sentence of 15 years on the proposed new offence of a 'child homicide' may see, as exemplified in submissions, someone far less culpable being sentenced than those which were the impetus for these bills. In the government's bill, the proposal to include reckless indifference in the definition of murder which was a recommendation of the QSAC report has been raised by various stakeholders as having potentially unintended high culpability as in the tragic case of a parent inadvertently reversing over their child or leaving a pool gate open resulting in death. Additionally, submitters had concerns with mandatory sentencing due to its impairing of judicial discretion. As the submission by Protect All Children Today notes, child homicide cases can vary significantly in culpability—from unintentional negligence through to severe abuse. Hence, it is seen as critical from these submitters that judicial proceedings retain the discretion to judge child homicide on a case-by-case basis without the precedent of a mandatory minimum sentence as high as 15 years imprisonment.

In summary, it is imperative that those who show reckless and lethal indifference to a child's welfare or wilfully murder receive tougher and longer prison sentences that meet community expectations and keep Queenslanders safer. I thank the member for Toowoomba South and the government for bringing these bills before the House. Our children, elderly and vulnerable deserve our love, protection and care—nothing less—and for to us support both of these bills, which I do.

In response to submitters' concerns on the implications that could come with mandatory minimum sentencing on less incriminating cases as exemplified and what appears at this time as not having provision for the judiciary to accommodate these, the member for Toowoomba South's bill in its present form has as yet answered these concerns. I trust that during this debate these are further addressed. Surrounding the government's bill and its unintended consequences, it has been noted that this bill leaves our courts with the appropriate powers of judicial discretion when it comes to convicting a person of murder, which is crucial in considering the intricacies of establishing reckless indifference and is in line with other jurisdictions.

Both bills are a commendable start in providing an increased deterrent to the callous murder of our most vulnerable who rely on us to keep them safe as well as keeping these offenders from harming others. Thank you to the government, the member for Toowoomba South, the committee, departmental staff, agencies and all involved in their work on these bills, as well as all the submitters for whom I realise this has been very difficult. To all impacted so tragically forever by the murder or killing of a child, these bills may not be anywhere near enough to what you would see as essential to alleviate your pain, nor put an end to these horrors; however, it is a start, and my heart goes out to you.

In conclusion, the taking of a life of our most trusting, vulnerable and beautiful is a stain on our society as a whole. Every day, we all must continue to work on mitigating, preventing and ultimately punishing these offenders with the full strength of the law. 'Not now, not ever' must be much more than a hashtag for an end to violence. It must become our mantra and our commitment and provide guidance to our judicial system in ensuring that perpetrators of death and violence are sent and kept where they belong—away from our families, our loved ones and our communities. I commend both bills to the House.