

## **TO THE QUEENSLAND SENTENCING ADVISORY COUNCIL**

**Submission: Sentencing for Child Homicide.**

**Date: 29<sup>th</sup> of November 2017.**

**Submission from John and Susan Sandeman**

Thank you for giving us the opportunity to comment and put forward our ideas.

We, John and Susan Sandeman, are ordinary people who have unfortunately become victims of crime. In 2011, our 17 month old grandson, Mason John Parker, was murdered in Townsville, Queensland.

After much thought we decided to put forward our perspective as the victims, the ongoing consequences and the long term impact murder has on families. We believe innocent young children who have died as a result of a homicide, needs to be the forefront of this important review. Simply, their life has been taken away, along with their Human Right to live, be safe, thrive, participate and be part of a family and community at large.

As community members, we have experienced first-hand the judiciary system specifically dealing with the topic of Child Homicide. We are in a unique position to inform you of a real situation, a reality that is being dealt with by real people, in real time. We have successfully introduced Mason's Law relating to Mandatory Reporting of suspected abuse to include Early Childhood and Education Centres in Queensland. Our focus for this was to give the children a voice and to protect them. We continue to fight for them as well as giving those no longer with us justice they deserve.

Since the death of our grandson, we have been actively involved in community consultation, advocacy and attend court in trials relating to child homicides.

The murder of a child is not a topic the community like to openly discuss. We allow ourselves to openly and honestly talk about our experience and people respond accordingly. It has allowed them to ask us questions both general and specific to our case. Many people are not happy and very concerned about our current laws specifically when children are hurt and murdered. People are outraged by our current sentencing laws relating to child murders and want harsher penalties to those that commit the crime.

Murderers need to be sentenced according to community expectations and it must be consistent. People need and want to take ownership of sentencing child murderers. Empowering them to take charge of what is happening to make their community safer. Our laws do not reflect moral and ethical standards of the community relating to child deaths involving murder.

Murderers have given up their own rights when they took away a child's right to life. Punishment needs to demonstrate that a baby's life is precious and is valued in our world. A child depends on reliable, caring adults for their survival. Many studies have been conducted, with great authority, on the convicted in terms of their human rights, their sentencing, rehabilitation, and so on. It is about time we think of the community who do the

right thing and their right to decide who, when and where they want child murderers to be and consequences of their horrific and inhumane behavior. Victims and their family are left to their own devices to continue life without a daughter, son, grandchild, niece or nephew.

**Sentencing a person who has been found guilty of murdering a child needs to be increased. As do those convicted of manslaughter. Furthermore, there should be no parole period in these cases and the handed down sentence must be served in full.**

Reasons for this include;

- **Discrepancy between public opinion and reality exists.**

There are 'Special' circumstances included in our current legislation that does not sit well. Depending on who the victim is depends on the length of the sentencing. For example, a person who murders a police officer and someone committing multiple murders receives the 25 and 30 years respectfully. In our case where a baby was murdered a 20 year sentence was handed down with a 15 year non-parole period. Parole should not even be considered in cases of child murders. It is insulting and not acceptable from the victim's point of view. Secondly, discrimination exists relating to the victim. There is gross discrimination in this legislation relating to age and the Rights of the Child. A murder is a murder. Someone's life has been taken from a person's actions of pure evil.

- **Victims and their families cannot be ignored.**

It is important that families of a murdered child must not be ignored. The ongoing trauma they must face for the rest of their lives affects many areas. Family relationships, health and general well being, mental health issues, careers and work prospects for example. Most victims go through life on their own facing such things like waiting to submit letters to the parole board to prevent murderers being released. If and when they are released, victims always watch their back in case there is retribution from the murderer. The fact we pushed to have Mason's Law introduced means that the history of the journey and reasons we fought for change will always mean the convicted murderer and his family will be mentioned in some way through media.

- **Rights of the Child.**

Many families of children who have been murdered continue to advocate for the deceased child along with those still with us. Under the United Nations Convention on **The Rights of the Child**, Article 12, states "...public services and governments are to protect children with the freedom and opportunity to express their views and that the service or government must consider their views in a meaningful way."

This is very difficult when you have children who cannot verbalise or communicate such as babies and toddlers. This is where we as the victim's family speak on their behalf. We know the true and life-long impact of Child Homicide. We live with it every day.

As this is one of the four core areas of the convention, in which Australia committed itself in 1990, the government is accountable before the international community and must protect children from convicted criminals, especially child murderers.

- **Life Sentencing misleading public assumption.**

The term life sentence is misleading to say the least. Even though murderers are convicted with a life sentence they are eligible for parole in our current system. Very few serve the term in prison until their death.

Since the introduction of the term, laws have changed. The death penalty and hanging no longer part of Australia's sentencing law. Life sentencing became the alternative vocabulary but the meaning is not self explanatory.

Murderers and those who have committed manslaughter need to experience the loss of something they value – freedom. Ideally, they should never be released, for they have forfeited their right at the moment they took someone life. However, they should at least serve the full term of their sentence without parole. Upon release (if at all), the prisoner must face family members of the person they killed explaining what they did and why. They need to admit their guilt and give family members answers.

Punishment needs to be increased in cases of child homicide. Children's vulnerability and dependency on adults to live in a safe environment and be given every opportunity to thrive and reach their potential is up to the adults in our community, including the government.

We sincerely hope the committee takes on board our suggestions. It is important for the general public to know any community member can make a difference in making our world a safer place for all. We thank you all for taking the time and valuing our contribution in this important topic of Child Homicide. We look forward to your reply.

Sincerely,

John and Susan Sandeman