

*Fiona Splitt*

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Acting Committee Secretary  
Legal Affairs and Community Safety Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

3rd June 2017

Emailed Only: lacsc@parliament.qld.gov.au

Dear Committee Members and Members of the Parliament

**Submission on "Corrective Services (No Body, No Parole) Amendment Bill 2017"**

Firstly I would like to thank our Government and Legal Affairs and Community Safety Committee for allowing me to make this submission and for the Parliament for listening to me.

I am writing on behalf of myself, and sadly the numerous other families in Queensland that are in the same situation as my family. Bruce Schuler (my Husband), disappeared on the 9th July, 2012, while prospecting near Palmerville Station north-west of Cairns. Stephen Struber and Dianne Wilson-Struber were convicted on 24th July, 2015 of his murder. Still to this day they have never co-operated with the police, or any other authority to reveal where Bruce is.

The not knowing where Bruce is, has been a nightmare to me, as I'm always expecting him to come home. Although my head tells me that this is not going to happen, my heart (still after five years) will not let go of this, until I can bring him home and bury him with dignity. I recently lost my father. This was easier, although still heartbreaking, because I was there with him when he passed, and I got to say goodbye at his funeral. The loss of a loved one is never easy to deal with, but the grief can be even harder to overcome, when you can not lay them to rest. When families lose a loved one, to the callous act of murder, the heartache and pain is overbearing, but to not know where your loved one is, or be given the opportunity to have closure and say goodbye, causes constant unbearable pain and suffering to victims' families.

**No one should ever have to experience this.**

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I wholeheartedly support the Bill including retrospectivity. Clearly, for my family, friends and other families in the same situation in Queensland, there is no hope of ever locating our loved ones should their convicted murderers not be included in the amendment:-

**Corrective Services (No Body, No Parole) Amendment Bill 2017 - Explanatory Notes**

The Bill provides the "No Body, No Parole Policy" will apply to the following parole applications:

- where the prisoner is convicted and sentenced for the homicide offence after the commencement of the Bill;
- where the prisoner was convicted of the homicide offence before the commencement but sentenced for the offence after the commencement of the Bill;
- where the prisoner was convicted and sentenced for the homicide offence before commencement of the Bill and the application for parole:
  - is made after the commencement of the Bill; or
  - was made before commencement but is not yet determined at the time of commencement of the Bill; and
- where the prisoner was convicted, sentenced and released to parole but returned to prison, whether before or after commencement of the Bill, and that parole order is cancelled.

In practice, the only prisoners (who fall within the target cohort) to which the amendments will not apply are: those who are already on parole in the community at the time of commencement of the Bill (noting, that the No Body, No Parole policy will apply to them if they are returned to prison and their parole order is subsequently cancelled); or those whose parole order is 'suspended' (as distinct from cancelled).

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**Whilst I support the bill, I have some amendments that I feel need to be included:-**

**Clause 4      Insertion of new s 193A**  
**(3) For subsection (2), the cooperation may have happened before or after the prisoner was sentenced to imprisonment for the offence.**

**The following needs to be included in this section:-**

Once the prisoner/s is sentenced they would be given two years to cooperate and to reveal the whereabouts of the victim's body. (This should be from sentencing and not from appeals and high court etc)

example: Prisoner is sentenced on 24th July, 2015 at his or her trial. They would need to come forward and reveal the location of the victim's body, before 24th July, 2017. The reasoning for this, is so that they do not just wait until their parole application comes up, and then say "Oh, he/she is over there," making victim's family suffer for fifteen years or more in some cases.

For prisoners already in jail, I would like to see that they are given one year from the commencement of this bill. My reasoning for this, is that some prisoners may already have been sentenced five years ago, and are obviously not showing any remorse or rehabilitation, by not revealing the location of the victim's body.

**Whilst I support the bill, I have some amendments that I feel need to be included:-**

**Section 4**  
**(6)      The Commissioner must comply with the request by giving the parole board, at least 28 days before the proposed hearing day, a written report that states whether the prisoner has given any co-operation as mentioned in subsection (2) and, if so, an evaluation of -**

**Additionally, I feel the following needs to be included as subsection:-**

**(d)      the level of co-operation of the offender will be reported on by investigating police to the Commissioner.**

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Whilst I support the bill, I have some amendments that I feel need to be included:-

Section 8	<b>victim's location</b> means-
	(a) the location, or the last known location, of every part of the body or remains of the victim of the offence; and
	(b) the place where every part of the body or remains of the victim of the offence may be found.
	<b>These extra clauses need to be included:-</b>
	(c) the location, or the last known location, of the belongings of the victim, that were with the victim at time of offence; and
	(d) the location of any weapons / firearms / restraints or other objects connected with the offence, that may have been disposed of with the body.

I have concerns that there is no clear definition of what constitutes 'co-operation'. So, at some time the convicted co-operates by disclosing where the victim's remains/belonging may be. However, upon investigation or remains/belonging are found. They have apparently co-operated. In their view possibly time/animals/the environment have intervened to disperse the victim's remains/belongings. So who then decides if they have co-operated enough to go for parole review? I think this supports the timeframe of two years, as this would help mitigate the dispersal.

Should you have any questions or require further information please do not hesitate to contact me.

Thank you for taking the time to listen.

Yours Sincerely



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