Speech By

Hon. Yvette D'Ath

MEMBER FOR REDCLIFFE

CORRECTIVE SERVICES (NO BODY, NO PAROLE) AMENDMENT BILL

Second Reading

Hon. YM D'ATH (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (4.15 pm): I move—

That the bill be now read a second time.

It is my pleasure to stand up, debate and hopefully pass my 26th bill as Attorney-General in this term of parliament. The Corrective Services (No Body, No Parole) Amendment Bill 2017 was introduced on 23 May 2017 and referred to the Legal Affairs and Community Safety Committee. I thank the Legal Affairs and Community Safety Committee for its consideration of the bill. I would also like to thank the organisations and particularly the individuals who took time to make submissions on, and attend the public hearing for, the bill.

In particular I would like to again acknowledge the determination of Mrs Fiona Splitt in tirelessly advocating for this reform in Queensland under the most tragic of circumstances. I hope that this bill will go some way towards providing comfort to Mrs Splitt and other families and loved ones who have found themselves in the same agonising predicament. I also want to acknowledge other representatives here today. I know the Pullen family are in the gallery today. I want to acknowledge all of those family members who have come down to listen to this debate and to watch this bill be passed through this parliament in what I hope is a bipartisan manner.

I am pleased to inform the House that on 24 July 2017 the committee tabled report No. 58 and made one recommendation: that the Corrective Services (No Body, No Parole) Amendment Bill 2017 be passed. I thank the chair and members of the Legal Affairs and Community Safety Committee for their timely consideration of the bill.

The bill before the House implements the recommendation made by the now President of the Court of Appeal, Mr Walter Sofronoff QC, in his report titled *Queensland parole system review,* which was tabled in parliament by the Premier and Minister for the Arts on 16 February 2017. As was indicated in the government's response to the report, this government committed to introducing legislation in 2017 to give effect to a no-body no-parole policy which prevents a murderer from being granted parole where he or she has not revealed where the victim's body is located. This legislation delivers on the government's commitment. I would like to foreshadow at this time that I will be moving two amendments to the bill during the consideration in detail stage of the debate. The amendments will ensure that the no-body no-parole framework in the bill operates as intended by making a clarifying amendment to the definition of homicide offence.

Firstly, the bill provides that the Parole Board Queensland must refuse an application for parole for a prisoner serving a period of imprisonment for a homicide offence and the body or remains of the victim have not been located, or because of an act or omission of the prisoner or another person part of the body or remains of the victim have not been located, unless the board is satisfied the prisoner has cooperated satisfactorily with the investigation of the offence to identify the victim's location.

Clause 4 of the bill defines a homicide offence to mean the Criminal Code offences of murder, manslaughter, accessory after the fact to murder or conspiring to murder or an offence of counselling or procuring the commission of, or conspiring the commission of, any of these offences. It is proposed to amend section 193A, 'Deciding particular applications where victim's body or remains have not been located', as inserted into the Corrective Services Act under clause 4 of the bill to capture the offence of accessory after the fact to manslaughter.

I want to thank the Pullens, who met with me today and conveyed their personal feelings about this issue and their desire to see this bill extended to include the charge of accessory after the fact to manslaughter. I thank them for their advocacy on this issue. I also want to acknowledge the opposition, who have also put in an amendment to achieve the same thing. This means that on both sides of this parliament we understand how important such an amendment is to all families. We will ensure that this bill truly addresses what it seeks to achieve, which is to, as far as possible, identify the body or remains of a victim and give closure to families where we can.

Secondly, the current drafting of the bill limits the application of the no-body no-parole framework to parole applications from relevant prisoners who were convicted and sentenced to a term of imprisonment for a prescribed homicide offence in Queensland. This approach does not capture those prisoners who have been convicted and sentenced to a term of imprisonment for a corresponding homicide offence in another jurisdiction but who have been transferred to a Queensland prison under the Prisoners (Interstate Transfer) Act 1982. It is therefore proposed to move an additional amendment to section 193A—'Deciding particular applications where a victim's body or remains have not been located'—as inserted by clause 4 of the bill. The amendment will ensure that a prisoner who is serving a term of imprisonment for a corresponding homicide offence from another state or territory who has been transferred to a Queensland prison under the Prisoners (Interstate Transfer) Act 1982 will be captured by the no-body no-parole framework in the bill. These amendments are consistent with the core objective of the bill, which is to actively encourage the cooperation of all those prisoners who have been convicted of a homicide offence to assist in finding and recovering the remains of a victim.

This legislation represents significant reform in this area. I have to say that the amendment which has been proposed by both sides is a first for this nation, because in relation to a no-body no-parole framework no other jurisdiction actually extends it to the offence we have identified today, which is accessory after the fact to manslaughter. It is an important amendment and I am proud that we are leading the way. This bill provides a comprehensive framework to effectively address the ongoing, unspeakable pain that families can face for decades. This legislation is far reaching and delivers the most effective pathway to allow the families and friends of victims to finally find some closure. The legislation is deliberately targeted to the nexus between the granting of parole and genuine cooperation in finding a body. It covers appropriate offences, and it specifically includes the discovery of parts of a body, because in circumstances that are all too cruel there are cases where that is a very important element.

There have been many who have contributed to get to where we are today. I want to thank the advocates who have had to deal with the extra burden of working so hard for change on top of their personal grief and loss. I would like to mention those in the gallery today: Fiona Splitt, her daughter Lisa and sister-in-law Tania, and Leanne and Gary Pullen. Thank you on behalf of the parliament and the people of Queensland. I thank Justice Sofronoff for his insight and extensive research in delivering his report into the parole system including, of course, the recommendation for no-body no-parole reform. I thank the departmental officers who worked so hard to deliver this comprehensive package, ensuring that Queenslanders have the most robust system in the nation.

This policy area is not an easy one to discuss, as it necessarily deals with the worst cases in the system, often with the most gruesome details and always with the greatest emotional pain for families. I am proud to be part of the Palaszczuk government which is again delivering important legislative reforms for Queensland. I hope this is one of those reforms that is supported by all sides of parliament. This bill is consistent with this government's ongoing commitment to support the victims of crime and their families, and I commend the bill to the House.