




Speech By
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MEMBER FOR COOPER

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**POLICE POWERS AND RESPONSIBILITIES AND OTHER LEGISLATION
AMENDMENT BILL**

 **Ms BUSH** (Cooper—ALP) (4.15 pm): I rise to make a contribution to the Police Powers and Responsibilities and Other Legislation Amendment Bill 2021. As others have done, I start by thanking my fellow members of the Legal Affairs and Safety Committee for their work on this bill. I also thank the secretariat for their work—for managing the volume of work they have and for managing us as a committee. I think that is a fantastic effort on their part. I also thank, as have others, those who made submissions. It is important to acknowledge that recently the committee has worked on a few bills that have drawn on the expertise of particular services and agencies. In addition to running their services, they are also responding to our committee, providing really thorough, comprehensive, detailed and well-researched submissions. We could not do this work without them. I specifically acknowledge them.

The committee made one recommendation: that the bill be passed. The bill includes important amendments to reduce the retraumatisation of victims' families, to provide clarity to our laws where clarity is needed, and to create efficiencies for the Queensland Police Service. Amendments to the Corrective Services Act will strengthen the no-body no-parole framework to incentivise earlier prisoner cooperation to locate the remains of a person whose life was taken through homicide. It will also provide the Parole Board Queensland with the flexibility to manage its workload and the risks different prisoners pose to community safety.

The police related amendments in the bill include: expanding the scope of police banning notices to include people who unlawfully possess a knife; creating new indictable offences for persons who seriously injury or kill a corrective services dog, police dog or horse; including nine Commonwealth child sexual abuse offences as reportable offences and five Commonwealth child sexual abuse offences as prescribed internet offences; and including the Commonwealth offences against children as disqualifying offences under the working with children act 2000. It will allow for independent monitoring of surveillance devices by police employees; allow for the provision of drug samples to law enforcement entities for national intelligence gathering; extend the current legal protections afforded to sworn officers from revealing police methodologies in a court proceeding; provide for efficiencies to the legislative scheme for assumed identities; and extend the court removal orders to apply to prisoners in police custody who assist police.

I will now expand on the proposed amendments to the Corrective Services Act. These include amendments that will introduce a new discretion for the president of the Parole Board to declare that a life sentenced prisoner who has committed multiple murders or murdered a child, otherwise to be known as a restricted prisoner, must not be considered for parole for up to 10 years. It will provide that a restricted prisoner subject to a restricted prisoner declaration must meet a higher threshold for exceptional circumstances parole release and, where a declaration is not in force, creates a presumption against parole which will place the onus on a restricted prisoner to demonstrate that they do not pose an unacceptable risk to the community.

In relation to the no-body no-parole framework, the bill introduces a new discretion for the board to consider a prisoner's cooperation in locating a homicide victim's remains at any time after sentencing, instead of requiring the board to wait until the prisoner applies for parole. Where the board has determined that a no-body no-parole prisoner has not provided satisfactory cooperation, the prisoner is restricted from reapplying for parole where there is no new cooperation. The purpose of this amendment is to encourage early cooperation from offenders to help locate the body of their victim. As other members have said, I cannot overstate the importance of this to surviving loved ones of victims.

Homicide is the most violent crime to contemplate. The families I have worked with in the aftermath of homicide value the ability and opportunity to give their loved one a final and decent farewell. Some families do not accept that their loved one has been murdered. I know that might be difficult to comprehend, but some people are in denial until they get to see the body of their loved one. The inability to do that can interrupt the grieving process.

We cannot imagine the slap in the face to a family where offenders do not cooperate or, even worse, actively thwart police attempts to recover a person's body, they are found guilty, sentenced and then in order to be paroled some 15 years later they finally disclose where the body is. We are wanting to tighten that and encourage early cooperation so that families can have some sense of closure.

No-body no-parole is the policy that a prisoner who has not provided satisfactory cooperation in finding the remains of a victim should not be granted parole. These amendments make it clear that the Parole Board Queensland can initiate consideration of a no-body no-parole prisoner's cooperation in finding the remains of their victim without waiting for the prisoner to apply for parole, which may be decades after the offending. The amendments provide that if the board is satisfied a prisoner has not provided satisfactory cooperation in locating their victim's remains, the board must make a no-cooperation declaration in relation to the prisoner, preventing the prisoner from applying for parole unless there is a change in circumstances. A no-cooperation declaration must state: the reasons the board is not satisfied the prisoner has given satisfactory cooperation; the day of the decision that the prisoner may not apply for parole unless the prisoner is given notice of satisfactory cooperation at a later date; and the prisoner can, at any time, make a reconsideration application.

The reconsideration of a no-cooperation declaration provides a continued incentive for a prisoner to provide cooperation in locating a homicide victim's body. The president or deputy president of the board will only call a meeting to reconsider a prisoner's no-cooperation declaration if they are satisfied the prisoner has given police additional information, there has been a change in the investigation to locate the victim, there is a material change in the prisoner's capacity to cooperate or it is in the interests of justice. If leave is granted, the board will again consider whether the prisoner has provided satisfactory cooperation. If the board considers that the prisoner has provided satisfactory cooperation, they will provide the prisoner notice that the no-cooperation declaration ends and the prisoner is able to apply for parole under the usual provisions. This does not mean that parole will be granted. If the board considers the prisoner has not provided satisfactory cooperation, they will advise the prisoner that the no-cooperation declaration remains in force.

Prisoners subject to a restricted prisoner declaration must meet a higher threshold for release on exceptional circumstances parole. To be granted exceptional circumstances parole, the board must be satisfied it is justified to make the order because the restricted prisoner is medically diagnosed as being in imminent danger of dying or incapacitated to the extent that they are not physically able to cause harm to another person and does not pose a risk to the public. For no-body no-parole prisoners subject to a no-cooperation declaration, exceptional circumstances parole is not supported until that prisoner has provided satisfactory cooperation in identifying a victim's remains. This maintains the existing approach for no-body no-parole and exceptional circumstances parole under current section 193A.

This bill also extends the period a life sentenced prisoner can be restricted from reapplying for parole following a refusal of their application. A prisoner can now be restricted from reapplying for up to three years, instead of one. This framework is an important part of our promise to reduce the retraumatisation of victims' families. It applies to those who commit the most heinous crimes. Other members have touched on the submissions of victims' families surrounding this issue. The minister rightly pointed to the Queensland Homicide Victims' Support Group. I would like to do the same. It plays a tremendous role in Queensland working with the loved ones of victims of the most serious crimes. This is something that they have advocated for for some time. I thank them for their advocacy on this. In addition to all the work they do, the fact that they are turning their mind to how to make Queensland safer is testament to their values. I congratulate and thank the minister for hearing those concerns and acting on them. I encourage all members to support this bill.