




Speech By
Laura Gerber

MEMBER FOR CURRUMBIN

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POLICE POWERS AND RESPONSIBILITIES AND OTHER LEGISLATION AMENDMENT BILL

 **Mrs GERBER** (Currumbin—LNP) (3.42 pm): Whilst this bill proposes many amendments to various pieces of legislation, first and foremost I want to address the aspect of this bill that makes changes to our parole laws—changes that have come about as a direct result of the advocacy of the Kingi family, changes which the Kingi family would like to be known as ‘Sian’s Law’. These changes seek to limit the retraumatisation of victims’ families and friends by introducing a new framework for parole decisions about a life sentenced prisoner who has committed multiple murders or murdered a child.

Under ‘Sian’s Law’, the president of the Parole Board Queensland will be able to make a declaration that a prisoner who is convicted of killing a child and serving a life sentence or convicted of multiple murders and serving a life sentence and becomes eligible for parole cannot be considered for parole for a period of up to 10 years. Under the proposed laws, there is no limit on the number of declarations that can be issued to these prisoners which means that the decision to block parole for these monsters could be made on a rolling basis. Also, the president of the Parole Board Queensland will be able to make the declaration irrespective of whether the prisoner has already made an application for parole.

Just to give some context to the genesis of this law, here is the history of the Kingi family’s advocacy for this legislative change. Thirty-four years ago almost to the day today, 12-year-old Sian was abducted in Noosa. Her body was found seven days later. She had been raped, tortured and murdered. Fifteen days later her murderer, Barrie Watts, was arrested and charged. On 28 February 1990, Sian’s murderer was found guilty and sentenced to life imprisonment. At sentencing, the judge remarked—

The sentence for murder is life in prison and in my view the sentence should mean just that.

In November 2020, Sian’s murderer became eligible for and applied for parole. The Kingi family was notified and they found themselves in a traumatic and difficult situation where they had to provide affidavits and evidence as to why the man who raped and murdered their child should not be granted parole. The Parole Board framework now requires that the Parole Board finalise applications within three months, but due to the backlog and the broken parole system in Queensland the Kingi family had to endure the uncertainty of whether or not their child’s murderer would be released on parole for almost a year.

On 6 June 2021, Sian’s family, friends and teachers launched a petition and 72,000 people signed it. On 16 June 2021, the member for Ninderry tabled that petition in the Queensland parliament calling on the government to toughen the laws, to keep the worst of the worst and monsters like Barrie Watts out of our community. On 17 June 2021, the day after the petition was tabled, the government announced there would be new parole laws for the worst of the worst for offenders like Barrie Watts. The government announced ‘Sian’s Law’ and on 15 September 2021 the police minister introduced the

bill that we are debating here today that contains these parole laws. The atrocities committed against Sian and the advocacy that followed by Sian's family and friends should be rightly acknowledged by this parliament. Their voice on this issue has brought about legislative change that we are debating today, and I thank them for it.

Turning now to the other aspects of this bill which the LNP is concerned about, as the Prisoners' Legal Service noted during the public hearing, there are no quick fixes for the parole crisis we are currently facing and, sadly, it seems this bill will do very little to fix our broken parole system. The government has failed to draft legislation that will have a real effect on the delays currently faced by the Parole Board. This is despite having six months to plan and draft effective legislation.

LawRight wrote to the ministers for justice, police and the Treasurer on 15 March this year outlining serious backlogs and delays facing the Parole Board. A month later, LawRight and the Prisoners' Legal Service sent further correspondence to the ministers detailing the cost of these backlogs to Queensland. The Prisoners' Legal Service has estimated the cost of the Parole Board backlog is \$3.9 million per month. At the time of their correspondence, the Parole Board estimated there were over 1,500 matters that were already out of time. That is a cost to date of \$31.5 million to Queensland.

The Parole Board's backlogs cannot be fixed with this rushed legislation. Kate Greenwood from the Aboriginal and Torres Strait Islander Legal Service was right when she said that the system is largely counterproductive and it is a mess, that the delays from the Parole Board are unacceptable, that Queensland's prisons are overcrowded and without meaningful legislative change they will only continue to get more crowded, and that prisoners are not being released the way they used to be because of the Parole Board delays. The very real effect this has on our community is that all of the positive benefits the community gets from a parole system—the services, the keeping of parolees on the straight and narrow—is being disregarded.

Introducing the new parole process for life sentenced multiple or child murderers is great, but it will not fix the broken parole system. In fact, as these new parole measures will only apply to life sentenced multiple murderers or child murderers, notwithstanding these are monstrous offences, the number of life sentenced multiple murderers or child murderers currently in our prisons is relatively small. This measure in the bill, while important, does nothing to address the Parole Board backlog. So what does the government propose in order to fix the Parole Board backlog? This bill also grants the Parole Board a temporary extension to the legislative time frames for parole decisions to be made. This proposal is a black-and-white admission from the Palaszczuk Labor government that the Parole Board is unable to keep pace with the current applications for parole. This proposal will reverse time frame reforms made by the 2016 Sofronoff report. The recommendation as written under sections 892 and 893 of the Sofronoff report states—

The Parole Board should be required to decide applications for parole within 120 days of the application being made by a prisoner.

This allows prisoners to know, up to two months in advance, what the date of their parole will be and it allows the Probation and Parole Service time to take appropriate steps to prepare the prisoner for release, because we know that disruptions to the ability of prisoners to plan for employment, housing, Centrelink and vital community connections and the associated negative impact on mental health are all connected to the likelihood of that prisoner reoffending.

However, this proposal is a transparent attempt to paper over an administrative failure to comply with the recommendations in the Sofronoff report. An extension of time to consider applications is little more than an attempt to fix what is essentially funding deficiencies within the Parole Board. This is a poor fix to a very real problem and it will neither assist parolees nor the community in general. In fact, the effect of this will be that people will unnecessarily remain in custody for longer. The Parole Board's backlog in decisions inevitably will increase the risk to community safety. This is perhaps best demonstrated by reports in the *Courier-Mail* from September this year that stated, incredibly, that some judges are adjusting their sentences, reducing the terms of imprisonment, to take into account the delays in parole decisions.

Then there is the issue of youth crime which this bill completely misses the opportunity to fix. Constituents in my border community have been plagued by an uprising in crime, especially juvenile crime. One Currumbin local reached out to me after she and her neighbours joined the ranks of thousands of Queenslanders who have been terrorised by young criminals. My constituent has been broken into several times by kids as young as 14 and they have made a mockery of our criminal justice system, posting videos of themselves driving in my constituent's stolen car at 180 kilometres an hour. Our community knows that crime is running rampant. The minister knows it and he needs to do better. These young criminals know it. They know that under this weak state Labor government they can and they will get away with it. We deserve better from this Queensland state government, which is why it is so disappointing that this bill does not address the youth crime pandemic.

Then there are the amendments in this bill that are well overdue, amendments such as including five Commonwealth child sexual abuse offences as prescribed internet offences in section 21B. The amendment is to ensure that police can use existing digital device inspection powers for these particular Commonwealth sexual offences, including grooming, to disrupt recidivist child sex offending cycles and effectively manage reportable offenders in the community. As a former federal prosecutor who prosecuted child sexual abuse offences, I know how important this amendment is and I support any measure that will assist Queensland police to manage such offenders, but it has taken this government more than two years to act on this. The Ministerial Council for Police and Emergency Management and the Council of Attorneys-General recommended that these amendments happen back in June 2019. They described them as something that should be done as soon as practicable, yet two years on we are only just seeing them.

While this bill is certainly not the answer to reducing crime in Queensland, it does address some matters that must be addressed and need to be addressed, which is why the LNP will be supporting the bill and not opposing it. Make no mistake, this Queensland government has lost control of crime and our parole system is broken.