



Speech By  
**Hon. Mark Ryan**


**MEMBER FOR MORAYFIELD**

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

### **Second Reading**

 **Hon. MT RYAN** (Morayfield—ALP) (Minister for Police and Corrective Services and Minister for Fire and Emergency Services) (2.55 pm): I move—

That the bill be now read a second time.

On 1 November 2021 the Legal Affairs and Safety Committee tabled its report on its examination of the Police Powers and Responsibilities and Other Legislation Amendment Bill 2021. The committee made only one recommendation: that the bill be passed. I applaud the committee for the work it has done in its consideration of this bill. The committee ensured that all stakeholders had the opportunity to provide comment on the bill, and I thank those members of the public who contributed to this process.

The bill amends the Police Powers and Responsibilities Act 2000 and other legislation to provide a number of public safety benefits and efficiencies. It expands the existing police banning notice regime so that it applies to a person who unlawfully possesses a knife in a relevant place. The amendments will give police enhanced powers to ensure reportable offenders are not accessing child exploitation material via digital devices.

Amendments to the Police Powers and Responsibilities Act regarding assumed identity legislation will provide greater safety to our officers who carry out vital undercover work. The bill also provides various operational efficiencies and protections for the Queensland Police Service in relation to the monitoring of surveillance devices, and the inclusion of nine Commonwealth child sexual abuse offences as reportable offences under the Child Protection Act 2004 will further enhance community safety. This means that those offenders who are convicted and sentenced to a period of imprisonment or a supervision order for those offences are placed on the national child protection system.

Importantly, the bill will provide greater protection to our valuable and much cared for police dogs and horses and corrective services dogs. Two new indictable offences punishable by a maximum of five years imprisonment will apply to people who wilfully and unlawfully seriously injure or kill a police dog or horse or a corrective services dog.

I will now turn to the amendments to the Corrective Services Act included in the bill which are aimed at protecting victims and their families from re-traumatisation and increasing the safety of the broader community. The amendments to the Corrective Services Act in this bill achieve three broad purposes: firstly, limit the re-traumatisation of victims' families and friends by introducing a robust new framework for parole decisions about a life sentence prisoner who has committed multiple murders or who has murdered a child; secondly, they strengthen the no-body no-parole framework to incentivise earlier prisoner cooperation to locate a homicide victim's remains; finally, they provide greater flexibility and support to Parole Board Queensland, allowing the board to respond to increased workloads and the risk different prisoners pose to the community.

Firstly, I will turn to the new framework for parole decisions for life sentenced prisoners who have committed multiple murders or murdered a child, as defined under the bill as restricted prisoners. Under Queensland law, a life sentence is for life. Consequently, a prisoner sentenced to life imprisonment will spend the entirety of their life either in custody or under parole supervision. These prisoners have all received life sentences in relation to multiple murders or the murder of a child. These are some of the most heinous crimes that not only impact those close to the victim but are deeply felt by the broader community.

Furthermore, parole is not a right or entitlement. It never has been. There will always be the possibility the prisoner might never be released on parole. Nothing in this framework alters that original sentencing decision. These new laws aim to protect those who have endured the pain and suffering of losing a loved one as a result of the offences committed by reducing further re-traumatisation that the parole process may cause.

In addition to amendments relating to parole for life sentenced prisoners convicted of multiple murders or the murder of a child, or captured by the no-body no-parole framework, clause 11 of the bill extends the period of time the board can restrict any life sentenced prisoner from reapplying for parole, following a refusal of their parole application, from 12 months to up to three years. Where a restricted prisoner declaration is not made, the bill also introduces an additional barrier to parole by creating a presumption against parole. This provides that the board must refuse to grant the prisoner's parole application unless satisfied the prisoner does not pose an unacceptable risk to the public.

In relation to the appropriate decision-maker for restricted prisoner declarations, the new framework proposed by this bill gives discretion for the president of the Parole Board Queensland to make a restricted prisoner declaration, limiting the prisoner from being considered for parole for up to 10 years. In making a restricted prisoner declaration, the president must consider whether it is in the public interest to do so. This includes considering: the nature, seriousness and circumstances of the offending; any risk the prisoner may pose to the public if granted parole; and the effect the prisoner's release may have on a victim or eligible person.

The board is the sole authority in Queensland for parole decisions after a prisoner has been sentenced. Empowering the president to make restricted prisoner declarations is consistent with this function. The Corrective Services Act requires that the president have the qualifications, experience or standing equivalent to that of a judge. The president is, therefore, considered to be appropriately qualified to make decisions regarding the application of a restricted prisoner declaration.

I would like to now make a comment on the human rights considerations relating to these provisions. In line with legislative requirements, when introducing this bill I tabled a statement of compatibility setting out why, in my opinion, the bill is compatible with human rights under the Human Rights Act. Under the bill, a restricted prisoner has been sentenced to life imprisonment for multiple murders or the murder of a child. The prisoner's liberty has already been lawfully forfeited following their trial, conviction and sentencing before an independent Queensland court.

As representatives of the community, the government is responsible for determining the appropriate policies for the management of prisoners once dealt with by the court system. With this, the new framework seeks to balance the human rights and dignity of life sentenced prisoners who have committed multiple murders or the murder of a child with that of the victims' families, friends and the wider community. The primary aim of the restricted prisoner framework is to protect victims' families, friends and the broader community from further trauma caused by restricted prisoners being considered for parole at ongoing short intervals. This serves to protect and promote the rights of victims and the broader community. It places an additional barrier on a prisoner who presents an unacceptable risk to the community from being released into the community. Ultimately, the amendments aim to achieve an appropriate balance between the limitations placed on the rights of an individual against the importance of safeguarding victims and their surviving family members against re-traumatisation that flows from these parole applications.

Amendments in this bill also strengthen the intent of the no-body no-parole provisions introduced initially into the Corrective Services Act in 2017 by this government. Protecting victims is front and centre in this framework. The no-body no-parole framework refers to the principle that a prisoner convicted of a homicide offence who refuses to adequately assist police in locating the victim or victim's remains should not be granted the privilege of parole. As such, a primary focus of the no-body no-parole framework is to encourage timely cooperation from these prisoners by denying parole release until such time as the Parole Board Queensland is satisfied the prisoner has satisfactorily cooperated in identifying the location or last known location of the victim's remains. In September last year, this government made a commitment to the Homicide Victims' Support Group to update the ministerial guidelines to the Parole Board Queensland to state that timeliness must be a significant consideration for no-body no-parole decisions. With the passing of this bill, that will now proceed.

The amendments in this bill also address that issue by allowing the board to decide to consider a prisoner's cooperation at any time after sentencing. This earlier consideration will prompt a submission from the prisoner and encourage their cooperation much earlier in their sentence. The amendments also place a clearer restriction on prisoners reapplying for parole if their cooperation is not considered by the board to be satisfactory. To further support these amendments and feedback from the Queensland Homicide Victims' Support Group, the ministerial guidelines to the board are now being updated to clarify that timely cooperation is a significant consideration for no-body no-parole decisions. The updated guidelines will be published after commencement of the bill. It is important that affected prisoners understand the impact of these changes. I have therefore asked Queensland Corrective Services to individually engage with each affected prisoner to ensure they know what changes are being made and how this may impact their future parole prospects.

I take this opportunity to pay tribute to all members of the Queensland Homicide Victims' Support Group for their strong advocacy on this matter. As the group's CEO has said, 'We took this to government. Government listened. And we are very pleased with the outcome.' I am also reminded of the words of Bruce Morcombe when we introduced this bill in June this year. He said, 'Today is a day I won't forget.' I pay tribute to the Morcombes today for their tenacity in advocating for those who have lost loved ones.

I turn to the amendments that support the operations of the Parole Board Queensland. The board has experienced an increase in applications over the past number of years, related to prisoner increases as well as the impact of the COVID-19 pandemic and the associated increase in applications for exceptional circumstances parole. The amendments included in this bill provide the board with greater flexibility to respond to the risks different prisoners pose to community safety: firstly, by extending the period of time the board can restrict a life sentenced prisoner from reapplying for parole from one year to up to three years; secondly, by providing the board with greater flexibility in altering the quorum requirements for particular parole matters; and, finally, by temporarily increasing the time frames the board has to make parole decisions by 60 days.

I would like to address some of the matters stakeholders have raised. In relation to the proposal around the extension of restriction on reapplying for parole for all life sentenced prisoners, submitters to the committee process raised concerns regarding the new proposed length of restrictions on life sentenced prisoners reapplying for parole following refusal. Currently, the board can only restrict the prisoner for reapplying for a maximum of 12 months. This is not an adequate time in all cases where there may be limited prospects that the prisoner's circumstances have changed in that short amount of time. This allows such prisoners to reapply for parole yearly, creating the potential for undue stress and trauma to victims and families of victims of these offences. This amendment addresses this situation by providing the board with a broader discretion to set a restriction period of reapplying for parole for up to three years.

In relation to comments around the temporary extension for time frames, I note that some comments have been made about that. This amendment is aimed at assisting the board to manage the immediate volume of matters it has before it. This is a temporary measure; it is not a permanent measure and it is not an isolated measure. This government recently announced extra funding for a temporary fifth operating team and the continued operation of a temporary fourth operating team for the board. These additional resources are already working to assist the board in reducing delayed decisions.

In conclusion, this bill represents the Palaszczuk government's commitment to protecting victims, their families and the broader community as well as taking a strong stance on the parole decisions for prisoners who have committed some of the most heinous crimes in this state's history. I commend the bill to the House and I encourage all members to support it.