




Speech By
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MEMBER FOR CLAYFIELD

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

 **Mr NICHOLLS** (Clayfield—LNP) (4.25 pm): There is a lot in this bill. It amends six pieces of legislation and at least two regulations, including a COVID regulation. The shadow minister, the member for Burdekin, has already gone through a substantial number of the opposition's concerns in relation to the legislation and its effectiveness and what has led to this debate today. I will focus mainly on the changes brought about by clause 21 of the legislation. If ever there was a sign that this government and this minister have lost control of the Parole Board situation in Queensland and needed evidence to be put in front of people, it would be this particular clause. This clause is designed with little or no explanation for the change in time frames within which the Parole Board must hear applications.

The bill covers changes to six acts and a number of regulations, as I mentioned. The extension in time periods for the hearing of parole applications are introduced in part 3, clause 21 of the bill. They deal with changes in the time within which parole applications are to be heard. In effect, the time period within which the Parole Board must decide an application is to be extended from the 120 days they are currently to 180 days. In certain circumstances, usually when the board requires further information to be able to make an assessment, it will be extended to 210 days.

The time period during which these new rules are to be effective for what is defined as a new parole application after the bill commences is 180 days—that is, if a prisoner makes an application after this bill commences then it is 180 days—pursuant to the definition of 'temporary extension period' in proposed section 351H. For other purposes, including parole applications that have been made but not decided before the bill commences, the time period is 390 days. That is 13 months. That is because the changes are stated to be temporary and indeed proposed section 351K states new part 6 is to expire 390 days after commencement. While the provision expires almost 13 months after commencement, it is hard to say it is in total a short-term measure.

It is also important to note that the amendments have retrospective effect given they change the existing rules that would apply to parole applications made under section 180 of the act currently on foot. In effect, these changes give the seemingly overworked and under-resourced Parole Board an extra 60 days to do its job and decide parole applications.

This is typical of Labor governments in this place. I have seen a few—far more than I had ever hoped to or wished to—but that is my fate and I bear it gracefully. I take pleasure in highlighting their ongoing mistakes and the repetition of issues from the past. It is typical of a Labor government. When Labor cannot meet its own legislatively mandated standards, what do they do? Do they try to work harder? Do they try to say that they have to fix the problem? Do they accept responsibility? What do they do? They change the goalpost. They do it every time. We saw it when they lost the AAA credit rating in 2009. We saw it when they decided to sell assets in 2009. They just keep changing the goalposts.

It is like a sprinter who says, 'I think I'll go for my personal best, but I'm not going to get it doing 100 metres. So you know what? We'll make it 90. Why not! Let's do it that way.'

Mr Power interjected.

Mr NICHOLLS: The member for Logan would be an expert at that. He would be a sprinter who would say, 'Oh, no. It's all a bit too hard, boss. I can't get there. Why don't we shorten it?' That is what this bill is about. It is typical of Labor governments. They change the time frames. They move the goalposts. They do not fix the problem.

What exactly is the problem? A reading of the explanatory notes would not give anyone any sense of what the problems are that are currently plaguing the Queensland parole system. It simply says—

The Board is experiencing unprecedented demand to determine applications for parole.

That is it. That is the whole explanation for these changes. The problem quite clearly is this: the Parole Board is not making decisions on applications within the current mandated time frame.

In April this year the Prisoners' Legal Service wrote to the government, including the minister, and estimated the year-to-date costs of parole delays—this was at April 2021—of \$31.5 million, or almost \$4 million a month. That excludes the costs of judicial reviews brought by prisoners who do not get their applications heard in time. As at April, the Prisoners' Legal Service noted 137 judicial review applications had been made in 10 months, compared to 13 the previous year—a tenfold increase. They estimated delays of over three months beyond the statutory period in hearing parole applications. That is another 90 to 100 days on top of that.

In submissions to the committee report on this bill, Sisters Inside highlighted the case of one female prisoner who was still waiting for a decision at 330 days. That is almost a full year overdue. The Law Society reported similar concerns in a letter written to the Treasurer on 16 April. On 24 March this year, the Parole Board itself reported it had around 2,100 applications and that 75 per cent of those were outside the statutory time frames for decision-making. Here is what it said in an undated, conveniently for the Parole Board, notice back in June—

The Parole Board Queensland has a significant backlog in parole applications.

There has been a significant increase in prisoner numbers, with approximately 1,000 more prisoners now held in custody compared to a year ago.

A fourth team is now operating ...

The Board will continue to do everything that it can to decide parole applications as quickly as possible.

Applications for a parole order received in June 2021 are not likely to be heard before March 2022.

That is nine months outside the time frame. I table that notice in case people lose it because it is hard to find now.

Tabled paper: Statement, undated, from the Parole Board Queensland, concerning backlog in parole applications [2020](#).

What is the end results of those delays? Prisoners are taking the Parole Board to the Supreme Court to get it to do what it is supposed to do within the time frame it is supposed to do it. For the year ending 30 June 2021, 325 judicial review applications were filed in the Supreme Court seeking decisions from the Parole Board, and since then the situation has got worse. The *Proctor* magazine reported on 27 September that the Supreme Court was hearing up to 15 judicial review applications a day. On 27 September, Justice David Jackson was scheduled to hear nine applications alone.

The situation is now so bad that the Supreme Court has issued a practice direction that sets out a protocol. It has a draft order attached to it that names the Parole Board as the respondent. The first order says that the respondent must 'meet and consider the applicant's application'. There are two subsequent orders and then order No. 4 states, 'The respondent pay the applicant's costs of the proceeding'. Now we have taxpayers meeting the costs, via the Parole Board, of prisoners who are bringing an application because the government cannot actually get the Parole Board to hear applications within the time frame it set for itself.

Here is the question I put to the minister: how much is being paid out as a result of those orders? We know that there were 325 of them. In fact, it has now got so bad that, in the three months from 1 July to 30 September, there were 286. There were 300 plus in a full year; in the first quarter of this year there were 286 judicial applications. The costs keep going up because the QCs and the lawyers on a judicial review in the Supreme Court are not coming at a cut rate, particularly if they are acting on behalf of the Parole Board and they are defending it. I table that document.

Tabled paper: Document, dated 24 September 2021, from Senior Judge Administrator, Justice Bowskill, titled 'Supreme Court of Queensland: Protocol, Applications for Judicial Review—Parole Board Queensland' [2021](#).

It is like the bad old days of the Bligh government in 2008 when criminals were winning payments of up to \$7,000 for criminal compensation because the Parole Board would not make decisions. It is not just those costs. We now have estimates that, with a backlog of 2,200 applications and 2,000 Parole

Board suspensions, there are two jails worth of prisoners awaiting decisions—two jails worth! How much are we spending building new jails because this government cannot process and resource the Parole Board to consider applications?

Then there is the cost to justice. Earlier in the year Supreme Court Justice Tom Bradley was reported as unleashing on the delays, and recently judges have started adjusting sentences to take into account the parole delays. There is a Court of Appeal decision—the Crown against Watson of 19 October where they specifically say the judges need to take into account the delays. They immediately suspended a four-year sentence and set the bloke free. This government is presiding over a failure. It does not serve the community, taxpayers or justice.

(Time expired)