




Speech By
Laura Gerber

MEMBER FOR CURRUMBIN

Record of Proceedings, 12 September 2023

JUSTICE AND OTHER LEGISLATION AMENDMENT BILL

 **Mrs GERBER** (Currumbin—LNP) (5.07 pm): The bill we are debating today is a large omnibus bill dealing with amendments completely unrelated to each other and others that are so substantial and important that they should be in their own standalone bill. The bill deals with: disclosure of a sexual offender's identity prior to a committal; criminal conduct causing death of an unborn child as an aggravating factor—Sophie's Law; legal cost disclosure obligations; and changes to electoral redistributions within the Electoral Act. The government has chosen to lump all of these issues into the one omnibus bill—they have no place being debated together—to avoid proper scrutiny and debate on aspects that are contentious. Members need not take my word for it. The QLS stated in the public hearing—

The Justice and Other Legislation Amendment Bill is a large omnibus bill that significantly amends several pieces of legislation, many of which are unrelated. We note, and have noted previously, that omnibus bills are inappropriate. They have the potential to breach fundamental legislative principles because members are required to support or oppose the bill in its entirety, whereas several of the amendments proposed in the bill would be more appropriately addressed in specific standalone bills.

It is yet another sign of the chaos and crisis within this tired, third-term Palaszczuk Labor government that is putting forward disputed matters together with positive changes in the one tranche of amendments to stifle debate and avoid scrutiny.

I turn first to criminal conduct causing death of an unborn child as an aggravating factor—Sophie's Law. Sophie's Law will allow the courts to recognise an unborn child who has been killed due to criminal conduct and allow the cost of their funeral to be covered, up to \$8,500. Sophie Ella was Sarah and Peter Milosevic's unborn child. On 29 August 2014 she was horrifically taken from them by a driver who was speeding, drunk and high on drugs. His car collided with Sarah and Peter's car and baby Sophie was killed. I think this House should hear directly from Sarah, so I am going to read into the record her statement to the committee. She stated—

Sophie's Injuries were so sever she was no longer compatible with life, she had significant internal organ damage along with brain damage. She suffered pain in utero before her heart finally stopped.

It took 2 hours to extract me from the vehicle while being in labour the whole time I was 39 weeks and 6 days pregnant. We were ready to welcome Sophie at any moment, the family heirloom cradle was set up her, her clothes washed and hospital bags packed and car seat in the car. But on the 29th of August that all changed. She was taken from us. It was close to midnight when they confirmed she had passed but as her mother I knew she was gone I had no more movement she wasn't kicking anymore she was gone all because someone committed an offence that cost us the life of our child. He hit us with such force that my uterus ruptured and she was no longer in my womb but was in my abdomen. He took away my right to bare more children I lost 2 more pregnancies following the crash ...

The court acknowledged that the drunk, speeding and drug driver caused the death of Sophie Ella, but there was no law that he could be charged under that would serve justice. Instead, the perpetrator lost his licence for five months and received a \$950 fine. It is incomprehensible—the most egregious form of crime that could be committed against a family and the perpetrator only received a fine and a loss of licence.

Mr Krause: More for a mobile phone offence.

Mrs GERBER: I take that interjection. With the support of their local member, the LNP member for Lockyer, the Milosevics, galvanised in their grief, campaigned for change. It was a long, hard fight to get the Palaszczuk government to this point.

I need to put on the record that, as a result of this government's chaotic legislative process, it has deprived Sophie's Law being called Sophie's Law because this extremely important amendment has been lumped in with amendments to legal costs disclosure agreements and changes to the Electoral Act. We are debating the Justice and Other Legislation Amendment Bill when we should be debating Sophie's Law. Sophie's Law should be a separate bill and should be so named. Even though this bill does not name the changes to the Criminal Code as Sophie's Law, the LNP will be referring to this as Sophie's Law. Any other jurisdictions that adopt this law should recognise this as Sophie's Law out of respect to Sarah and Peter Milosevic.

I thank Sarah and Peter and the member for Lockyer for their dedication to this reform and for the support over many years that they have provided to other families. Tragically, over the past eight years, while waiting for this reform, 15 women in Queensland have unthinkably had their unborn child taken from them in circumstances where justice has not been served. Baby Miles is among them. This reform comes too late for them, but the incredible courage and strength of these families to advocate for this change, alongside the LNP member for Lockyer, after suffering such imaginable loss is truly remarkable. In Sarah's words: 'Families need to know their baby mattered. Sophie's Law means there is some justice in the devastation of losing a child.' This is Sophie's legacy.

In what is quite an unnatural segue—but I guess that is what we have come to expect from this chaotic Labor government—I now turn to the legal profession and costs disclosure obligations contained within this omnibus bill. Lawyers and law firms are required to inform clients what costs they will be charged and how they will be calculated. This is a costs agreement. The provisions of a costs agreement to the client is strongly supported, regardless of the amount of legal costs. This does not change under this amendment.

The proposed amendment deals with the threshold amount that triggers when a law practice must provide a costs disclosure notice. The amendments proposed to increase the threshold for when a law firm has to provide a client with a detailed costs disclosure notice from \$1,500 to \$3,000. Like everything with Labor, the devil is in the detail. While on one hand they are increasing the threshold for law firms in relation to when they must provide a detailed costs disclosure notice, on the other hand the original amendments created a new obligation on law firms, increasing the regulatory burden to provide an abbreviated costs disclosure notice for any costs expected to be \$750 or more.

The amendments as originally proposed would have meant that practitioners who are currently required to provide a costs disclosure notice for matters less than \$1,500 would need to provide an abbreviated costs disclosure notice. Both the QLS and principal of Sterling Law Leon Bertrand expressed concerns that this is contrary to the legislative intention to reduce the regulatory burden for law practices. The LNP expressed a similar concern. We said in our statement of reservation that the current \$1,500 threshold should be maintained as the disclosure threshold. I am pleased to hear today that the minister has backflipped on this amendment and has bowed to requests and will amend this clause so that the threshold is maintained. I thank principal of Sterling Law Leon Bertrand for coming forward and presenting his well-reasoned and sound submissions to our committee in this regard.

Turning to yet another unrelated issue, this bill seeks to address the issue of the electoral redistribution process. The bill removes reference to the 60-day time frame associated with the Queensland Redistribution Commission's finalisation of an electoral redistribution and instead inserts 'as soon as practicable'. This means that it is now possible for a new electoral boundary to be declared within 60 days of an election. This creates incredible uncertainty for the political process and is unfair to Queenslanders, especially when these changes could see Queensland residents still unclear which seat they will be voting in as few as three weeks out from an election and candidates uncertain of the boundaries of the electorate they are seeking to serve. In our view, the mandate upon the Redistribution Commission to finalise boundaries in a set time frame when all the prior work around the redistribution has been completed should be maintained.

Finally, in the short amount of time that I have left, I will try to address yet another part of this bill that should be debated separately—the new provisions allowing for the disclosure of a sexual offender's identity prior to the committal hearing. This amendment follows recommendation 83 of the Women's Safety and Justice Taskforce's *Hear her voice* report 2. The report also asked for an interim guide to be developed for the media. It is unlikely that that would have happened before 2024. I note that the minister announced some amendments. Like the shadow Attorney-General, I am concerned that these are the only checks and balances for this part of the bill. I would like to see these media guidelines tabled in the parliament and distributed before coming into effect.

The LNP will not oppose the bill because it contains Sophie's Law, which LNP members have been fighting for for years. It is obvious that there are issues with other amendments in this bill but they have been lumped together so they can be debated together. This is the hallmark of a government running from scrutiny—a government that is avoiding transparency and stifling debate.

(Time expired)