




Speech By  
**Laura Gerber**

**MEMBER FOR CURRUMBIN**

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Record of Proceedings, 21 May 2024

## **POLICE POWERS AND RESPONSIBILITIES AND OTHER LEGISLATION AMENDMENT BILL; CORRECTIVE SERVICES (PROMOTING SAFETY) AND OTHER LEGISLATION AMENDMENT BILL**

 **Mrs GERBER** (Currumbin—LNP) (12.47 pm): The state Labor government have a record, and it is not one to be proud of. Crime is at an all-time high and Queenslanders have never felt less safe in their homes, at their local shopping centres or in their cars. Blame for this lies squarely at the feet of this third-term Miles Labor government. Almost a decade ago, this state Labor government chose to water down our youth justice laws and, in doing so, created a generation of young offenders who know that their rights outweigh the rights of victims. It is this continued position by this state government, of putting the rights of offenders before the rights of victims, that I am seeing unfold in the amendments foreshadowed by the minister today in her second reading speech.

One of the amendments proposed to the corrective services bill is to insert a new section 340AA into the Corrective Services Act, essentially to provide the Parole Board with a broad discretion to withhold the details of information provided to the Parole Board. This can include a range of confidential information—it can include information about the offender’s suitability to be released into the community on parole, information from a victim of crime or intelligence about criminal activity of that prisoner—to inform the Parole Board’s decision about whether or not that prisoner is suitable to be released back into the community, ensuring and critical to the safety of not only victims of crime but also the community as a whole. That is the position currently drafted in this bill, to give the Parole Board that broad power.

Today the minister has come in here and watered down her own bill with amendments that propose to weaken that broad power and has introduced a balancing test to balance the rights of prisoners, murderers and rapists instead of prioritising the rights of victims and community safety. The minister in her second reading speech has indicated that she will accept the Labor members’ recommendation in the committee report and move amendments to this section which risk putting the rights of offenders before the rights of victims. The amendments mean that there will now be a balancing test between the human rights of the offender and the rights of the offender to natural justice rather than the original drafted broad power which allows the Parole Board to withhold information to ensure the safety of our community and to protect the information that might be given to them from victims of crime.

Let us look at the reason this section has had to be legislated and included. It has come about as a result of a Court of Appeal decision in the case of McQueen. McQueen won a Court of Appeal decision. The Parole Board rejected McQueen’s parole and decided he was not suitable to be in the community. McQueen appealed that decision and the Court of Appeal determined that, because natural justice was not provided to this murderer, McQueen is entitled to have that decision overturned. This section has been inserted in the Corrective Services Act to undo that harm and this minister has come into the chamber and watered that down with a balancing test. McQueen is a convicted murderer who is a prime suspect in the bludgeoning death of a teenage girl and was eligible for parole following that Court of Appeal decision. The Parole Board failed in its bid to suspend the parole of McQueen after its

decision was found by the Court of Appeal to lack procedural fairness. This section is designed to correct this error, yet this minister has come into this chamber and once again watered down laws that are designed to protect our community and victims of crime. Mr McQueen's involvement—

**Mr DEPUTY SPEAKER** (Mr Hart): Pause the clock. Member for Currumbin—

**Mrs GERBER**: Yes, I can assure—

**Mr DEPUTY SPEAKER**: Thank you. You knew what I was going to say.

**Mrs GERBER**: Yes, Mr Deputy Speaker. I can assure this chamber that this matter is currently not before the courts. Mr McQueen was called before an inquest in 2018 into the death of Annette Mason, who was 15 years old and found dead in her Toowoomba home, and Mr McQueen was implicated in this. The Parole Board was considering confidential information provided to it in relation to this case and on the basis of that decided to withdraw McQueen's parole—a murderer who had already murdered a prisoner in the prison system and who was accused of murdering a 15-year-old girl. The Parole Board withdrew his parole and that decision was overturned by the Court of Appeal because this murderer was not given natural justice and this section is designed to correct that error, but this minister comes into this chamber and waters down her own laws that are designed to protect victims of crime.

We have a bill before us which might see parole decisions overturned, but once again we see this government coming into this chamber and putting the rights of offenders before the rights of victims, putting the rights of murderers and rapists like McQueen before the rights and safety of our community and the rights of victims. The LNP members of the committee did not support this watering down provision of section 340AA in their statement of reservation. They stated that they agreed with the broad discretion to be provided to the Parole Board to withhold confidential information to the prisoner or the perpetrator—confidential information that might include information from a victim of crime and might include information about other criminal activities that a prisoner might be undertaking—in order to protect our community and protect victims of crime. This will water down that section so that now the Parole Board must do a balancing test. The Parole Board now must balance the rights of murderers and rapists against the rights of victims. Why can the Parole Board not have the broad discretion to be able to protect our community when looking at whether rapists and murderers should get parole? I urge the minister to reconsider this watering down provision and put the rights of victims before the rights of offenders, but we know that this government's heart is not in it. We know it is more concerned about the human rights of murderers and rapists than it is the rights of victims.

With the limited time I have left I want to focus on some of the other parts of this bill that deal with victims and youth justice. At the outset let me put on the record my sincere appreciation for the tireless and often thankless work that our corrective services officers do in not just our youth detention centres but our Corrective Services facilities across Queensland. Victims of crime have been telling us that this state government is failing them. We have been listening to victims of crime and we know that they are not getting the support that they need from this state government. We know that victims of crime are having to wait up to 18 months to two years to be able to get the financial assistance that they need to cover them when they are victims of crime. These people who have had their lives torn apart and who have lost loved ones to the most heinous of crimes have told us that they have to relive that horror and that the crime does not end, and they have been calling out for tangible action and an effective advocate service.

The proposed alteration to the Queensland Corrective Services Victims Register, while not an advocate service, will do a little bit more to allow victims of crime and their families to be kept informed as to information about their offender. It is our hope that this may assist victims of crime and their families to plan for safety if an offender is released and that they will be notified when the offender is applying for parole and of events that may affect their safety. It is our hope that it will simplify the process of getting this information through an opt-out service. We on this side of the chamber want to see much more done to protect the rights of victims. We want to see much more done to protect victims and ensure that their rights are put before the rights of offenders. The department stated—

The provision as currently drafted ... is necessary as there is a higher threshold for non-disclosure of information on the basis of public interest. Therefore, public interest immunity may not protect the full scope of sensitive and confidential information captured by the provision from disclosure.

Even the minister's own department wants to see this section in the bill, drafted to correct the outcome of McQueen, remain as it is, but this minister has come in here and watered down that section and not listened to her own department that say that it is necessary as currently drafted. This state Labor government does not have its heart in it and it does not care about the rights of victims.