



Speech By
Jann Stuckey

MEMBER FOR CURRUMBIN

Record of Proceedings, 9 August 2017

CORRECTIVE SERVICES (NO BODY, NO PAROLE) AMENDMENT BILL

 **Mrs STUCKEY** (Currumbin—LNP) (5.03 pm): The Corrective Services (No Body, No Parole) Amendment Bill 2017 was introduced into the Queensland parliament by the Attorney-General and Minister for Justice and referred to the Legal Affairs and Community Safety Committee on 23 May 2017. A reporting date of 24 July was set. The inquiry process included seeking advice from the Department of Justice and Attorney-General and inviting selected stakeholders and subscribers to lodge written submissions. As a result, four submissions were lodged, a public briefing from the department and Corrective Services was received and a public hearing was held in Brisbane. I wish to place on the record my thanks to the committee members, the secretariat, the department and other agencies, submitters and witnesses. The Legal Affairs and Community Safety Committee has often been acknowledged for carrying a heavy workload due to the number of pieces of legislation that come before it. Despite parliament not sitting for two months, our committee has been very busy.

With regard to the Corrective Services (No Body, No Parole) Amendment Bill, the committee determined that the bill should be passed. In saying so, it is important to note that the LNP first announced support for this legislation in 2016, which would have been implemented by now if the process had not been blocked. As honourable members have heard, the no-body no-parole policy is predicated on the notion that making parole release for particular prisoners dependent upon them cooperating in a satisfactory manner in the investigation of the offence to identify the victim's location will encourage and provide incentive for those prisoners to assist in finding and recovering the body or remains of the victim. It is hoped that this will, in turn, offer some comfort and certainty to the families of the victims.

Under the existing parole framework for the offences of murder and manslaughter, the offence of murder carries a mandatory sentence of life imprisonment or the imposition of an indefinite sentence and sets mandatory minimum non-parole periods for the offence of murder. A prisoner serving life imprisonment for an offence of murder committed after 29 August 2012 is subject to a mandatory minimum non-parole period of 20 years imprisonment. Where the offence was committed prior to 29 August 2012, the previous non-parole period of 15 years imprisonment applies. Multiple murder convictions or the murder of a police officer attract higher non-parole periods. A parole eligibility date does not mean the offender is automatically released to parole on that date.

As we have heard, in 2015 an e-petition sponsored by Fiona Splitt attracted 6,259 petitioners who sought amendments to the Corrective Services Act to provide that an application for parole not be processed where a prisoner has been sentenced for the murder and the remains of the victim have not been found. Fiona has been a tireless advocate for this legislation. I join other honourable members in our wishes for her and other affected families to find some small comfort in the changes to the Queensland legislation now before us.

In addition, a lengthy report by then QC Mr Walter Sofronoff, which came about through a review of the Queensland parole system, made 91 recommendations for a complete reform of Queensland's system. The Parole System Review report, as it is known, was given to the government on 1 December 2016 and later tabled in the parliament on 16 February 2017. As I said when addressing the Corrective Services (Parole Board) and Other Legislation Amendment Bill, the government's response to the report supported in principle 89 of the 91 recommendations. However, only recommendations Nos 35 to 61 were contained in that legislation. Recommendation No. 87, which was not included in the earlier legislation, reads as follows—

The Queensland Government should introduce legislation, similar to that in South Australia, which requires the Parole Board to consider the cooperation of a prisoner convicted of murder or manslaughter and not release the prisoner on parole unless the Board is satisfied that the prisoner has satisfactorily cooperated in the investigation of the offence, including, when relevant, by assisting in locating the remains of the victim of the offence.

The Queensland Attorney-General stated that she was looking at the recommendation and will consider the best model. As I have said, it is a pity that these amendments were not introduced when the opportunity presented itself in May.

There are similar models in other Australian states and territories. Northern Territory legislation came first and commenced in August 2016. Victoria started in December 2016, South Australia followed in February 2017 and Western Australia introduced legislation along these lines in May of this year. Whilst each model varies in its language and detail, the underlying policy is clearly that no-body no-parole applies when prisoners have not cooperated in the identification of the location or last known location of the deceased victim. In making the recommendation, the Parole System Review report considered the South Australian legislation and the Northern Territory legislation and concluded—

The 'no body, no parole' legislation is designed to help victims' families and to provide a strong incentive for offenders to cooperate with authorities. A system similar to South Australia's, which focuses more broadly on cooperation with the investigation, has the potential to provide more benefit to the community in incentivising cooperation of all kinds, including the location of the body.

The report continued—

Withholding the location of a body extends the suffering of victim's families and all efforts should be made to attempt to minimise this sorrow.

Of the four submissions that we received, three were opposed to this legislation. They were from the Queensland Law Society, the Queensland Council of Civil Liberties and the Bar Association of Queensland. They do recognise the prolonged suffering experienced by grieving families caused by the withholding of information, but nevertheless opposed the provisions within the bill. They had concerns with a number of aspects, including: circumstances where compliance is not possible; the issue of cooperation and its extension into other forms of cooperation which could contradict fundamental legislative principles; failure to protect from self-incrimination; imposition of obligations retrospectively; and wrongful convictions.

The supporting submission was from Fiona Splitt from Cooktown. Fiona's husband, Bruce Schuler, disappeared on 9 July 2012 while prospecting near Palmerville Station north-west of Cairns. Stephen Struber and Dianne Wilson-Struber were convicted of his murder on 24 July. Still to this day they have never cooperated with the police or any other authority to reveal where Bruce is. Fiona stated—

The not knowing where Bruce is, has been a nightmare to me as I'm always expecting him to come home. Although my head tells me that this is not going to happen. My heart (still after five years) will not let go of this, until I can bring him home and bury him with dignity.

No-one should ever have to experience this.

I am sure Fiona's words are echoed by others who have experienced this heart-wrenching uncertainty and grief. May I convey my sincere sympathy to the families in the gallery and throughout Queensland who have had to endure the torment of not knowing where a loved one lies.

I listened to the honourable member for Everton's speech with tears in my eyes as he expressed the deep sense of loss and longing felt by the Pullen family. That is why the intent of this bill is embraced widely in this place and objections have not been supported. I urge honourable members to support the LNP's amendments, as foreshadowed by the honourable member for Mansfield. These are: unlawful striking causing death, or one punch can kill; an offence of misconduct with regard to interfering with a corpse; and accessory after the fact. Let us hope that we can live in a Queensland where there are far fewer murders and less wrongdoing to each other.