indirectly or directly imposes or proposes to impose a term or standard, whether written or unwritten, that a person will not comply with if the person uses the language.

The aspect of the bill that I consider vitally important is businesses and institutions are more and more abusing their influence over employees and students to limit the use of traditional language. Those people who choose to use that traditional form of language are currently being punished, and that will grow in time. These organisations will disguise their extreme agendas as language guides or anti-discrimination policies that are suggestions around the use of gender based language, and this creates a malaise over this issue yet it has not brought it to a head for a mature debate around it. That is why we are introducing this bill—that is, so there is a debate, it brings the issue to a head and people can have their say.

The reality is—and I think most people would accept this—that if a boss or a person marking your university assignment has preferred language and you do not use it, you are going to be overlooked for that promotion or you might have your assignment marked down. A lot of this can be very discreet and underhanded in the way that it impacts on our lives. These implied threats and coercion used by organisations against members and employees are a worrying trend indeed. This sort of malaise can only come from weak governments and politicians not doing anything about a proliferation of these ideologies and not being held to account and not bringing it to a head to have a debate so that we can discuss this and have people vote on it.

We believe that there are extreme views being pushed and that there is a blank cheque, and I invite the word relativism where everything traditional gets compromised and has to be thrown out the window. We will even meet halfway, which is what this bill attempts to say—that is, we accept that there is progressive language used out there and that other people have different views. We accept that, but what we are proposing is that if we choose not to accept that we will still have some rights to do that. I think that is a pretty good compromise to have on this issue.

In essence, this bill protects true diversity because it allows people who want to have what are called progressive views and other people who want to maintain those traditional values. They both will still have their rights protected. I think it is very important to acknowledge that there are different people in society who have different views and there are big cultural shifts in different parts of the state where different views are predominate. Nothing in this bill is intended to prohibit the use of non-traditional gender language. I have tried to make that painfully clear in this introductory speech. There is nothing to prohibit the use of non-traditional gender language or the provision of facilities and services by any individual entity that does want to cater for non-traditional gender classifications. I stress that again.

This is about a right to stand up for some traditional values in the House. We believe this issue has been brought to a head. Many would comment that this is not needed and there are no issues, and that already came out, as I said, in the media where universities were patting this down saying, 'That's not an issue at all. There's no evidence of that.' Contrary to that view, students wrote to us saying, 'Here is the evidence where we have been marked down.' This is happening now. It has to be discussed and debated by this House to bring this issue to a head. The KAP is proud to do that.

First Reading

Mr KATTER (Traeger—KAP) (12.38 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to Legal Affairs and Community Safety Committee

Madam DEPUTY SPEAKER (Ms McMillan): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.

020

PROTECTING QUEENSLANDERS FROM VIOLENT AND CHILD SEX OFFENDERS AMENDMENT BILL

Introduction

Mr JANETZKI (Toowoomba South—LNP) (12.39 pm): I present a bill for an act to amend the Dangerous Prisoners (Sexual Offenders) Act 2003 for particular purposes. I table the bill and the explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

Tabled paper: Protecting Queenslanders from Violent and Child Sex Offenders Amendment Bill 2018.

Tabled paper: Protecting Queenslanders from Violent and Child Sex Offenders Amendment Bill 2018, explanatory notes.

A government's first priority must be to keep its citizens safe. When the Attorney-General's application to extend the supervision order for notorious sex offender Robert John Fardon was dismissed, the LNP became increasingly concerned. After over 3½ years, it was clear that the Palaszczuk Labor government did not have a plan B to deal with some of the worst offenders in Queensland. The last thing we want to see is community safety jeopardised with offenders unsupervised on our streets. Labor's rushed plan, which passed last night, has been cobbled together at the last minute. It is a small step in the right direction, but it does not go anywhere near far enough.

Queensland already has some of the strongest laws that deal with violent and child sex offenders and what the LNP is proposing with this bill will ensure that they are further strengthened. Prisoners subject to the Dangerous Prisoners (Sexual Offenders) Act 2003—or DPSO—have committed some of the most disgraceful crimes imaginable. Their crimes steal their victims' innocence, they haunt victims' and their families' lives forever.

Recently, we learned of the potential of Queensland's most notorious and dangerous repeat sex offender, Robert John Fardon, walking the streets completely unsupervised. This is a man who raped a 12-year-old at gunpoint, attempted to rape a girl aged under 10, violently raped and assaulted a woman only 20 days after he was released from custody, and who has regularly breached supervision orders. This man has been described as a psychopath with an anti-authoritarian attitude. This man appears to have no remorse or, at best, perhaps some, as noted by his psychiatrist. This is a man whose historical risk factors place him in a group of offenders with above-average risk of reoffending. We cannot simply rely on a person's age as a significant factor for reducing a risk of reoffending as a measure to protect the community.

Last month, the Attorney-General's application to extend his supervision order was dismissed. Now, Labor is putting all of its eggs in the appeal basket. If the Attorney-General loses the appeal, Fardon will be in the community and unsupervised when his current supervision order expires on 3 October even with the amendments passed last night. We do not think that is good enough. We think that will pose an unacceptable risk to community safety.

What is clear is that Labor did not have a plan B for dealing with the potential release of Robert John Fardon nor offenders of this nature generally. The LNP acted swiftly when news broke that the Attorney-General's application to extend Fardon's supervision order had failed. We considered that the only certain measure to keep Queenslanders safe was to legislate, to strengthen the laws around supervision, and to amend the Dangerous Prisoners (Sexual Offenders) Act 2003. Labor has had over 3½ years to do something about this issue and had failed to act and protect community safety until our plan was announced on Sunday. This approach is just not good enough. It is a risk too high for Queenslanders and a risk that could bear the most grave consequences.

The LNP bill significantly strengthens the post-sentence supervision scheme contained in the Dangerous Prisoners (Sexual Offenders) Act 2003 to ensure that paramount consideration is given to the safety and protection of the community. The bill will achieve this by giving the Governor in Council the ability to determine that a supervision order no longer applies to the released prisoner if the Governor in Council is satisfied that the released printer is no longer a serious danger to the community; expanding the post-sentence scheme to apply to repeat offenders by introducing an indeterminate supervision order in which an offender, who is convicted of two or more sexual offences, will, by operation of law and without specific order, be subject to an indeterminate supervision order; and strengthening the objects of the act to make it absolutely clear that, in making any decision, a person or body must give paramount consideration to the safety and protection of the community.

The bill is based on reasoning derived from the recent High Court decision in Pollentine v Bleijie, which established a legitimate interface between executive and judicial power with medical oversight. The bill also takes on provisions found in Victoria's Serious Offenders Act 2018, which was introduced this year. Those provisions were introduced by a Victorian Labor government.

Repeat sexual offenders pose a degree of risk until the day they die. A repeat offender's history says it all. There should never be a day when a repeat offender is considered risk free. This is why we have decided to legislate to specifically target repeat offenders. Greater safeguards need to be in place to ensure the paramount safety and protection of the community. There are circumstances, such as

those that apply to Robert John Fardon, whereby a released prisoner is subject to very stringent supervision orders, such as living in a fenced compound out in the community. This provision offers continuous protection to the community.

The supervision order takes effect on a prisoner's release date, or on a day a repeat offender's supervision order ends. In the case of Fardon, the reporting psychiatrist observed—

> There is a risk that in the community he will become anxious and react abusively to perceived or actual provocation, or that his personality style in general will bring him to conflict with others.

We think there is a risk too great for Queenslanders. This is why we need a mechanism in place where strong supervision needs to be maintained to protect the community.

In this regard, the bill also provides that, if a supervision order ceases, a repeat offender will be subject to an indeterminate supervision order by operation of law. This will include the requirement that the repeat offender wear a GPS monitoring device for ongoing around-the-clock monitoring and other requirements that include, among other things, that the repeat offender cannot be within 200 metres of a school or live within one kilometre of a place where children are regularly present, such as parks and shopping centres. These orders will be in place indefinitely to ensure that, if a repeat offender is no longer on a supervision order, they will at least be GPS monitored until they die.

While the GPS monitoring requirement is indefinite, other requirements contained as part of an indeterminate supervision order will be reviewed by the Attorney-General at least once every three years and will include the involvement of two psychiatrists. The bill provides that a released prisoner subject to a supervision order can have their order extended indefinitely by the Governor in Council until the released prisoner is no longer a serious danger to the community.

New supervision orders that apply after the commencement of this legislation will no longer be fixed terms. This will apply to a released prisoner currently subject to a supervision order that was made before the commencement of this bill. In this regard, it should be noted that the order is imposed by the court and only extended based on the review of the Attorney-General and the statutory criteria that the sentencing court had regard to. For the purposes of any review, the released prisoner must also be examined by two psychiatrists.

These changes mean that, under this bill, child and violent sex offenders may remain on their current supervision order. Unlike Labor's amendments passed yesterday, child and violent sex offenders have a much greater chance of continuing on their strict supervision order—a proposal that will make Queenslanders safer.

The LNP will always have a firm position on community safety and that is that the safety and protection of the community is paramount. We are not talking about indefinitely detention; we are talking about indefinite supervision until such time the Attorney-General is satisfied that the prisoner does not pose an unacceptable risk to the community. In making this decision, the Attorney-General must give paramount consideration to the safety and protection of all.

The LNP wants to provide Queenslanders with a high level of certainty that there will always be some form of supervision in place and that should be a guarantee. Legislative regimes for the preventative detention of convicted persons by means of the imposition of indeterminate sentences have a long history in Australia and have withstood constitutional challenge in the state's Supreme Court and have also been assumed to be valid in a number of decisions by the High Court, including Pollentine. This most recent High Court case from August 2014 which touches on this matter is instructive.

021 In Pollentine the High Court unanimously held the validity of section 18 of the Criminal Law Amendment Act 1945 which allows a trial judge to make directions for the indefinite detention of a person found guilty of an offence of a sexual nature committed upon or in relation to a child. In doing so, Their Honours emphasised the validity of section 18 by noting that the executive decision to release a detainee was made with reference to statutory criteria. Once it is recognised that the release is not at the confined discretion of the executive but dependent upon demonstration by medical opinion of the reduction of risk of reoffending there can be no notion that the court has delegated the fixing of punishment. Thirdly, Their Honours emphasised the fact that the executive power to release a detainee was subject to a criterion that admitted judicial review.

In relation to judicial review, there is nothing in the Judicial Review Act 1992 or the Dangerous Prisoners (Sexual Offenders) Act 2003 that excludes judicial review of a decision of the Governor in Council. In the absence of such an exclusion, as the Governor in Council's decision is a decision of an administrative nature, it will always be captured by the Judicial Review Act.

The bill respects the institutional integrity of the Supreme Court while promoting the safety of the community. We believe that sufficient safeguards are in place to respect the independence of the courts, particularly, as I have already said, given that any administrative decision of government is judicially reviewable. We have also included a three-year review clause.

We have consulted various legal practitioners in formulating the approach contained in this bill. The Queensland Law Society were advised of the bill prior to our announcement over the weekend and were granted a briefing prior to the bill's introduction today. The urgent nature of formulating a plan B in the absence of any plan from the government curtailed a more thorough consultation process. I note that this bill will commence upon assent.

These are tough laws, but they are what is needed to keep the community safe from repeat violent sex offenders. We need to do what we can to protect vulnerable Queenslanders from the worst kind of offenders. The LNP will always put community safety first and we make no apologies for it.

First Reading

Mr JANETZKI (Toowoomba South—LNP) (12.52 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to Legal Affairs and Community Safety Committee

Madam DEPUTY SPEAKER (Ms McMillan): In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.

~~LEAVE TO MOVE MOTION~~

~~**Mr JANETZKI** (Toowoomba South—LNP) (12.53 pm): I seek leave to move a motion without notice.~~

~~Division: Question put—That leave be granted.~~

~~**AYES, 43:**~~

~~**LNP, 37**—Bates, Batt, Bennett, Bleijie, Boothman, Boyce, Costigan, Crandon, Crisafulli, Frecklington, Hart, Hunt, Janetzki, Krause, Langbroek, Leahy, Lister, Mander, McArdle, McDonald, Mickelberg, Millar, Minnikin, Molhoek, Nicholls, O'Connor, Powell, Purdie, Robinson, Rowan, Simpson, Sorensen, Stevens, Stuckey, Watts, Weir, Wilson.~~

~~**Grn, 1**—Berkman.~~

~~**KAP, 3**—Dametto, Katter, Knuth.~~

~~**PHON, 1**—Andrew.~~

~~**Ind, 1**—Bolton.~~

~~**NOES, 46:**~~

~~**ALP, 46**—Bailey, Boyd, Brown, Butcher, Crawford, D'Ath, de Brenni, Dick, Enoch, Farmer, Fentiman, Furner, Gilbert, Grace, Harper, Healy, Hinchliffe, Howard, Jones, Kelly, King, Lauga, Linard, Lui, Madden, McMahon, McMillan, Mellish, Miles, Miller, Mullen, B. O'Rourke, C. O'Rourke, Palaszczuk, Pease, Pegg, Power, Pugh, Richards, Russo, Ryan, Saunders, Scanlon, Stewart, Trad, Whiting.~~

~~Pair: Lynham, Perrett~~

~~Resolved in the negative.~~

~~NATIONAL REDRESS SCHEME FOR INSTITUTIONAL CHILD SEXUAL ABUSE (COMMONWEALTH POWERS) BILL~~

~~Second Reading~~

~~Resumed from p. 2595, on motion of Ms Farmer—~~

~~That the bill be now read a second time.~~