



20 February 2019

Mr Peter Russo MP  
Chair  
Legal Affairs and Community Safety Committee  
Parliament House  
George Street  
Brisbane QLD 4000

Via email: [lacsc@parliament.qld.gov.au](mailto:lacsc@parliament.qld.gov.au)

Dear Mr Russo,

**Response to public submissions on the Protecting Queenslanders from Violent and Child Sex Offenders Amendment Bill 2018**

I would like to provide a response to the following clauses in relation to submissions made by the Queensland Law Society (QLS).

In relation to point 1 which raises issues about the constitutionality of Bill, clause 19D of the Protecting Queenslanders from Violent and Child Sex Offenders Amendment Bill 2018 (**the Bill**) ensures the condition for determination of release is reliant on, among other things, medical opinion on the reduction of risk of reoffending.

Clause 5 mirrors Victoria's *Sex Offender Act 2018*, which expressly provides that the court must not have regard to the means of managing the risk or the likely impact of a supervision order on the offender.

The proposed section 19D (2) is unambiguous in its application. That is, the Governor in Council can only have regard to the same factors that the court can have regard to when deciding whether a released prisoner is a serious danger to the community.

The proposed section 43AO, which requires repeat offenders to be examined once every 3 years, is an important safeguard for repeat offenders subject to an indeterminate supervision order. The psychiatric examination is necessary to assist the Attorney-General in the decision-making process and will also ensure only those repeat offenders who present an unacceptable risk will continue to be supervised.

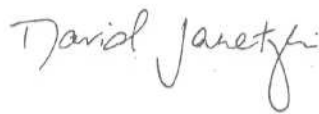
In relation to point 2, clause 4 of the Bill, which inserts an additional provision to the Objects of the *Dangerous Prisoners (Sexual Offenders) Act 2003 (DPSO Act)*, aims to unambiguously emphasise that the safety of the community is paramount in making any decision.

Clause 4 mirrors section 5 of Victoria's *Serious Offenders Act 2018*, which provides that 'in making any decision under this Act, a person or body must give paramount consideration to the safety and protection of the community'.

Clause 10 defines a repeat offender to mean 'an offender who is convicted of two or more serious sexual offences committed by the offender when the offender was an adult. 'Serious sexual offence' is further defined in the DPSO Act to mean an offence of a sexual nature, whether committed in Queensland or outside Queensland involving violence; or against a child; or against a person, including a fictitious person represented to the prisoner as a real person, whom the prisoner believed to be a child under the age of 16 years.

Thank you for the opportunity to provide these responses.

Yours sincerely,

A handwritten signature in black ink that reads "David Janetzki". The signature is written in a cursive, flowing style.

Mr David Janetzki MP  
**Shadow Attorney-General**  
**Shadow Minister for Justice**