Speech by

GARY FENLON

MEMBER FOR GREENSLOPES

Hansard 26 May 1999

CONVICTED CHILD SEX OFFENDERS; NOTIFICATION ORDERS

Mr FENLON (Greenslopes—ALP) (6.12 p.m.): I rise to support the amendment to the motion moved by the Attorney-General. In doing so, I hope that I am supporting a general principle that all members of this Parliament agree and adhere to, and that is that every part of the armoury of the Legislature of this State is directed at saving children from this very reprehensible crime.

The crux of the matter is that that is a very complex process. We are dealing with individuals who have a very wide range of psychological disorders and criminal conditions and who have been released back into the community with perhaps varying degrees of reform and rehabilitation. We are trying to find ways of protecting those individuals as well as protecting society and, particularly in this case, protecting our children.

In that context there are internationally some very extreme measures, a prominent one being Megan's law. Its main element is the general publication of details of sexual offenders. We cannot say that in Queensland we have Megan's law. That is a fundamental fallacy that has been raised by those opposite. Section 19 of the Criminal Offence Victims Act allows the court to make an order that allows the Attorney-General to release details of the offence only if asked. I expect that, in the context of the current law, that is an attempt to fit the actions to the circumstances. I think that we would all acknowledge that the circumstances of cases are very diverse.

In our recent history, we have seen an attempt by a member to try to go further in terms of the regulation of this area. That Bill was the subject of a report to the Parliament by the committee that I currently chair, the Legal, Constitutional and Administrative Review Committee, in its report No. 8 on the Criminal Law (Sex Offenders Reporting) Bill. I am sure that the motives of the member who introduced that Bill into this House were very sound. However, that report contains some very salutary lessons which, in summary, reveal that the further we go into regulating this area, the more complex and difficult the issue becomes. The report on that Bill contains 35 recommendations, most of which are directed at seeking further clarification. In summary, the report states that the major problems facing such a law relate to it fitting a diverse range of circumstances. So if there is one salutary lesson to be drawn from that report and from the debates held so far about this issue, it is "Oh, man, take heed."

We have to be very careful about trying to fit more specific regulation to these circumstances. That is why the second element of the motion moved by the member for Warwick, which we are debating, creates a further extension of the problem of adopting a one-size-fits-all approach to the diverse circumstances surrounding a case.

Tonight, I have listened to the debate very carefully. I have read the motion, which suggests that we ensure that the courts always issue such an order in all appropriate cases. We have not been told by those opposite how we go about that in terms of maintaining a separation of powers in terms of the administration of justice in this State.

Time expired.