



Speech by

**Mr L. SPRINGBORG**

**MEMBER FOR WARWICK**

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Hansard 26 May 1999

**CONVICTED CHILD SEX OFFENDERS; NOTIFICATION ORDERS**

**Mr SPRINGBORG** (Warwick—NPA) (Deputy Leader of the Opposition) (5.22 p.m.): I move—

"That this Parliament re-affirms its commitment to protecting the community from people convicted of child sex offences and—

unequivocally supports sections 19 and 20 of the Criminal Law Act which allows a Court to issue an order which gives the Attorney-General the power to notify all interested parties including schools, neighbours, employers and parents of a person convicted of sexual offences in relation to a child under the age of 16 years; and

calls on the Attorney-General to ensure the Courts always issue such an Order in all appropriate cases where the Court is satisfied that a substantial risk exists that the offender will thereafter commit a further sexual offence against a child under the age of 16 years."

One of the most abhorrent crimes imaginable is that of paedophilia. The lifelong impacts that this crime has on any victim are beyond the comprehension of most of us. The lifelong impact that such a crime must have on the responsible parents of the victims of such a crime are also beyond the comprehension of most of us. I have no doubt that all 89 members of this Chamber share a common contempt and revulsion for the perpetrators of such crimes, but what I do doubt is the commitment of those members opposite to ensure that the toughest imaginable protections are entrenched in law to stop paedophiles from preying on our children.

Tonight's motion is about upholding the current law. It is about ensuring that those provisions which exist within the Criminal Law Amendment Act are applied by the courts. It is about ensuring that every possible safeguard to protect our children is used to the maximum. Believe me, as a father of four, I am committed to seeing these safeguards upheld by the Parliament, the Attorney-General and the courts.

However, what concerns me, judging by recent media reports, is that Queensland has an Attorney-General who seems a little reluctant to endorse the law as it currently exists. We have an Attorney-General whose job it is to uphold the law in Queensland, yet he has some reservations about ensuring that the law is applied. That would have to be unprecedented. Indeed, this morning on radio when the Attorney-General was asked what was wrong with the State Parliament committing to a law that already exists, he fumbled and stumbled and simply said, "Well, we'll see what view the Parliament takes." In other words, the man supposedly charged with upholding the laws of Queensland as they currently exist was not prepared to support that existing law. And he is apparently fit to be Attorney-General!

Section 19 of the Criminal Law Amendment Act allows a court to make an order that an offender convicted of a sexual offence in relation to a child under the age of 16 must report to police within 48 hours of any change of address after they have been released, for the duration of the order. The Director of Public Prosecutions—and I table this advice for the benefit of honourable members—has advised—

"Where such an order is made it allows police to know the offender's whereabouts during the reporting period, and the Attorney-General, pursuant to section 20, to inform any person of the making of the order and give the person details of any offence of a sexual nature

of which the person has been convicted if the Attorney-General is satisfied that the person has a legitimate and sufficient interest in obtaining information."

So that this cannot be confused, on 28 April 1997 the Director of Public Prosecutions clarified it by stating—

"Thus neighbours or a potential employer might be supplied with this information if the Attorney-General is satisfied of the person's legitimate and sufficient interest in having the information."

It was one of the many visionary and progressive policies introduced by the previous National Party Government in 1989. Indeed, it is typical of the sort of genuine civil rights agenda that attracted me to stand for this party only a couple of months later.

This law was and is aimed at putting the very real rights of our community and our children to have safety ahead of—way ahead of—any perceived or supposed rights of paedophiles. But the tragedy of this law was that it was not used once during the term of the previous Goss Labor Government. The current Attorney-General held the same position during the term of the previous Government. His fellow frontbencher the honourable member for Murrumba and now Education Minister also held the position of Attorney-General during the previous Goss Government. It is my belief that both failed in their duty of care. Both failed to ensure that the courts applied this protective order. By their failure, both are responsible for putting our children at risk from paedophiles who are at risk of reoffending. As the chief upholder of law and justice in this State, both failed monumentally to ensure that the courts were applying laws which were available at that time.

Subsection (1) of the order makes it very clear that such an order should not be made unless the court is satisfied that a substantial risk exists that the offender is likely to again commit a similar offence. In other words, what the current Attorney-General and current Minister for Education are saying is that, during their shared six years in the position, they presided over a justice system in which not once a single paedophile was convicted who was at risk of recommitting an offence. What an absolute indictment on those two frontbenchers opposite!

**Mr Wells:** You are really demeaning this issue.

**Mr SPRINGBORG:** The honourable member for Murrumba should be held accountable, because this is a law which existed at the time. I am asking the honourable member for Murrumba and the honourable member for Yeronga why they did not use that law at that time. It was a law that existed from 1989—

**Mr WELLS:** Mr Speaker, I am happy to answer the honourable member's question. The answer to the question is that, under the laws that he was applying in those times, they were not even being locked up. It was not until the case of the Queen v. H. that that started to occur and that the provisions became relevant.

**Mr SPEAKER:** Order! There is no point of order.

**Mr SPRINGBORG:** We can have a debate about that some other time.

I just ask: how do you balance your respective consciences? Their failure to ensure that the law was enforced, I believe, has exposed in some ways some of those children to far greater risk than what they should have been. There is no room for compromise in tonight's debate. There is no room for amendments. It is simply a question of: do we, as a State Parliament, support the law? It really should be a simple question, yet it has become apparent that the Beattie Labor Government has reservations about this.

When the Attorney-General was reminded of the law in relation to paedophiles, he had no knowledge of it. Indeed, after discussion with the Director of Public Prosecutions, a survey was issued to all Crown prosecutors asking for details on when and if the law has been used and in what cases. We all know that the law was used under the Borbidge Government because the then Attorney-General, Denver Beanland, ensured that the DPP sent a guideline to all courts on 28 April 1997 reminding them of the law. We know that the honourable member for Indooroopilly ensured that the order was being made and was monitoring its use. However, such diligence did not exist under the Beattie Labor Government. Indeed, the Attorney-General had to do some research to find out if the order existed and if it had been used.

Tonight's motion simply seeks to ensure that the courts make full use of the laws as they exist and it seeks to ensure that the Attorney-General monitors the court to ensure that these orders are issued in all appropriate cases. Of course, if the current Attorney-General had displayed a diligence in his job in the past, then we would not have to be bringing on this motion tonight.

In recent weeks the use of this law has attracted a degree of media attention. As can be expected, the so-called Council for Civil Liberties has described section 19 of the Criminal Law Amendment Act as "mind-stoppingly drastic". However, I ask: what is so mind-stoppingly drastic about

putting in place safeguards for our children? What is so mind-stoppingly drastic about imposing conditions on a convicted paedophile who the courts believe has a reasonable chance of reoffending? If it was so mind-stoppingly drastic, why did the Council for Civil Liberties not oppose the law at the time that it was reintroduced? Why did it not make a submission to the Government along those lines?

The then Leader of the House, Brian Austin, made specific reference to the law in his second-reading speech. If it was so mind-stoppingly drastic, why did the then Labor Party not oppose the Bill at that time? The current president of the Council for Civil Liberties recently told at least one media outlet that such a law destroyed the balance between the rights of the community to protection and the individual's right to live down their past. What an absurd nonsense! This order will only apply to cases where the court is satisfied that there is a real risk that the offender may reoffend and, in those circumstances, the community's right to protection must be paramount. There is no compromising on that.

Many child sexual offenders are habitual. We must protect their potential victims. I know that for many members opposite much goodwill exists and much desire exists to do something about protecting our children. Indeed, I understand that the Honourable Minister for Families currently has legislation under consideration that would enshrine further protection for our children. What I am saying to members of this Parliament tonight is that we currently have a law—a good law— which is sections 19 and 20 of the Criminal Law Amendment Act, which allows the Attorney-General and the courts to further protect our kids, and we should be supporting that.

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