



Speech by

**Mrs LIZ CUNNINGHAM**

**MEMBER FOR GLADSTONE**

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Hansard 9 December 1999

### **CRIMINAL LAW AMENDMENT BILL**

**Mrs LIZ CUNNINGHAM** (Gladstone—IND) (6.41 p.m.): It has been said by a writer to the paper that to implement Queensland's version of Megan's law the Queensland Community Corrections Board will have the discretion, or have to determine, or be satisfied that there was a serious risk of a child sex offender reoffending. That writer went on to say that, surely, the question should be not how to manage offenders when released but whether those who are assessed as posing a serious risk to the community should be released at all. Further, the writer said that, until a treatment program can be found to ensure that a paedophile no longer poses a serious threat to children, indefinite incarceration is the only option for a responsible society. Most of us in the community would agree with those sentiments. However, Terry O'Gorman from the Queensland Council for Civil Liberties and others say that the priority ought to be on the rehabilitation of the offenders. Overwhelmingly, the feedback that I have received is that the children should be our primary focus.

This Bill raises again the obligation that each of us has to protect our most precious children. They have no real defence themselves. Those violated at a young age have no tools with which to combat the mongrels who would prey on them. They are trusting, they are open, they are unquestioning. It has been recorded, and I think very accurately, that this type of offence has a high level of recidivism.

The public admission of information is not intended for low-level offences. In May this year in Queensland, a 58 year old sex offender, with no previous criminal history, was required to notify police of his address for three years, despite being convicted of a minor sexual assault. I will not name the judge involved, but the judge was told that the man had touched a 10 year old boy's genitals on the outside of his pants for a matter of seconds before the boy pushed him away. The man was sentenced to six months' jail but was released immediately on an intensive correction order and ordered to notify police of his address within 48 hours.

I do not believe that most Queenslanders want that use of this particular power. More specifically, again this year the Police Commissioner released information about a convicted paedophile working for a community children's organisation, using another little known legal provision. This sort of power, and the exercise of it, is what the people in Queensland want. I do not believe that the community in Queensland are unreasonable. I do not believe that they are vindictive. I think that they are fair and just people. They acknowledge that young children who are preyed upon by people—men and women—deserve the greatest level of protection. In that regard I refer to not only the victims of that particular assault but also other children who may subsequently and innocently become the victims of the same offender.

Although I will be supporting the Bill, contrary to what it proposes I happen to believe that the Attorney-General is a very appropriate person to exercise that power. I believe that he would do it objectively, I believe that he would do it sympathetically, and I believe that he would do it appropriately. I do not really see the need for the shift in the exercise of power. However, I see the need for the power to be exercised in genuine circumstances.

It has been said that people are entitled to know who is among them, that is, those who have the intention to harm children. We have to balance civil liberty considerations with the rights of children—potential victims. However, as I said earlier, I believe that people in Queensland come down,

almost to a person, in favour of the protection of children. Paedophiles do not deserve our sympathy when they have shown themselves to be serious offenders. The first example that I referred to was of somebody who perhaps did something without thinking and may intend never to reoffend. However, many paedophiles have a long history of offending or are long suspected of offending, and they do not deserve any protection. Our children deserve protection, the children's parents deserve protection and, on that basis, I support the Bill.

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