Speech by

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MEMBER FOR MUDGEERABA

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DANGEROUS PRISONERS [SEXUAL OFFENDERS] BILL

Mrs REILLY (Mudgeeraba—ALP) (3.31 p.m.): I rise to support the Dangerous Prisoners (Sexual Offenders) Bill 2003. I do so with some reservations, which I have discussed with the Attorney-General, but also with the heartfelt belief that, all things considered, this bill is a good one and must be supported and that the Attorney-General and the Beattie government are doing the right thing in introducing it.

Essentially, the bill provides for the continued detention or supervised release of particular prisoners to ensure adequate protection of the community. It also provides continued control, care and treatment of these prisoners to facilitate their rehabilitation where possible. The need for this bill has come about due to growing community concern about the release of convicted sex offenders, particularly serious violent offenders who have committed very serious and abhorrent crimes.

The community has certain expectations, one of those being a protection from violent offenders—that is, protection of our personal safety and that of our children. Government has a duty to meet certain community expectations, where possible and where justified. In this case, this expectation, this concern regarding the release of serious violent sex offenders who are deemed to continue to pose a risk, is justified.

I know that this bill will not sit well with lawyers and civil libertarians, among them my husband and the other criminal lawyers he is in practice with. I can imagine what one of those lawyers, Sean Cousins, would be saying. He is a prominent civil libertarian criminal lawyer and, as I understand it, a good friend of the Leader of the Opposition. I wonder what he would be making of his comments today. I notice that, unfortunately, he is not here to consider those. I am sure he will in the future.

Most lawyers will strenuously object to this bill based on their singularly focused approach to their work from within the framework of the criminal law—an approach which they must take if they are to be effective advocates for those charged with abhorrent violent or sexual offences. I hold dear and vital the basic fundamentals of our justice system, that is, that an alleged offender receives a fair trial, an adequate penalty and a defined sentence or term of incarceration. Then upon effective rehabilitation and release, they have repaid their debt to society.

The proposed amendments in this bill represent a potential significant imposition on these fundamental truths and on the rights and liberties of prisoners serving a term of imprisonment for serious sexual offences. I am not entirely comfortable about that, but I do believe that this imposition is justified and necessary in this case to protect the safety and liberty of those in our society who cannot do so for themselves, in particular children.

Let us not get hysterical about this, though. The provisions of this bill are confined to the most dangerous of offenders, those who have committed the most atrocious violent offences or sexual offences against children. They represent a very small number of prisoners. The Leader of the Opposition said that we do not know how many people this will apply to, but we do know how many. It will be a very simple matter of the judicial system looking at which offences people have been sentenced for and for what term. When they come up for release is the time the Attorney-General will make a decision to implement the provisions of this legislation.

The bill also contains sufficient safeguards to satisfy me that no person will be unfairly treated or inappropriately incarcerated. The bill provides for annual reviews. It clearly prescribes the requirements and parameters of the psychiatric assessment. It has adequate appeal provisions and, importantly, will

allow only the Supreme Court to make such orders and only if the court is satisfied to a high degree of probability that the prisoner would pose a significant or serious danger to the community.

The bill also improves provisions that currently exist which allow the Attorney-General to make application for an indefinite sentence on a prisoner by updating and modernising provisions of the Criminal Law Amendment Act 1945. I know that the Attorney-General is also committed to ensuring that adequate and appropriate rehabilitation for these prisoners is made available to them.

In the end, this bill is about protecting Queensland's children, and I know that there will be few tears shed in the community for those prisoners who will be negatively affected by its provisions. This government has done what it has to: it has placed the safety of children and the protection of the community above other considerations. In this instance it is indeed paramount. But what we have done we have done within the constraints of sound legislation, and we have ensured that strict checks and balances and adequate safeguards to liberty have been included.

On the other hand, the opposition would have taken, and is still taking, a reactionary, alarmist, populist and regressive approach to this issue, as it does to most issues, because it lacks the solid principle, substance and ability demonstrated by the Attorney-General today. It would have the public believe that there are hundreds of such offenders either in prison or loose on the streets. This is clearly not the case. It would also have the public believe that with the introduction of this bill they are now completely safe from sexual predators and violent criminals. That is also not the case. However, the public will now know that they will not be at risk from known and proved sex offenders currently in prison who have not been fully rehabilitated. That is the only truth that they can take away from this. The Attorney-General and his staff are to be congratulated on approaching this vexed issue in the sound, sensible and measured way in which they have. I commend the bill to the House.