Speech by

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DANGEROUS PRISONERS (SEXUAL OFFENDERS) AMENDMENT BILL

Ms STONE (Springwood—ALP) (12.27 pm): I rise to participate in this very important debate on the Dangerous Prisoners (Sexual Offenders) Amendment Bill 2007. The public's growing concern regarding the release from prison of convicted sexual offenders is understandable and legitimate. In many instances these offenders were not granted parole and were eligible to be released unsupervised following the completion of their full sentence. It was this concern that led to the introduction of the DPSOA—Dangerous Prisoners (Sexual Offenders) Act 2003.

The act was introduced in response to the need to protect the community against high-risk sexual offenders who have often refused to participate in rehabilitation programs in prison and remain an unacceptable risk of reoffending upon release. Members of the community want the risk of future serious harm to be minimised and they want high public safety and protection. This is the key for post-sentence preventative detention or supervision orders to be used and it is what this bill is ensuring.

The number of serious sexual offenders who present a continuing risk to public safety are small. However, where there is a danger it is important that we act to protect our community, in particular that we protect the most vulnerable in our community. The DPSOA allows the Supreme Court to order the continuing detention or supervised release of serious sex offenders beyond the expiry date of their sentence if the court considers that prisoner to be an unacceptable risk of committing a further serious sexual offence if released from custody without a supervision order being made.

It is important to note that the DPSOA was the first legislation of its type in Australia. New South Wales and Victoria had both failed in previous attempts to introduce similar laws. The DPSOA was challenged in the High Court. The High Court upheld the constitutional validity of it and held that it was non-punitive legislation. Since the High Court's decision, a number of jurisdictions have introduced laws based on the Queensland model.

Supervision orders contain a number of statutory conditions as provided in this act. A court may also apply additional conditions to ensure the adequate protection of the community. This is usually done on the recommendation of the Attorney-General after Corrective Services officers have provided advice as to how to target risk elements of the prisoner's offending profile.

The legislation is about protecting the community. Punishment, rehabilitation and deterrence are the three primary elements involved in the sentencing process that a court engages in when a person is convicted of an offence. It is of course appropriate at the time for the court to assess the sentence it imposes on those terms.

This legislation comes from a completely different frame of reference. Its frame of reference is the protection of the community. The purpose of the conditions is to protect the community from an offender who has been assessed as being too dangerous to be released unconditionally. It is therefore integral to the scheme and the protection of the community that DPSOA offenders comply with the conditions of their orders and that the DPSOA provides a clear deterrent for breaching behaviour. Further, Corrective Services officers must be empowered to respond swiftly in the case of a released DPSOA prisoner in breach of their supervision order for the protection of the community.

The community expects governments to provide protection against serious crime and in particular against further offending by convicted sex offenders. Queensland has the toughest legislation in the country regarding sex offenders. High-risk prisoners who refuse to participate in a program in prison will be considered by the Serious Sexual Offenders Review Committee for application under the Dangerous Prisoners (Sexual Offenders) Act 2003 for their continued detention or intensive supervision under the act. It is not unusual for offenders to receive numerous court imposed reporting conditions, which can include restrictions on whether an offender can go to a shopping centre, the times they can travel on public transport and where they live.

The community's concerns about sex offending is justified. The Beattie government is committed to the effective assessment, treatment and risk management of sexual offenders to minimise the risk of reoffending. Today the bill before the House will amend the DPSOA and strengthen the responses that can be made to a contravention of a supervision order in order to better protect the community and to act as a deterrent to a breaching behaviour. In other words, this bill is strengthening community safety.

Currently, a DPSOA supervision order contains a number of standards and statutory conditions. However, what is missing is a condition that obliges an offender to follow the reasonable direction of a Corrective Services officer. To ensure the protection of the community, it is necessary for a Corrective Services officer to be able to direct the DPSOA offender to do certain activities and desist from doing others.

The bill amends section 16 to require that a prisoner subject to a supervision order must comply with every reasonable direction of an authorised Corrective Services officer. In order to provide a deterrent to breaching behaviour, the bill includes the insertion of an offence provision for the DPSOA offender who breaches a condition of their supervision order. An offence will make it clear to the offender that there are serious consequences for failing to comply with the supervision order that has been made by the Supreme Court to ensure the adequate protection of the community. The offence will carry a maximum penalty of two years imprisonment and will apply to the offender who contravenes without reasonable excuse, a requirement of a supervision order.

The DPSOA currently allows for a warrant to be issued for the arrest of a released DPSOA prisoner if the prisoner can be shown to be a flight risk. Consequently, released DPSOA prisoners remain in the community pending the determination of the Supreme Court and, in some cases, despite numerous repeat breaches of their order and the commission of new offences.

Corrective Services officers need to be able to respond quickly to the increased risk posed by DPSOA offenders who have breached their supervision orders by obtaining a warrant from a magistrate for the arrest of that prisoner. This will allow offenders to be immediately returned to custody and appear before the Supreme Court. The Supreme Court will then consider whether the supervision order will be rescinded and a continuing detention order made or whether the supervision order will be amended.

I said before that Corrective Services officers need to be able to respond quickly. The bill before the House has a new provision to allow for the obtaining of a warrant by telephone or a similar facility. The bill amends the DPSOA to allow for the obtaining of a warrant under section 20 by phone, fax, email or another similar facility if the officer considers it necessary because of urgent circumstances or other special circumstances.

The bill amends section 22 to provide that upon the DPSOA offender being brought before the Supreme Court on a warrant the court must order the offender's interim detention pending the final determination of breach and issue of further orders. The bill will enable the offender to make an application for release. However, the bill will place the onus on the offender to satisfy the court that their detention and custody is not justified because exceptional circumstances exist.

If satisfied the court may order the offender's release and allow the offender to remain in the community pending the final determination of whether a continuing supervision order will be made. Release on an interim supervision order may be as per the original conditions or with additional conditions the court thinks necessary.

As I said before, in order to provide a deterrent to breaching behaviour, the bill includes the insertion of an offence provision for the offender who breaches a condition of their supervision order. This bill sees the creation of a breach offence. The bill will contain a new offence provision for breaching a condition of the supervision order, with a maximum penalty of two years imprisonment. This will act as a deterrent to repeated breaches of supervision orders.

I support the government, in particular the Attorney-General, for bringing this bill before the House. This bill will deal with offenders who present a high risk of reoffending. It is important that we as a government reduce the risk of future harm to society and ensure appropriate protection for society. However, protection for our society and especially children is not just a government responsibility, and I have spoken before in this House on the need for parental supervision of children on the internet. Parents will usually not allow their children to visit a friend's house without some knowledge of that household, yet

we are hearing more and more about paedophiles using the internet, in particular chat rooms, to groom children.

Today once again I want to reiterate my concern to members that more protection for children using the internet is needed. I know that the UK has been addressing this issue for many years. In fact since 1997 the UK has amended acts of parliament and completed committee reports on sentencing and risk management of sexual offenders.

More importantly, it has been particularly forward thinking on its public education. In Scotland I witnessed a very powerful advertisement at a suburban cinema. This advertisement had a gentleman in a football jersey at a football field just standing and talking. His words were about football and school, and the conversation was a typical child's conversation. This is a true picture of what it is like in a chat room. The words look like a normal chat between kids, but the reality is that it is an adult typing those words. They are predators looking for their victim, and who more vulnerable than a child?

I want to acknowledge the good work being done all over the world by police officers to try to catch these vile criminals. I have visited members of Task Force Argos and observed detectives undertaking covert operations policing internet chat rooms. What I saw was very disturbing. During the chat room interaction it was made very clear that the person was in their early teens. This, however, did not reflect the nature of the conversation in that chat room. Most of the conversation was very clearly inappropriate and of a sexual nature. Exposure to sexual acts through web cameras was readily available. I am sure that any parent would be horrified to witness such acts being displayed to their children.

Parents, guardians, family members and friends need to be vigilant in watching and monitoring their children's internet usage. I want to congratulate Task Force Argos for its hard work and for the very stressful work it does to gather intelligence and share this intelligence with both national and international law enforcement agencies.

Task Force Argos officers are determined to protect children from the threat of internet paedophilia. They have launched educational tools such as a book, poster and web page to educate parents on the dangers of online chat rooms. They are dedicated officers and very special people but they see the worst behaviour possible in human beings. Any support the community or the government can give through legislation such as this will only assist to increase their already high rate of arrests. I am pleased that this bill will assist them in their determination to protect children.

I also want to acknowledge the organisation Bravehearts that is located in my electorate. On a number of occasions I have spoken to Hetty Johnston and the staff of Bravehearts and they have told me of the trauma and distress of victims of sexual crimes and their families and what they suffer. It should never be forgotten that those victims and their families carry this stress throughout their whole life. I acknowledge the public education campaign they provide, especially to schoolchildren, in protective behaviours and I also acknowledge the work they do in providing support and assistance to victims and their families.

Members of the community want the risk of future serious harm to be minimised and they want high public safety and protection. It should be noted that the Queensland Beattie government has been at the forefront of all governments in Australia in terms of developing legislation to keep people who pose a risk to the community behind bars. Some of these initiatives include Labor's 1992 Penalties and Sentences Act which included a provision for indefinite sentences to keep serious sexual offenders in jail. Then in 2003 Labor enacted the Dangerous Prisoners (Sexual Offenders) Act to allow courts to indefinitely detain serious sexual offenders and to track offenders in the community.

We have also introduced new offences in the Criminal Code targeting the production, distribution and possession of child exploitation material. We introduced a new Corrective Services Act which provides that all offenders, including sexual and serious offenders, will no longer have access to early release mechanisms such as rescission. The only early release mechanism will be through an application to the Parole Board.

Sexual and serious offenders may be subject to tougher levels of surveillance, including electronic monitoring. In Queensland we have the toughest regime of any state in Australia designed to monitor sex offenders and to, in some cases, keep in jail permanently those who might be at risk.

Today what we see is the government once again continuing to do whatever it takes to ensure legislation works effectively to provide the strongest possible protection for the Queensland community. I applaud the Attorney-General for bringing this bill before the House and I commend the bill to the House.