



Speech by

**Peter Lawlor**

**MEMBER FOR SOUTHPORT**

Hansard Wednesday, 6 June 2007

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## **DANGEROUS PRISONERS (SEXUAL OFFENDERS) AMENDMENT BILL**

**Mr LAWLOR** (Southport—ALP) (12.40 pm): The object of the Dangerous Prisoners (Sexual Offenders) Amendment Bill is to amend the Dangerous Prisoners (Sexual Offenders) Act 2003, the DPSOA, to 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 breaching behaviour. As mentioned by previous speakers, the constitutional validity of that act has been affirmed by the High Court and indeed the provisions of that act have been duplicated by other jurisdictions.

The Dangerous Prisoners (Sexual Offenders) Act commenced operation on 6 June 2003 and allows the Supreme Court, upon application by the Attorney-General, to order the continuing detention or supervised release of serious sex offenders—defined as prisoners imprisoned for an offence of a sexual nature involving violence or against children—beyond the expiry date of their sentence. Although the majority of the Attorney-General applications made under the act seek the continued detention of serious sexual offenders, the majority of orders made by the Supreme Court are for the supervision of these offenders by Queensland Corrective Services, the QCS, in the community.

Currently, there are five prisoners detained under the act on continuing detention orders and 29 released prisoners—that is, those subject to supervision orders. It is forecast that by 2010 there will be over 100 DPSOA released prisoners. Given the predicted growth it is imperative that public confidence and community safety is maintained in the management and supervision of high-risk offenders.

A released prisoner under DPSOA is a person who has previously committed a serious sexual offence and who the Supreme Court has decided is an unacceptable risk of committing a further serious sexual offence if released from custody without a supervision order being made. The conditions which attach to the supervision order aim to minimise the risk of the released prisoner reoffending. Clearly, a contravention of those conditions raises a real question as to the risk the released prisoner poses to the community. It is therefore essential that released prisoners comply with the conditions of their orders and that the DPSOA provides a clear deterrent for breaching behaviour. Further, authorities must be empowered to respond swiftly to the case of a released prisoner engaging in concerning conduct.

The DPSOA currently provides that a police officer or a Corrective Services officer may apply to a magistrate for a summons or warrant in relation to a released prisoner in order to have the released prisoner brought back before the Supreme Court where the officer reasonably suspects a released prisoner is likely to contravene, is contravening or has contravened a condition of the supervision order. If satisfied there has been a contravention the Supreme Court then determines whether the order requires amendment or rescission and the prisoner returned to custody on a continuing detention order. The onus rests with the Attorney-General in relation to such a determination.

The DPSOA only allows a magistrate to issue a warrant for the arrest of a released prisoner if a released prisoner can be shown to be a flight risk. Consequently, released prisoners remain in the community pending the determination of the Supreme Court. It can take up to five months for the hearings to take place because of the need to obtain fresh psychiatric reports despite the released prisoner posing a

real risk to community safety and in some cases despite multiple alleged breaches of conditions and the commission of new offences.

This bill will amend the DPSOA to omit the provisions relating to the application for and issuing of a summons. The provision will allow a police officer or a Corrective Services officer to apply to a magistrate for a warrant for the arrest of a released prisoner to bring the released prisoner before the Supreme Court. The magistrate must issue the warrant if satisfied that grounds for issuing the warrant exist. The amendments will provide that, upon the released prisoner being brought before the Supreme Court on the warrant, the court must order the released prisoner's interim detention pending the final determination of the court. However, the court may order the prisoner's release if the prisoner satisfies the court that exceptional circumstances exist.

Further, the amendments will provide that upon the Supreme Court being satisfied as to the breach the court must impose a continuing detention order unless the prisoner can satisfy the court that the adequate protection of the community can still be ensured by a supervision order. Finally, the amendments will create a summary offence carrying a maximum penalty of two years imprisonment which will apply to a person who contravenes, without reasonable excuse, a condition of a supervision order. The offence will be used in cases of minor contraventions. I commend the bill to the House.