Speech by

Robert Messenger

MEMBER FOR BURNETT

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DANGEROUS PRISONERS (SEXUAL OFFENDERS) AMENDMENT BILL

Mr MESSENGER (Burnett—NPA) (11.57 am): I rise to speak to the Dangerous Prisoners (Sexual Offenders) Amendment Bill. Despite the rhetoric from the members opposite of getting tough on dangerous sexual predators, these Labor amendments will allow dangerous sexual predators to stay in the community even after they breach an order of the Supreme Court. For that very clear-cut reason, I support my conservative colleague and shadow attorney-general, Mark McArdle, in voting against this bill.

After speaking to the police minister during the last parliamentary sitting, I am led to believe that the situation as it stands presently is that there are approximately 100 dangerous sex offenders who are due for release into our community or within our corrections facilities in the next three years, and there are 28 this year. During the last parliamentary sitting when I questioned the minister on this issue, she said that there were approximately three in jail and 25 in the community.

We know how high the recidivism rate is for this type of person over a period of years. All the literature that I have read, which dates back five, 10, 15 or 20 years, states that the recidivism rate can be as high as 35 per cent. This legislation is one of the government's solutions to protecting victims. There are other solutions. One of those solutions that I have been advocating—and which I would like a public debate on—is the establishment of a dangerous sex offender register.

Recently I advocated for that in my local paper, the *Bundaberg NewsMail*. The minister wrote a letter to the editor of that paper which appeared on Saturday, 2 June. It states—

Rob Messenger's proposal to set up a detailed Violent Sex Predator Register is entirely irresponsible.

I will not go on.

The minister got it wrong and misled the public in eight words when she said that I proposed to set up a detailed violent sex predator register. I propose to set up a register that provides minimal details but allows parents to find out if a dangerous sex predator is living in their city or suburb. I am not suggesting that that sex predator be identified specifically. That is a very important point to make.

It is important that we understand the make-up of the people to whom the legislation relates. This legislation should be about protecting our families from the worst of the worst. My conservative colleague and deputy shadow attorney-general, Mr McArdle, referred to a number of Supreme Court cases and a newspaper article about one of them in particular affected me. I think that it succinctly describes the sorts of offenders we are referring to. The article is written by Alana Buckley-Carr from the *Australian* and is titled 'Paedophiles jailed for kidnap, rape'. It states—

A depraved paedophile, sentenced yesterday to more than 23 years' jail for snatching a teenage boy and forcing him into sexual servitude, was a former drag queen who lived for years as a woman in a desperate bid to have a sex change, a court was told yesterday.

Robbie Sebastian Wheeler, 43, the instigator of a horrific sexual fantasy in which the boy was kidnapped and raped, will have to serve at least 21 years and eight months while his lover and co-conspirator, Victor Lesley Urquhart, 46, will not be considered for parole for more than 18 years.

Their victim, now 16, watched the sentencing via closed circuit television and is believed to have begun convulsing when the sex crimes were read out.

That is just one of many, many stories. Upon hearing the court refer to the crimes that he endured, the young lad started convulsing. That gives an indication of the impact that such a crime has upon the victim.

In this state the government's history of dangerous sex offender management is not exactly a tale of glory. For example, an article from the *Courier-Mail* titled 'Sex offenders near schools', states—

The *Courier-Mail* has obtained documents which show Palen Creek Correctional Centre officials have allowed four sex offenders to work on community service projects seven times in the Beaudesert and Boonah areas since a ban was imposed in June.

The policy relating to sex offenders is very lax.

An article in the *Toowoomba Chronicle,* dated 11 November 2005, referred to another very infamous convicted paedophile who—

... faced court yesterday charged with alleged sex offences against two girls in Dalby, Maranoa Bruce Scott told Federal Parliament.

Speaking in the House of Representatives, Mr Scott said yesterday he was sickened by news of the alleged incident...

Mr Scott went on to say that the person concerned had been arrested on the night. The article further stated that the then state opposition leader Lawrence Springborg demanded police minister Judy Spence to resign after he accused her of breaking the promise to watch over this sex offender. That was true. When the sex offender was released, the police minister gave a guarantee that he was going to be watched, but that was not good enough. He was not watched.

The amendments that we are discussing today are just another admission that the Queensland courts are so backlogged that the Beattie government has put the issue of dealing with dangerous sex offenders in the too-hard basket. The fact that the Attorney-General is introducing these laws is a sign that the Minister for Police and Corrective Services has wiped her hands of the act, despite the fact that so much power is conferred on her community corrections officer, who can decide how—if at all—to deal with breaches of this supervision order.

Two years ago the corrective services minister gave the House an embarrassing guarantee that released dangerous sexual predators were being watched, but at least one of those offenders then reoffended. That is a clear sign that she is no longer accountable for the consequence of her government's continuing wind back of dangerous sexual offender management.

Since the legislation was introduced in 2003, this is the fifth time that it has come back to the House to be amended. The Minister for Police and Corrective Services, Ms Spence, must stand up and admit that she and this act have failed, instead of palming it off to another minister to shoulder the blame. The buck-passing is disgraceful—

Mr SHINE: I rise on a point of order. The honourable member, unwittingly I presume, is misleading the House. This legislation has always been under the portfolio of the Attorney-General and never under the portfolio of the minister for corrective services.

Mr DEPUTY SPEAKER (Mr Hoolihan): Order! That is not a point of order, but I ask the speaker to come back to the bill and the relevance of it.

Mr MESSENGER: The Queensland coalition cannot support such flawed amendments, which allow corrective services officers to act as gatekeepers and to breach reporting requirements for the most dangerous sexual predators living in the Queensland community. I cannot support amendments that, in effect, create a technical breach that allows for a lesser court to deal with these issues. This is overstepping the jurisdiction by asking the Magistrates Court to overrule the decisions of the Supreme Court. I ask: why is this government hell-bent on keeping dangerous sexual predators in the community, despite the fact that that clearly breaches orders of the highest court in Queensland? The amendments fail to pick up that the Bail Act is not applicable to this act, yet should a person be charged under the new Summary Offences Act bail could not be granted.

The corrective services minister is trying to talk tough, but when it comes to prisoners rights' I believe she is bound by a left wing ideology. She has failed all law-abiding citizens of Queensland whose children are put at risk.

In 2005 the Leader of the Opposition put forward a genuine policy initiative, which was to introduce electronic monitoring devices for dangerous sexual offenders. On the same day the corrective services minister ridiculed the Leader of the Opposition by saying in a ministerial statement dated 10 November 2005—

Mr Springborg is trying to con Queenslanders into thinking electronic tagging of sex offenders is the quick fix.

Fast forward 18 months to 18 March 2007 and enter the best backflip that we have since the Premier started doing backflips. I am surprised that the minister can still stand after the magnitude of the backflip. She should take the opportunity presented by this debate to apologise to the member for Southern Downs for what has become an all-too-familiar practice by the member for Mount Gravatt. On 18 March the member for Mount Gravatt announced the introduction of electronic monitoring devices. It is a shame that the minister did not support our initiative when we put it forward 18 months ago.

Before I commence addressing the specific clauses that will allow offenders to remain in the community, which is why we do not support the amendments, I put it to the Attorney-General and the Minister for Police and Corrective Services that a review of the Police Powers and Responsibilities Act is timely. It is time that this government took responsibility for the failure of this act to keep dangerous prisoners in jail. It is embarrassing that we have had to amend the act six times in four years. It is time to rewrite the entire act, and get it right the first time.

In contemplating this legislation one has to ask oneself: how is a dangerous sex offender made? How is that person created? Is it social conditioning? Is it genetic? Is it a bit of both? What would the early criminal history of a dangerous sexual offender in the making look like and how do we identify a potentially young dangerous sexual offender and provide them with the treatment and care that could prevent that person from heading down a path of depravity?

It has come to my attention that young people who are committing and admitting to serious sex crimes are not being criminally charged. Instead, this government is processing them through the Department of Communities in an initiative called youth justice conferencing. This raises a number of very serious concerns. In the context of trying to understand how we can best identify a potentially dangerous sex offender early in their career and then identify the best early intervention strategies, I would like to speak briefly to the issue of youth justice conferencing.

Mr DEPUTY SPEAKER (Mr Hoolihan): Order! I remind the member that we are not talking about youth justice conferencing; we are talking about released offenders who are in the community. I ask you to come back to the bill please.

Mr MESSENGER: In speaking to the legislation, which is obviously about dangerous prisoners who are sex offenders, I propose briefly to touch on where they come from. Obviously they do not pop up from under a cabbage patch leaf. They have to come from somewhere. They have to have been involved with the system for quite a while. It is a fact that we are now seeing young offenders who have the potential to become dangerous sex offenders being dealt with by this government. Is it appropriate to have sexual offences dealt with by youth justice conferencing? I think it is quite a relevant question, Mr Deputy Speaker.

Mr DEPUTY SPEAKER: Order! I remind the member of my previous comment. We are dealing with prisoners who have already been dealt with by a court and released into society. Can you please come back to the bill.

Mr MESSENGER: Thank you very much for your direction, Mr Deputy Speaker. Professor Freda Briggs of the University of South Australia said—

Attending youth justice conferencing would not be enough if the abuser has abuse etc in his/her background and it would probably be inappropriate/risky for him/her to remain in the home if this is sibling abuse.

First there is plenty of evidence (international and Australian) that child sex offenders begin offending in early adolescence, especially when they were themselves abused or live in a highly sexual or sexually violent environment.

Boys are 5 times more likely to be sexually abused than girls ... and if 1 in 4 to 5 abused boys abuses others then by the age of 31 these sex offenders have committed more than 500 offences—is there any wonder that the problem is growing?

I note that Professor Briggs's comments underline the importance of dealing with this issue in a sensitive and also in an effective way. Early on in a young sex offender's history a pinch of prevention would be better than a pound of cure, I think is the old adage.

Before I address specific clauses that will allow offenders to remain in the community and give rise to us not supporting the amendments, I put to this House that the Minister for Police and Corrective Services called for a review of police powers two weeks ago. I remind members of this place that it is time that we had a full review of the police powers act.

In relation to new subsection 21(4) in clause 5 and subclause (2) of clause 6, the bill should change the standard of proof from balance of probabilities to beyond reasonable doubt. This standard should be the level that a dangerous sex offender should meet to ensure that they are not a risk to the community. Clause 5 opens up an interim order. This allows for an 'out' for dangerous prisoners who are sex offenders to again remain in the community pending the finalisation of the hearing of their breach. The coalition believes that all dangerous prisoners should be returned to prison pending the outcome regardless.

Subclause (3) of clause 6 states that a court may 'act on any evidence before it or that was before the court when the supervision order was made'. The amendment has gone to the trouble of strengthening the continuing detention order yet only states that the court 'may' refer to evidence before the court or evidence that has previously been before the court. If the government is serious about getting tough, the government should make it a 'must' and require the court to consider all of the evidence and previous evidence but also take it further and require the court to consider the originally offending behaviour, correctional reports and criminal history.

As was seen yesterday in the case of the notorious sex offender and paedophile Mark Anthony Foy, as the shadow minister alluded to, he breached the Supreme Court order more than four times before he came back to court. That only happened because he was arrested for selling drugs to an undercover policeman and I believe assaulted an undercover policeman. The fact is that Corrective Services staff are not monitoring these dangerous offenders. In 2005-06, 15,354 community based orders were issued. Queensland has the highest rate of prisoners assigned to one Corrective Services officer. According to the Productivity Commission's 2007 report, Queensland Corrective Services officers have the highest case load of offenders, on average 25 prisoners to one Corrective Services officer. These overworked Corrective Services officers are the people who are expected to implement and oversee this legislation. It is a recipe for disaster.

This legislation is a gamble by this government that dangerous predators will not reoffend, and the price of that gamble is the innocence of Queensland children. I put to you, Mr Deputy Speaker, that it is too high a price. The government has failed to accept the dangers associated with the amendments being proposed today. I implore all members of this House to reject the amendments being proposed here today.