Speech by

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DANGEROUS PRISONERS (SEXUAL OFFENDERS) AND OTHER LEGISLATION AMENDMENT BILL

Dr DOUGLAS (Gaven—LNP) (4.17 pm): This bill represents the not quite complete about-face that Labor has done in the management of dangerous prisoners—in this case sex offenders. The Attorney-General says that it is in response to a comprehensive review of Queensland's public protection legislation. He was not a member of the previous Labor administration that constantly failed to address this serious problem in our community. Today it could be said that he fails that test, too. Sadly, for many years here in Queensland the public endured a situation where these types of offenders were granted more equity than their victims. As usual, the majority of these offenders refused to engage in legitimate treatment programs. They were released and not only did they engage in recidivist behaviour but often the consequences were more violent and tragic. Even with the notoriety and headlines created by the crimes, these serious criminal offenders were treated very lightly.

It appears that someone has turned on the lights—but they have only found a 40-watt bulb. The reality is that it is more likely that the Labor administration sees that its electoral fortunes may well swing on how it responds to questions such as: does Labor put a sex offender's rights ahead of their victims? What is a reasonable amount of legal aid to be provided to serious offenders to enable them to appeal their shocking crimes?

I have 20 years of experience in corrective services and have dealt with these offenders over many years. They are not only dangerous but calculating, often homicidal psychopaths who, far from showing any remorse, are incessantly planning their next offence.

Mr Shine: Surely they are not all the same.

Dr DOUGLAS: The member for Toowoomba North should just wait and hear me out. Valmae Beck, Leonard Fraser, Geoffrey Dobbs and Ray Garland—these names may not be household names to you, but I have dealt with these people. They are serious offenders and they are some of Australia's most notorious sex offenders. Their crimes and sex offences are so horrible, so barbaric, that even the briefest of descriptions of their offences makes people physically ill. What is not widely known is that these offenders were well known to the system far in advance of the worst of their crimes.

The criminal system, the criminal support systems and human naivety all successfully combine to ensure that these people and others continue to seriously sexually offend. Weak governments and weak laws ensured that they were kept well away from a custodial sentence. Even the most kindly supporters were not immune to their offending behaviour, particularly in the case of Ray Garland. These offenders are male, often serial offenders, often violent, often educated—sometimes well educated—often working in groups with support or sometimes alone, previously in custody and sadly often used by police as informants.

This bill is said to be the result of the report *A new public protection model for the management of high risk sexual and violent offenders* and amends the Dangerous Prisoners (Sexual Offenders) Act 2003

and provisions of the Penalties and Sentences Act 1992 that deal with the indefinite sentencing regime. The Attorney-General has described the Dangerous Prisoners (Sexual Offenders) Act 2003 as a groundbreaking piece of preventative detention legislation. What he did not say was that preceding it were years of shocking crimes by serial offenders including the former state Labor leader and the former member for Woodridge, Bill D'Arcy, who had the dubious honour of having the most major sexual offences ever recorded.

I suspect that it was the groundbreaking investigation of the serious criminal sexual offender Darren Osbourne and his attack on Shari Davies that really led to this, albeit it took 10 years of difficult publicity for the Davies family to ensure that change did occur. Interestingly, it was Shari's father, Ian, who had a major role in the victims of crime legislation and in ensuring a role for victims when sentencing of offenders occurs.

The act of 2003 enables the Supreme Court of Queensland to order the continuing detention or the supervised release of serious sexual offenders beyond the expiry date of their sentence. It goes without saying that the test is the need to ensure the adequate protection of the community. This bill amends this test to also ensure that adequate community protection can be reasonably and practically managed by a supervision order. It also adds that this can be similarly managed reasonably and practically by Corrective Services officers. The Attorney-General falsely believes that this will enhance the ability of Corrective Services officers to monitor the compliance of released prisoners.

The Attorney-General further states that the bill will allow Corrective Services officers or custodial services officers to have the power to issue binding directions to release prisoners or supervision orders relating to matters as to where they will live or if they are to engage in treatment and restrictions in relation to alcohol and substance abuse. These changes are welcome. Such offenders will always tend to drift back to their old haunts. The only thing preventing this has been the publication of where they are living under new laws. As difficult as it has been for offenders, it meets community expectations, and only a few major offenders have had trouble finding reasonable accommodation or supervision.

There is not enough widespread use of bracelets and electronic tag devices, and community corrections funding is abysmal at best and culpable at worst. It is one thing to set a law in place; it is quite another to implement and monitor it. It is quite impossible to watch people constantly other than in a custodial environment. There are aspects of this bill that seem to indicate that there are people in the department who are beginning to understand but, boy oh boy, hasn't it taken a long, long time?

This relates to part 10 of the Penalties and Sentences Act where there is an amendment relating to indefinite sentencing. The change expands the test of a very specific group of serious sexual offences to a considerably larger list. I choose not to list them, but notably the new additions include torture and serious offences against children and minors. This is again appropriate since recent information demonstrates that, whilst these offences have been occurring for a long time historically, they have not been grouped with other serious sexual offences. One has to wonder whether this was an oversight, lazy administration or deliberate.

It is blatantly obvious that until the recent major investigations by Queensland police into child pornography and exploitation, as has been detailed, under Task Force Argos, the Queensland government has been laggard in confronting serious paedophile sexual offenders. Far too many have escaped both prosecution and an appropriate sentence for the few convicted. Indefinite sentences really put some bite into these laws. I struggle to understand why it has taken so long when report after report, conference after conference and scientific evidence have all shown that these serious sexual offenders, by and large, cannot be rehabilitated. Their behaviour is so cold-blooded, deviant and repetitive that little short of continuous incarceration is the answer. Most deny culpability and many wish harm to their victims long after they have survived the ordeal.

For those apologists who feel that there is not enough mercy for these murderous offenders, in many cases, these are a few facts that might make them sleep a little easier. Overwhelmingly, those who are in custody are in protection and well provided for. They routinely refuse rehab programs. They often get good prison jobs ahead of other prisoners. Most never make any compensatory payment nor contrition statements to their victims. Forty per cent of all appeals to the state's Court of Appeal involve these or other major criminal offenders. The cost and waste of this to us all and the legal system is immeasurable. To have the finest legal minds continuously fed this kind of absolute drivel is a national disgrace.

Irrespective of those who believe that serious criminal offenders were incorrectly charged and sentenced, overwhelmingly the test of beyond reasonable doubt, juries and prolonged time between trial and offence will in many cases lead to an acquittal rather than a conviction. A conviction is an essential part of the contrition and rehabilitation of an offender. The evidence is compelling. One will never correct offending behaviour without the offender clearly being made aware of what is it that they have done. And remember that we pay $50,000 per person for every year that they are actually held in custody, and that is increasing with CPI.

It is rather fitting that the inconsistency of dealing with offenders who serve the full time of their nominal sentence are not subject to any parole upon release. This bill ensures that, where parole is not granted before the end of those sentences under section 173(1)(b), the offender at the end of their term of imprisonment will be under the authority of the Queensland Parole Board and the supervision of authorised custodial services officers for five years. This is not good enough. The LNP does not support five years even as a minimum, as the Attorney-General now says. One would hope that the next amendment is one that says that detention extends for at-risk offenders until they are no longer at risk. Then and only then can they be released on supervision. Detention must continue until deemed unnecessary by Corrective Services officers. I say why not do that now? The management of offenders over the next few years will determine whether that suggested amendment has then been effective.

I worry that Labor cannot manage sex offenders. I believe Labor underestimates them. The dangerous serious sex offender in Sydney is no doubt Fred Many, and his behaviour is well documented; ours is Geoffrey Dobbs. Clearly these types of offenders and their offences require lifelong supervision long after the end of their sentencing. We do have a few others in this league, and I have mentioned some of those. These types of statements are not meant to shock members, but members really need to understand the seriousness of these changes to the law and how small amendments can save lives.

Dangerous sex offenders should be locked up until they are no longer a risk to the community. If only Darren Osbourne had not been paroled the previous week after serving just 4½ years for the rape of a woman at Kangaroo Point, Shari Davies would never have had to endure such terrible crimes, which many have probably long forgotten. The crimes occurred eight years ago now. Thankfully, her magnificent family—in particular her father, Ian—have given a functioning victims of crime mechanism to us all as their legacy. It is the victims for whom we must direct all our reparative and preventative efforts, for the dangerous sexual offenders deserve little more than indefinite custody.

I take up the point that was made by the member for Gladstone, who said these people do realise that they want something done for these people in the longer term. They want to know what is going on because remember that these people do harbour extreme malice towards their victims long after the offence. I think the Attorney-General has taken a minimalist approach both presenting the bill and offering victims justice. No doubt there are groups who would say that some of the provisions we are demanding are draconian and too far reaching and others who would say that they are too little too late.

There are not many of these types of offenders, but they are a seriously dangerous group who must not ever be taken lightly. Small changes to laws to restrict them and maintain them in custody are beneficial to society as a whole. Their removal from society in general makes our communities safer and better places to live. Anyone who supports this bill in its current form is supporting the limiting of supervision orders for dangerous sex offenders. Therefore, the bill needs complete redrafting.

For someone to behave in such a way as to lead to laws like this is not reflective of the failure of community standards; it more likely reflects the fragility of humans as a race and what can happen when the balance in those people's lives is missing. In other eras, they were promptly removed, usually by capital punishment. Fittingly, in this era, they are given time to reflect on their crimes. Their removal from society and the benefits that come from that in part are a fair trade-off for the crime. There are strong issues about the trade-off being covered in our Constitution.

One must hope there is a method in time where we can identify these offenders early and do something to prevent them from offending. Prevention must be the answer in the longer term. It is sad that this bill has taken so long to come forward and that it underdelivers. For a minority, adaptation is impossible. We need to plan for that.