



Speech by

## Andrew Powell

MEMBER FOR GLASS HOUSE

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### DANGEROUS PRISONERS (SEXUAL OFFENDERS) AND OTHER LEGISLATION AMENDMENT BILL

**Mr POWELL** (Glass House—LNP) (5.15 pm): On Tuesday, during the debate on the Child Protection and Other Acts Amendment Bill, I spoke about walking a fine line regarding conflicting rights. Today, we are confronted again with the same challenges by the Dangerous Prisoners (Sexual Offenders) and Other Legislation Amendment Bill. This time that fine line is being played out in full view of the broader population through a media that is captivated by what we term dangerous prisoners, our state's sexual offenders.

I start by referring to a *Brisbane Times* article penned by Marissa Calligeros on 28 April this year titled 'Ignore the United Nations, says child protection advocate'. It states—

Ignore the United Nations.

That's the message from a prominent child protection advocate to the Queensland Government after the UN ruled laws keeping high-risk sex offenders behind bars breached their human rights.

The United Nations Human Rights Committee last week ruled Queensland's Dangerous Prisoners (Sexual Offenders) Act, which is designed to keep sexual offenders in prison for rehabilitation after they have served their sentences, breached the International Covenant on Civil and Political Rights.

The UN committee ruled Australia had an international obligation to release convicted criminals—including sex offenders—from prison once they had fully served their sentence.

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However, local Bravehearts founder Hetty Johnston said the United Nations' ruling neglected its chief decree of the Rights of the Child.

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The UN's own Rights of the Child states we should place the interest and safety of our children first and foremost. The detention of high-risk sex offenders does this. Are we here to protect the rights of our children or the rights of criminals?

This is one of those conundrums that those advocating for a bill of rights must address. What happens when one right conflicts with another? Does one right have precedence over another? Is there a hierarchy of rights?

In many instances I would agree and side with the United Nations and its International Covenant on Civil and Political Rights but, primarily because I am a father, this is one of those cases where I disagree, side with Hetty Johnston and consider that the UN Convention on the Rights of the Child to be dominant. If we look at the two sides of the debate a bit further, I will explain why.

Greg Barns, a criminal lawyer and a director of the Australian Lawyers Alliance, and Wendy Northey, a forensic psychologist who practises in the criminal justice system in Victoria, wrote this article for *Crikey* in September last year—

The general community response towards sexual offending is predictably and rightfully censorious: Sexual abuse has the well-demonstrated potential to wreak havoc with bodies, minds and lives. However, the panicked community and media mindset to this most complex form of criminal offending is counter-productive in terms of the rehabilitation and reintegration of offenders.

Barns and Northey go on to suggest that there is a need for a nationally coordinated approach to dealing with child sex offenders and in educating the community. So what might the core elements of such an approach be? Barns and Northey suggest that it needs to start with a coordinated medical management plan that includes a thorough and expert sexual risk assessment of the offender, that it should include ongoing rehabilitation and that it should include a safety plan. Barns and Northey go on to state—

Governments and community leaders, including the media, need to work to ensure that the community response to a released offender is characterised by empathy, a desire for understanding and a willingness to provide support and engagement.

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If we want to seriously reduce the opportunity for child sex offences, then our political leaders need to show much greater leadership than they have to date. A national scheme that addresses the triggers for reoffending while educating the community would be a good start in turning the corner.

I agree with that last statement, but until we have all the pieces of that puzzle in place, what do we do with those individuals who would repeatedly fail a thorough and expert sexual risk assessment?

This again is where I struggle to dismiss my feelings as a father. Until we get that mix right, I am not comfortable with what is being proposed in elements of this bill. Specifically, I cannot support a decision to impose a maximum of five years for supervision orders, especially when courts currently impose such orders for 10, 15, even 25 years. That brings me to the other side of the debate. Queensland does not have a strong record when it comes to monitoring sexual offenders on supervision orders. Again I refer to a *Brisbane Times* article, this time from July 2009. It is titled 'Sex offenders missing: Minister', and it states—

Queensland Police and Corrective Services Minister has admitted his department does not know the whereabouts of eight registered child sex offenders missing in the state.

Minister Neil Roberts told the parliamentary budget estimates last night a number of registered sex offenders under judicial supervision orders had failed to report their movements to police in the past 12 months and police were now looking for them.

Hetty Johnston, of child protection lobby group Bravehearts, laid blame squarely on the state's inadequate judicial system, which released serious sex offenders back on the streets.

And then this quote from Hetty—

It just goes to the show that the supervision orders that they're telling us the community should be all relaxed and comfortable about are not working. It proves it.

Like Hetty, I am simply not convinced that this bill will address glaringly obvious failings such as this and therefore I cannot support it.