



Speech by
Curtis Pitt

MEMBER FOR MULGRAVE

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DANGEROUS PRISONERS (SEXUAL OFFENDERS) AND OTHER LEGISLATION AMENDMENT BILL

Mr PITT (Mulgrave—ALP) (5.20 pm): There are two major functions that the Dangerous Prisoners (Sexual Offenders) and Other Legislation Amendment Bill performs. The first is to enhance the capacity of the courts to impose indefinite sentences on offenders who pose a significant risk to the community. The second is to increase flexibility in the management of offenders who are subject to continuing detention or supervision orders after their sentence has expired under the Dangerous Prisoners (Sexual Offenders) Act 2003. This is the aspect of the bill that I will focus on today.

One of the important features of this amendment bill is the capacity to tailor supervision orders to the individual offender to better ensure the protection of the community. Currently under the legislation the court must determine, at the time of the making of the order, exactly how long the prisoner will require the strict supervision provided by a supervision order. If the court gets it wrong, at present there is no capacity for the Attorney-General to come back when the order is due to expire and ask for it to be extended. Similarly, if the order is made for a lengthy period, and the offender has totally rehabilitated or his health or other circumstances make it unnecessary for an order to continue in existence, there is no capacity to end the order and significant resources are wasted in supervising someone who no longer needs supervision. The resources of Corrective Services could be put to much better use. That is why these amendments make provision for an order to be made initially for a minimum of five years and then, as circumstances require, the order can be extended once more.

One of the basic elements of the legislation is the threshold test, where the court determines whether an order of some type, either continuing detention or supervision, should be made. The court must be satisfied that there is an unacceptable risk that if the prisoner were released from custody without an order they would commit a serious sexual offence. Under the amendment contained in clause 4 of the bill, the Attorney-General will produce a report prepared by the Department of Community Safety. This report sets out the necessary requirements to be included in a supervision order to ensure the adequate protection of the community if the prisoner were to be released. The report must also outline the capacity of corrective services officers to reasonably and practically manage the proposed requirements. Under Clause 7(2) of the bill, the court must take into account the report produced by the Attorney-General and must have regard to the capacity of corrective services officers to manage a proposed supervision order.

The bill also makes provision for corrective services officers to impose binding obligations on prisoners subject to a supervision order. There may be certain risk factors that develop after a prisoner has been released which were not considered at the time the order was made. Currently it is necessary to bring the matter back to court to have the supervision order amended. Under this amendment, the corrective services officers can impose the conditions. Because this is a significant power and the consequences of breaching the conditions are serious, including being returned to prison, there are a number of safeguards on the exercise of this power. The direction given by the officer must not be inconsistent with an existing condition of the supervision order and it must be considered reasonably necessary, either for the adequate protection of the community or for the prisoner's rehabilitation.

Another procedural amendment is contained in clause 21 of the bill. Currently when a person is detained under a continuing detention order they are subject to annual review by the Supreme Court. In most cases a person will be detained because they have not completed a sex offender treatment program and therefore continue to pose a significant threat of reoffending. This amendment extends the period for the first review to two years, giving adequate time to complete the necessary treatment programs or otherwise demonstrate that they have reduced their risk to the community.

A significant issue for members of the community has been the issue of a convicted sex offender being able to change their name. There currently exists a prohibition on prisoners on a continuing detention order from registering a change of name with Births, Deaths and Marriages. This amendment extends this prohibition to prisoners who are subject to a supervision order as well.

There are also some amendments contained in this bill relating to victims. This government is committed to ensuring just and equitable outcomes for victims of crime. The Victims of Crime Assistance Act 2009 was a significant improvement in services for victims of crime. Presently, a victim is entitled to provide a statement outlining the harm caused to them by the crime. These amendments make it clear that there is no compulsion on a victim to do so and the failure to provide a statement cannot be construed by the court to mean that there was little or no harm to the victim in the commission of the offence. Currently victims are also entitled to receive notice of all upcoming Dangerous Prisoners (Sexual Offenders) Act hearings. This may cause distress to some victims who would rather not receive any notification relating to the offender. This amendment makes it clear that a victim may choose to forego these notices.

These are significant amendments to the act and will enhance the capacity of corrective services officers to provide a regime that gives the greatest protection to the community. Queensland already has the toughest sex offender legislation in the country. This government has continued to look for ways to further strengthen this legislation and is committed to an ongoing review into the future. I commend the bill to the House.