Speech by

Grace Grace

MEMBER FOR BRISBANE CENTRAL

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DANGEROUS PRISONERS (SEXUAL OFFENDERS) AND OTHER LEGISLATION AMENDMENT BILL

Ms GRACE (Brisbane Central—ALP) (3.29 pm): I rise to support the Dangerous Prisoners (Sexual Offenders) and Other Legislation Amendment Bill 2009. I note that this bill is the outcome of a comprehensive review of Queensland public protection legislation and amends the two primary acts that deal with the indefinite sentencing regime. The Dangerous Prisoners (Sexual Offenders) Act 2003 was at the time groundbreaking law in preventive detention legislation, and not only for Queensland. It was the model used by other states in Australia to introduce similar laws. So we were the first state in the country to enact laws that looked at how we can improve on the detention outcome for dangerous prisoners.

This bill makes amendments to largely meet two primary objectives: first, increase the flexibility for the management of serious sexual offenders; and, second, enhance the ability of a court to make indefinite sentence orders. These two prime objectives must be applauded and I welcome their introduction, particularly as paramount considerations of implementing these changes in the bill are the need to ensure the adequate protection of the community, whether the adequate protection of the community can be reasonably and practically managed by a supervision order to be managed by a corrective services officer, and how we are improving their ability to manage the supervision order.

The bill enhances the ability of corrective services officers to monitor the compliance of released prisoners. How is this achieved? In the bill CSOs are given the power to issue binding directions to released prisoners on supervision orders. These can be things such as where they are to live, requirements for involvement in treatment or restrictions on consumption of alcohol and other substance use. So it gives them more powers to ensure sexual offenders or dangerous prisoners are much better monitored. It is giving power to these officers to do their jobs much better than they have been able to previously.

What is this all about? This is about the minimisation of risk to the community. We all know that these matters—where they are living and whether they are abusing substances or alcohol—are common problem areas. Giving CSOs the ability to implement these measures is most definitely a step in the right direction. Added to that is the fact that they can implement these measures without a need to return to the court. Clearly, these measures must be consistent with the existing order and be considered reasonably necessary by the CSO to ensure community safety and ongoing prisoner rehabilitation, care or treatment. So the balance, I believe, is very well struck. Offenders' failure to comply with any CSO directives will allow the commencement of formal contravention processes under the act. This results in immediate detention and appearance before the Supreme Court. So the penalties for not abiding by the existing orders and the measures put in by CSOs are severe.

The bill also amends the length of a CSO order—at the moment there is no limit—to a maximum of five years. There are good reasons for doing this. We understand that the highest risk period is during the first few years of release, so we need to concentrate our efforts on ensuring that that high-risk period is minimised. It is understood that five years should provide adequate protection to the community. At the

same time, it reduces the workloads of CSOs where it is deemed unnecessary to continue with a supervision order. I think it strikes a good balance. Orders are made upfront, but if it is deemed that they are no longer necessary then there are no unnecessary workloads. The protection here is that the bill also allows for unlimited application where risk factors remain. So you can always go back and have unlimited time should the five-year period not be enough and it is deemed inadequate.

There is a change from a first annual review of the order to a first review of the order after two years with an annual review process for all future reviews. I agree that this is the right balance and that it covers all possible scenarios, including giving the offender adequate time to undertake any rehabilitation programs aimed at reducing their risk to society. Really, that is what it is all about.

The bill expands the range of offences for which an indefinite sentence may be imposed, particularly where the offender is deemed to pose a risk to the community due to their offence. The bill includes an extension of offences such as torture, indecent treatment of a child under 16, and maintaining a sexual relationship with a child. I believe that expanding the offences in relation to which an indefinite sentence may be imposed is also a very good step in the right direction. I support the expanded range of offences because I believe that it is about tightening the provisions in relation to which of these offenders can be released.

The bill also contains provisions that at least five years of parole supervision must be achieved when someone is released from prison when an indefinite sentence is converted to a finite sentence. I believe there is an anomaly in the current legislation which is being corrected by the amendment in this bill. I believe that those changes provide the best protection of the community from the risk posed by high-risk sexual and violent offenders.

These areas are very difficult. This bill is all about ensuring that we protect the community as much as possible. I believe that the measures contained in this bill are great steps in the right direction. I commend the Attorney-General and his staff. This is all about ensuring that these dangerous offenders are supervised properly, risk is minimised and the community is protected in the best way possible. With those few words, I commend the bill to the House.