




Speech By
Hon. Jarrod Bleijie

MEMBER FOR KAWANA

Record of Proceedings, 16 October 2013

CRIMINAL LAW AMENDMENT (PUBLIC INTEREST DECLARATIONS) AMENDMENT BILL

Introduction

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (3.30 pm): I present a bill for an act to amend the Criminal Law Amendment Act 1945 for particular purposes. I table the bill and explanatory notes.

Tabled paper: Criminal Law Amendment (Public Interest Declarations) Amendment Bill 2013 [\[3777\]](#).

Tabled paper: Criminal Law Amendment (Public Interest Declarations) Amendment Bill 2013, explanatory notes [\[3778\]](#).

I am pleased to introduce the Criminal Law Amendment (Public Interest Declarations) Amendment Bill 2013. The bill implements the government's commitment to ensure Queensland is the safest place in Australia to raise a child and, in general, to protect the community from dangerous sex offenders. At present, continuing detention under the Dangerous Prisoners (Sexual Offenders) Act 2003 must be reviewed annually by the Supreme Court. At such reviews, the state bears the legal onus of satisfying the court that the prisoner's continued detention is still necessary to protect the community from the risk of the prisoner reoffending.

For the most serious of these cases, there needs to be a mechanism by which the government may take strong action to ensure the safety, welfare and order of the Queensland community. The bill amends the Criminal Law Amendment Act 1945 to reflect this need. As well as the amendments contained in this bill, I am committed to conducting a review of the current Dangerous Prisoners (Sexual Offenders) Act to determine whether, in practice, its provisions are fulfilling its original objective of ensuring the adequate protection of the community by providing for a continuing detention and supervision regime relevant to a particular class of prisoner.

To understand the bill, it is necessary to understand the aims and objectives of the Dangerous Prisoners (Sexual Offenders) Act and the Criminal Law Amendment Act. The Dangerous Prisoners (Sexual Offenders) Act provides a mechanism whereby the Supreme Court may, upon application by the Attorney-General, order the continuing detention of prisoners who have been convicted of serious sexual offences past their full-time sentence expiry date or that the release of such prisoners is subject to strict supervision. The court may make such an order if satisfied that the prisoner is an unacceptable risk of committing a serious sexual offence, that is, a child sex offence or a violent sexual offence. Persons detained under the Dangerous Prisoners (Sexual Offenders) Act on a continuing detention order are reviewed annually by the Supreme Court.

The Criminal Law Amendment Act is concerned with the treatment and punishment of sexual offenders whose mental condition is such that the offender is incapable of exercising proper control over his or her sexual instincts. Persons detained under the Criminal Law Amendment Act 1945 are detained indefinitely. Such detainees are colloquially referred to as the Queen's pleasure detainees, because the act describes such persons as detained during Her Majesty's pleasure. Queen's

pleasure detainees are subject to regular medical review and can be released on the direction of the Governor in Council.

The bill proposes to amend the Criminal Law Amendment Act by creating a new continuing detention regime based on a declaration by the Governor in Council. The new detention regime will be contained in new Part 4 of the Criminal Law Amendment Act. New Part 4 will apply to a relevant person who is subject to one of the following orders made under the Dangerous Prisoners (Sexual Offenders) Act: a continuing detention order or a supervision order if the person was subject to a continuing detention order immediately before the supervision order was made.

Under new Part 4, the Governor in Council is empowered to declare that a relevant person must be detained under new Part 4 if satisfied such detention is in the public interest. The Governor in Council may make a public interest declaration on the recommendation of the minister responsible for administering the Criminal Law Amendment Act. Under present ministerial arrangements, the Attorney-General and Minister for Justice is the relevant minister.

The effect of the public interest declaration is that the Dangerous Prisoners (Sexual Offenders) Act ceases to apply to the relevant person and they must be detained in an institution under the Criminal Law Amendment Act. As currently defined in the Criminal Law Amendment Act, the term 'institution' includes a corrective services facility.

The Chief Executive of Corrective Services will be responsible for ensuring that the detainee is reviewed every 12 months by two psychiatrists. The psychiatrists must provide separate reports assessing the level of risk that the relevant person will commit an offence of a sexual nature if released from detention. The Chief Executive of Corrective Services must provide the reports to the Attorney-General and Minister for Justice and to the relevant person.

As soon as practicable after receiving the report, the Attorney-General and Minister for Justice must make a recommendation to the Governor in Council as to whether the relevant person should continue to be detained under new Part 4 of the Criminal Law Amendment Act. If satisfied that detaining the relevant person under the Criminal Law Amendment Act is no longer in the public interest, the Governor in Council may, by gazette notice, declare that Part 4 no longer applies to the person. A person detained under new Part 4 will not be eligible to apply for parole.

The Judicial Review Act 1991 will be limited in its application to a review of decisions made under new Part 4 for jurisdictional error. If the public interest declaration ends or no longer applies to a relevant person, the Dangerous Prisoners (Sexual Offenders) Act order revives.

The bill proposes a new detention regime that will, no doubt, be viewed by some as extreme. When we came to government we made a commitment to make Queensland the safest place in Australia to raise a child and to improve community safety. We have already introduced the two-strike policy for child sex offenders, created an offence of grooming a child and increased the penalty for supplying drugs to a minor. That is in addition to increased penalties for murder, drug trafficking, assault on police, weapons offences and many more. The amendments contained in this bill are yet another mechanism by which the children and people of Queensland will be protected. I make no apologies for the steps this government is prepared to take to ensure that Queensland is the safest place in Australia to live. I commend the bill to the House.

First Reading

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (3.37 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Declared Urgent; Allocation of Time Limit Order

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (3.37 pm), by leave, without notice: I move—

That under the provisions of standing order 137 the Criminal Law Amendment (Public Interest Declarations) Amendment Bill be declared an urgent bill to enable the bill to be passed through its remaining stages at this week's sitting.