




Speech By
James Lister

MEMBER FOR SOUTHERN DOWNS

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**PROTECTING QUEENSLANDERS FROM VIOLENT AND CHILD SEX
OFFENDERS AMENDMENT BILL**

 **Mr LISTER** (Southern Downs—LNP) (5.50 pm): Madam Deputy Speaker Pugh, may I first apologise. You are correct: I am on the warning list.

Madam DEPUTY SPEAKER (Ms Pugh): I am always correct, member for Southern Downs.

Mr LISTER: You are even more correct than normal. I will behave myself.

I rise to make a contribution on the Protecting Queenslanders from Violent and Child Sex Offenders Amendment Bill 2018. I think it behoves all of us to remember exactly why we are here debating this bill in the first place—that is, particularly one individual, the despicable and infamous Robert John Fardon. It is noteworthy that the Labor government had years to contemplate the possibility that Robert John Fardon would be walking the streets at some stage. It took the knowledge that he was going to be out in the community to cause the government to appeal his release. It was at that point that the LNP was not prepared to simply entrust the safety of Queenslanders, of Queensland children, to the law. We needed legislative change to make the law ironclad to ensure that the likes of Robert John Fardon were not free to wander the streets.

I note that the Attorney-General in her speech was at pains to talk about how there was nothing voluntary about self-reporting—that it was not an honesty system. On that reasoning we need not have prisons. We simply need to convict felons and tell them that they need to behave themselves and entrust that they will do so, that they will not commit crimes, that they will not torment their victims, that they will not be a menace to society. We need an element of compulsion here. We have to make sure that the likes of Robert John Fardon are not entrusted with the decision as to whether or not they will comply and turn up at the police station. Sure that might be a crime, but that alone has been proven time and time again to be no deterrent whatsoever to Robert John Fardon or his like.

I think it behoves us to remember that Robert John Fardon's infamous history involves always reoffending when the opportunity to do so occurred. He raped a 12-year-old girl at gun point. He violently raped and assaulted a woman only 20 days after being released. He regularly breached his supervision orders. He is well understood to be a despicable person and someone with no remorse or scruples whatsoever. That is why this bill is necessary. That is why we are here debating this point.

I would say to all of the lawyers, as the Attorney-General invoked, that they do not know everything. It is the job of us as representatives of the people to inject legitimate political considerations—that is, polis, political, what the people want. What the people want is to see the likes of Robert John Fardon restrained. They want to know that their children and loved ones are safe from the likes of Robert John Fardon, who has a consistent history of always reoffending when given the opportunity. That is why we are debating this bill.

I think that the pious and legally technically correct contribution by the Attorney-General just then was entirely out of step with the expectations of real Queenslanders—the people whom I see day to day in my own electorate who tell me that the law is not strong enough in all sorts of fields. I have spoken at length about the impacts of farm invasions in my electorate. When it comes to protecting the lives of children and our loved ones from the likes of Robert John Fardon, their opinions are exactly the same.

This bill has three objectives. The first is to introduce a framework so that court ordered supervision orders are indeterminate rather than fixed term, that supervision orders are reviewed by the Governor in Council rather than the Supreme Court and that repeat serious sex offenders will be monitored even when they are no longer deemed a serious danger to the community. Secondly, it will allow the imposition of an 'indeterminate supervision order' that will apply to all repeat serious offenders as soon as the prisoner is released from custody or when the prisoner's existing supervision order expires. Such supervision orders would include that they cannot live within close proximity of where children commonly frequent such as parks and schools, that they must regularly report to Queensland Corrective Services and—I must emphasise this—that they are GPS monitored for life, because that is what the people of Queensland expect. I would challenge those members to my left to walk the streets in ordinary everyday communities and talk to people who have kids and ask, 'Do you think that is appropriate?' I tell members that the answer would be overwhelmingly yes. It might not be the same at 'Wigs Bistro', but I am talking about what happens in the real world.

Thirdly, the objects of the Dangerous Prisoners (Sexual Offenders) Act are amended to include that the safety and protection of the community is paramount. This will reflect the principles of the Labor administration in Victoria. I think it is important to note that objecting to moves to enshrine in law that community safety is paramount and that is above all other considerations in dealing with these matters is entirely inconsistent in my opinion with the wishes of everyday Queenslanders. There may be all sorts of technical arguments against that, but I am speaking for those who every day talk to me about the absence of law and order in our streets and wanting our laws to be tougher and to reflect the need to be protect potential victims and to give solace to victims who have experienced the unspeakable crimes committed by the likes of Robert John Fardon.

I would like to read into *Hansard* the statement of reservation that my honourable friend the member for Lockyer and I wrote at the time when he and I were both on the Legal Affairs and Community Safety Committee. I think that it clearly sums up our position—

The LNP members of the Legal Affairs and Community Safety Committee strongly believe that this bill should be passed.

We respect and thank the Bar Association of Queensland and the Queensland Law Society for their submissions concerning the interests of offenders. However we believe that the public interest is best served by unambiguously emphasising that public safety is the most important consideration in sentencing. This bill meets this need.

The reason why this legislation needs to pass is because the Palaszczuk Labor Government failed to have an adequate plan B to deal with serious repeat and violent offenders like Robert John Fardon. The Attorney-General was caught out and cobbled together a plan that never even went through the proper Committee scrutiny. While Labor's laws might be an improvement on what was previously legislated, they still fall far short of what is needed to protect the community.

The Bill is well drafted and takes into account the updated High Court precedents in relation to indefinite detention, following the Pollentine decision in 2014.

We know that Fardon is out in the community without a GPS tracker thanks to Labor's weak laws and failing to keep him under strict supervision.

The fact that Fardon was housed in the same street as a local primary school and across the road from a child care centre is an absolute disgrace. It shows the inadequacy of the current laws.

We shouldn't rely on an honesty system where these offenders have to self-report. More needs to be done to protect the community, which is why we strongly support the passing of this Bill.

The LNP will always put the rights of the community, particularly children, ahead of the welfare of dangerous and repeat violent sexual offenders.

We believe these offenders should be GPS tracked for life and where necessary under strict supervision.

Labor should stop playing politics and put the safety of vulnerable children first.

Mr McDonald: Hear, hear!

Mr LISTER: I take that 'Hear, hear!' from my honourable friend the member for Lockyer, who joined me on the committee in considering this bill. I would say again to the Attorney-General that to say that reporting requirements are not optional does not work in the world of Robert John Fardon. Someone of that nature does not abide by the law whenever they have—

Madam DEPUTY SPEAKER (Ms Pugh): Member for Southern Downs, your comments will come through the chair.

Mr LISTER: Thank you for your guidance, Madam Deputy Speaker. I would say through the chair to the Attorney-General that a person such as Robert John Fardon has no respect for the law. Indeed, he has no respect for anyone. The requirement that he should attend a police station or any other reporting requirement and that he could be entrusted to fulfil that obligation simply of his own volition is appalling. We know that kind of thing is not a protection for everyday people in the community.

I would also say that, as is proposed under this bill, it is necessary that it should be the Governor in Council who considers supervision orders rather than the Supreme Court. I believe that would ensure that legitimate community concerns concerning these terrible offenders are taken into account when decisions are made. My constituents regularly tell me they feel that judicial decisions do not meet their expectations. This is a way in which we can ensure their expectations are met and that they are accountable to the people. I commend the bill to the House.