



Speech by

Jann Stuckey

MEMBER FOR CURRUMBIN

Hansard Thursday, 2 September 2010

DANGEROUS PRISONERS (SEXUAL OFFENDERS) AND OTHER LEGISLATION AMENDMENT BILL

Mrs STUCKEY (Currumbin—LNP) (4.58 pm): I rise to contribute to the debate on the Dangerous Prisoners (Sexual Offenders) and Other Legislation Amendment Bill, which was introduced a year ago, on 1 September 2009, by the Hon. Cameron Dick, the Attorney-General and Minister for Industrial Relations. These amendments are a continuation from changes made to the legislation in 2007 and in response to a report entitled *A new public protection model for the management of high risk sexual and violent offenders* which was released in 2008. The government realised that its amendments in 2007 did not go far enough to protect the community from these predators and began a review of the Queensland public's protective legislation.

It would have been more beneficial to the community and surely more cost effective to have performed this review of the 2003 legislation before releasing the 2007 amendments which we, on this side of the House, argued at the time should have been more comprehensive and better reflect the seriousness of crimes perpetrated by sex offenders. As honourable members have already heard from the shadow Attorney and honourable member for Southern Downs, we on this side of the House have reservations with certain aspects of the proposed amendments and the manner in which the Attorney has intimated via a media statement that he will be backflipping on key elements within the legislation as it now stands. In addition, the timelag of 12 months and one day since the introduction of this bill into the Queensland parliament is a clear indication of how little importance this Labor government places on tightening laws relating to dangerous sex offenders and the threat they place on society if left unchecked.

The primary objectives of this bill are intended to increase the flexibility of management of offenders released on a supervision order under the Dangerous Prisoners (Sexual Offenders) Act 2003 and to enhance the ability of the court to make indefinite sentence orders by widening the schedule of offences it applies in the Penalties and Sentences Act 1992. Other provisions in this bill include placing a maximum limit on a supervision order, increasing the powers of corrective services officers to alter types of supervision, increasing the first annual review of a continuing detention order to two years, and altering parole conditions for those who have served their full sentence.

The Dangerous Prisoners (Sexual Offenders) Act currently imposes no restrictions on the length of a supervision order placed on a released sex offender. These amendments, however, propose to limit the maximum period of supervision orders to five years. According to the second reading speech of the Attorney-General, this government believes that by limiting the length of supervision orders to five years released prisoners will be more effectively supervised and will in turn provide more adequate protection to the community. Just how this more effective supervision will occur remains to be seen. But now we hear that the Attorney might have had a sudden change of heart and intends to alter the amendment to make it a five-year minimum. Currently, there are released prisoners on 15- and 20-year supervision orders. These lengthy supervision orders have been placed by the courts because these prisoners are notorious criminals who are deemed to present ongoing serious threats to the community. Under these amendments,

the Attorney-General would have to apply to the court at the expiry of the five-year period if they believe a further supervision order is required.

The explanatory notes tell us that the government's rationale for introducing a maximum supervision period is that offenders pose the most risk to the community during their 'first few years after release from custody'. However, research undertaken in 2007 by Dr Karen Gelb, senior criminologist of the Sentencing Advisory Council of Victoria, shows that the opposite is true and sexual recidivism across time actually increases. According to Dr Gelb's study, rates of recidivism for sex offenders after five years is 14 per cent, after 10 years is 20 per cent and after 15 years is 24 per cent. How can this government justify its reasoning regarding a five-year maximum when these figures are considered—figures from an experienced senior criminologist? I would ask the Attorney if he was aware of these alarming statistics when the legislation was touted as policy and, if he was, then why did he discard them in favour of left-wing socialist ideology—ideology that is not supported by fact. Surely going down the path he has taken is placing the general public at risk while pandering to the rights of criminals. Violent offenders such as those the act is specifically designed to cover need prolonged supervision after their prison term. These amendments, by restricting the length of the order to five years, could in fact result in more violent individuals reoffending years down the line, incurring further incarceration or—far worse—slipping under the radar and not getting caught at all.

The current legislation requires that any amendments made to a supervision order can only be made by the courts. The provisions contained within this bill will allow corrective services officers to make additions to the type of supervision, including their housing, rehabilitation and treatment programs, and restrictions in relation to alcohol. While the amendments in this bill do place restrictions on the alterations that can be made to supervision orders, we are talking about serious violent offenders whose orders have been set by a Supreme Court judge for reasons possibly unknown by the corrective services officer. It is understandable that this will ease demands that are choking our court system, but in turn it puts more responsibility on a public servant and their department who may not have the adequate experience to make the best decision in the interests of the wider community.

The bill also proposes to increase the first review of a continuing detention order from one year to two years from the date the order is made. The government's reasoning for extending the review period is to allow the offender enough time to undertake rehabilitation if they had not done so while in custody. Only 92 of 208 convicted paedophiles and rapists released in the 2008-09 financial year had completed rehabilitation programs prior to being released. In the 2007-08 financial year, 93 of 178 sex offenders were released without completing programs. This equates to over 200 sex offenders in the past two years being released back into society without undertaking any form of rehabilitation. That is less than 50 per cent, which is an abysmal rate—a miserable failure by any measure.

Currently, participation in rehabilitation programs is voluntary. According to the 2008 report *A new public protection model for the management of high risk sexual and violent offenders* prepared by the Queensland government, a coercive approach to rehabilitation can result in disruptive participants and participants claiming to have successfully completed programs without intending to comply with program concepts on release. It sounds more like an excuse for the Labor government to avoid committing to funding to provide effective and result-driven rehabilitation programs for Queensland. This government should be doing everything in its power to lower the rate of sexual offender recidivism by combining compulsory, effective rehabilitation programs with intensive supervision upon release. However, this legislation before us today is set on appeasing criminals and putting cost factors ahead of community safety.

Releasing sex offenders back into society before they are deemed to be low risk is typical of a government that has a soft on crime track record in this state. The system is failing innocent Queenslanders and we are seeing sex offenders being released back into society, albeit under a supervision order, when psychiatrist reports are telling the courts that there is a high risk of the person reoffending and they should not be freed from custody. Unfortunately, their expert opinions are too often correct and all too often ignored. As my colleague the shadow minister for police and corrective services uncovered by questioning the government between January 2008 to March 2010, 99 out of 3,423 registered sex offenders were charged with further sex offences after release back into the community. Almost every week for the past two years a man, woman or child has been sexually assaulted as a result of this incompetent Labor government. Reports in the *Courier-Mail* in May revealed some of the sickening acts these supposedly supervised individuals have been caught doing. The number of further sexual offences committed under supervision orders is unacceptable and the police minister's comments waving reoffending off as part and parcel of the game are absolutely shameful.

Sex abuse scars an individual, and in some instances their families and loved ones, for life. Untreated, it can lead to a lack of self-esteem, depression, substance abuse and even suicide. Many victims are incapable of forming intimate relationships and require intensive counselling and support. The price on society, both physical and financial, is massive. Townsville paedophile Desmond George Bucky

is behind bars indefinitely after reoffending while on parole. The original psychiatric reports, which revealed there was a high chance he would reoffend, were initially ignored by the courts. One psychiatrist went so far as to say he believed that Buckby was incapable of learning, but this government did not heed the warning.

Tales of residents angry to learn they have a serious sex offender living in their midst pepper our media outlets each time it is revealed that one such offender has been placed in their neighbourhood. Outrage surrounding the release of convicted paedophile Dennis Ferguson in Queensland in 2008 filtered into countless Australian households. Ferguson is a repeat offender who continues to engender fear and hatred in the community, no matter where he is located. A concerned resident in my electorate recently wrote to me detailing a case of a convicted paedophile allowed to live four doors down from a local kindergarten. This constituent was a strong advocate for legislation to provide for special residential accommodation for serious sex offenders, believing that by keeping them far away from schools and children perverse temptations will be limited.

This would not only enable the community to feel safe but also be a place where notorious convicted paedophiles would be in a better position to avoid retribution from negative community attitudes. Breaches of reporting obligations by registered sex offenders have soared 3,000 per cent since 2005, hitting a peak in 2007, when there were 70 registered sex offenders whose whereabouts were unknown to the Queensland government. This appalling record forced the government to launch Operation Breach, which was tasked with locating these dangerous criminals. In 2009, there were eight missing, with one missing for more than nine months. Our police did a great job.

Two types of control measures used in Queensland for violent sex offenders are electronic bracelet monitoring and chemical castration. While this Labor government trumpets their effectiveness at every turn, both of these methods create a false sense of security in the community. The electronic bracelet is outdated and ineffective and does not keep track of a person 24 hours a day, as first stated by the government when released in 2007. The LNP is of the opinion that a global positioning system—or GPS—could be more effective for monitoring particularly dangerous sexual offenders. However, the Bligh government is slow on the uptake here, instead finding excuses not to implement this modern technology. The government's argument is that the scheme is not cost-effective and that it will cost \$52,000 per year. However, the US can keep track of prisoners for as little as \$8 a day.

GPS is widely used in military operations, search and rescue, police surveillance and private sector vehicle tracking. Detention with GPS is achieved by monitoring the person to ensure curfew hours are kept. Location restrictions are in force through an alarm that is triggered when offenders enter a restricted area and GPS would limit offenders going missing while on supervision orders.

Chemical castration involves the offender taking a series of medication that is meant to reduce libido and sexual deviant behaviour. The founder of Bravehearts, Hetty Johnston, has concerns that prisoners are using this process as a bargaining chip to obtain parole and says that it should not be trusted. The medication reduces testosterone and has been shown to reduce sexual drive, but does not stop individuals from being able to have sexual intercourse. Notably, sexual intercourse is not the only form of sexual abuse. Other instruments can and have been used by perpetrators on their victims.

It is worth mentioning here that assaults by sex offenders are not commonly triggered by sexual urges but by power, violence and humiliation of their victims. Additional research into the minds of serious sexual offenders may help us to understand more effective ways to treat them. The application of knowledge from epigenetics may even identify those with a predisposition towards committing these serious offences before they commit these heinous acts and offer up new treatments.

Relapse prevention can be an effective rehabilitation treatment and involves cognitive behavioural treatment programs that aim to provide offenders with ways of combating the risks and temptations they are faced with when placed back into society. Research by the Australian Centre for the Study of Sexual Assault shows that an offender's chance of relapsing increases when they place themselves in a high-risk situation. Cognitive therapy programs aim to provide a relapse framework and help the offender to identify their patterns of behaviour and to assist in maintaining the gains that they have made in therapy. This program appears to be the most effective of the psychological approaches to date based on evaluative research, but does not consider a chemical imbalance, which I hope will be considered more deeply in the future, as part of an individual's tendency to sexually abuse. In order for any of these programs to have maximum success, adequate funding and emphasis on the importance of therapy must be provided to engage prisoners in these programs prior to their release. More critically, though, is the need for political will to implement these proven programs as policy rather than to let outdated and fruitless procedures reign.

Alarming, there has been a sharp increase in the number of juvenile sexual offenders. A lack of early education coupled with social issues may be the catalyst for these worrying figures. As my colleague the shadow Attorney-General mentioned in his speech on juvenile justice reform last September, this Labor government continues to give lip-service to getting involved in early intervention, yet little seems to happen. Crime rates among juvenile offenders speak for themselves as to the effectiveness of this government's agenda on crime. Reports in the past couple of years of children as young as seven perpetrating sexual acts upon others of similar or younger ages must be taken more seriously. This is not normal play and indicates that a child has most likely been exposed to sexual activity or, worse, been abused themselves. Youngsters deserve our protection.

It would appear that this government has once again missed an opportunity to make our communities safe by implementing legislation that is limp-wristed and poorly drafted. As I have stated already, while the opposition can see some merit in parts of this bill, it has considerable issues with the proposed limit of five years for supervision orders and Labor's reluctance to take a strong stance against crime in Queensland.