

DANGEROUS SEXUAL OFFENDERS LEGISLATION AMENDMENT BILL 2015

458. Mrs M.H. ROBERTS to the Minister for Police:

I refer to the government's delay in reviewing dangerous sex offender laws and the further year-long delay in putting forward an amendment bill.

- (1) Why in eight years has not the minister's government toughened the laws to ensure that repeat sex offenders and paedophiles who continue to pose a risk are kept behind bars?
- (2) What responsibility does the minister take for the release of the dangerous sex offender who it is alleged has been charged with aggravated rape, in contravention of his supervision orders, on Saturday night?

Mrs L.M. HARVEY replied:

- (1)–(2) The Dangerous Sexual Offenders Amendment Bill is before the house at present. There was a review of that legislation back in 2011 and amendments were made at that time and brought forward in this place. A further review was conducted in mid-2014 specifically to look at the processes around supervision orders and applying to the court for continuing detention or supervision orders, the length of time between periodic reviews of detention, possible consequences of contravening a supervision order, including granting of bail for a person for such a contravention, and processes and penalties for dealing with contraventions of supervision orders. In response to that review, the amending legislation before the house has made a number of changes. Importantly, we have inserted into the legislation a section for the consideration of victims. Victims can now be heard by the court regarding the need for adequate protection. The court can include a condition of a supervision order —

Mrs M.H. Roberts: No, they cannot, because we are still waiting on the legislation!

The SPEAKER: Member for Midland, I call you to order for the first time.

Mrs M.H. Roberts interjected.

The SPEAKER: Member for Midland, I call you to order for the second time.

Mrs L.M. HARVEY: When the legislation is passed, and we will need the cooperation of the opposition in order to do that, it will include as a condition of the supervision order, a requirement to restrain the offender from speaking publicly. That obviously causes distress to their victims. That will be included in this legislation. The court can include—this is a catch-all provision—any other condition of a supervision order to ensure adequate protection of the victim. There is a range of improvements, and we are talking about detaining people post-sentence. These are offenders who have completed the term of imprisonment imposed by the court and we are detaining them indefinitely with a review provision. The review clause is the only way that we could get this legislation to pass the High Court test. What we are doing is, instead of allowing for a review annually, the first review for a release from a continuing detention order post-sentence will be after 12 months, and subsequently after that, there will be a 24-month requirement for those review periods. There have been changes to the laws —

Point of Order

Mrs M.H. ROBERTS: There have not been changes to the law; the minister is misleading the house.

The SPEAKER: Sorry, that is not a point of order.

Mrs M.H. ROBERTS: She is misleading the house.

The SPEAKER: That does not matter; that is not a point of order. I do not want spurious points of order.

Questions without Notice Resumed

The SPEAKER: Quick answer to the Chair!

Mrs L.M. HARVEY: I am sorry, Mr Speaker, I will correct the record. Should this legislation be passed with the cooperation of the opposition, who said they would expedite its passage, there will be changes to the law, and those changes will be supportive of victims. There has been a comprehensive review process. Yes, it has taken some time. That is because our Commissioner for Victims of Crime, who has been lambasted by the opposition—shamefully lambasted—has been dealing with victims of crime in order to bring this legislation through and include those victims' provisions. Opposition members should be ashamed of the way they have treated her! She is a public servant sitting there assisting me in consideration in detail and deliberations.

Several members interjected.

The SPEAKER: Member for Butler, I can see this getting out of control.

Through the Chair—a quick answer.

Mrs L.M. HARVEY: Notwithstanding that attack on the Commissioner for Victims of Crime, she is still giving me very good and thorough advice with respect to the questions that the opposition has put forward.

We need to get this in context. There are 48 or so dangerous sexual offenders. Around 24 of those are released to supervision orders in the community. During the operation of the Dangerous Sexual Offenders Act there have been, I am advised, 10 contraventions of supervision orders that have required offenders going back into custody. It is imperfect. We are dealing with imperfect individuals who require a high level of supervision, and that is why we fund the sex offender management squad, who have the invidious task of dealing with these offenders on a daily basis, trying to supervise them and responding as quickly as they can if they see a contravention of a supervision order. It is imperfect, but we are doing the best that we can in the context of the constitutional restraints around detaining people post-completion of their sentence.