DANGEROUS SEXUAL OFFENDERS ACT 2006 — REVIEW

Matter of Public Interest

THE SPEAKER (**Mr M.W. Sutherland**) informed the Assembly that he was in receipt within the prescribed time of a letter from the Leader of the Opposition seeking to debate a matter of public interest.

[In compliance with standing orders, at least five members rose in their places.]

MR M. McGOWAN (Rockingham — Leader of the Opposition) [3.09 pm]: I move —

> That this house calls on the government to urgently release the 2014 review of the Dangerous Sexual Offenders Act and immediately introduce amendments to the act, which the government promised would be introduced a year ago in the spring session of 2014.

This is an opportunity for all members of this house to protect our kids. This is an opportunity for every single member of this house to show where they stand on protecting our kids. It is not that hard, Mr Speaker. It is not that hard. Members can decide to vote for the immediate release of the review that the government conducted and received last year, and for some legislative change to improve the situation to protect children in Western Australia. That is their choice. If they vote against this motion, they will be voting against improvements to child protection in Western Australia. Just so that the Liberal and National Parties understand it, that is what they will be doing if they vote against this motion.

What concerns me most of all about this issue is the government's fundamental misunderstanding of it. The Premier in question time showed that he does not understand how these laws work. He said—I will quote him because I wrote down what he said—that child sex offenders will be released at the end of their sentence.

The Premier does not understand that the existing laws passed in 2006 allow for people to stay longer in prison, subject to various reviews by the courts. However, despite the intent of those laws, some people who confess to being a danger to society are being released. That is what has happened in the case of Mr Brown. He confessed before the court to being at serious risk of reoffending. That is what he said to the court; that is what his psychiatrist said to the court; yet the court decided to release him anyway. In the past few years since 2012, when these issues were raised in the infamous cases that came along, most notably TJD and Mr Comeagain, the government promised that it would take action to fix the flaws in the current laws.

The current laws, passed by Jim McGinty as Attorney General back in 2006, were a significant improvement on the situation prior to then. However, with the expiry of nine years since that period, the time has come to perhaps repair the flaws and deal with the situation the state has confronted since at least 2012: the release of people who everyone in the community knew would be a danger to the community, despite the good intent of these laws. What the government did was come forward with a press release from the Attorney General, Mr Mischin. I sometimes wonder what the Attorney General is paid for. I do not know what he does. At least with Jim McGinty or Christian Porter we had an activist Attorney General. What does this Attorney General do? He does not do anything. He no doubt knows a lot about the law, but what does he actually do? He is sloth-like. He is slow. He is so deliberate that nothing happens. He is glacial in his approach to fixing the situation confronting the state.

Last year the Attorney General was stirred to action. Here is a press release he released 18 months ago on 20 March 2014. Members will like this —

> Government moves swiftly to ensure laws protect WA community.

If that is swift, I would hate to see slow. He referred in the release to conducting a review into the act. I understand that the review was received by the government last year. Then at the end of the release are these fighting words from the Attorney General —

> "If any reforms are required, I will introduce legislation for those reforms in the spring session of Parliament and I would expect the full support of the Opposition in passing this legislation."

That is, the spring session of Parliament last year—not this year but last year. Since the review was announced in the light of the infamous TJD situation, we have now had a review conducted about which nothing has been done; we have had Mr Brown released last week into the Coolbellup community causing huge consternation there; and we have had the government fail to introduce the laws it promised last year. Now the Premier is saying that he will get them onto the notice paper this year. That is not good enough. Mr Brown is now out there in the community causing huge concern to the people of Coolbellup. He confessed that he was a danger to the community. Members need to read what was said before the court. He confessed to it. He said it, and so did the psychiatrist who was examining the matter. We are saying to the government that it should introduce the laws now and it should release the review.

The Premier said today that he is not going to release the review until after the laws are introduced. We are saying to Parliament: release the review now. That is the least it can do. No significant change to the law turns on it. The government has the numbers in the house and can do what it wants. If it releases the review now, at least we will see what is planned and proposed, and it might give some peace of mind to those people out there who are concerned about this issue, in particular to those who live in Coolbellup and apparently are in proximity to this person.

The government's defence of these issues has been nothing short of shameful. I heard the Minister for Corrective Services on the radio this morning. The Minister for Corrective Services, who we think would take this issue seriously, called the people of Coolbellup nimbys. He used the phrase "nimbys"! Parents with young children concerned about a serious, dangerous, repeat sex offender living in proximity to their children are nimbys, according to the Minister for Corrective Services.

Several members interjected.

Mr M. McGOWAN: I will quote what the Minister for Corrective Services said then—this is extraordinary—in response to Gary Adshead's questioning. The Premier might want to respond to this when he stands, because this is what his minister had to say —

> Now I have a mate who is a real estate agent rang me yesterday, a house sale in Coolbellup fell through, how do you feel about anyone trying to sell a house in Coolbellup right now?

Gary Adshead responded —

> Well what is more important, selling a house or making sure your kids are safe?

The minister responded —

> Well, no, you have just devalued, essentially devalued, and put a tarnish on the real estate market in the whole suburb, …

Honestly, Mr Speaker! Imagine what would happen if a Labor minister said that! Imagine the reaction and the howls of outrage from the Premier and his ministers about that. The Minister for Corrective Services basically put real estate values ahead of the safety of children. That is unforgivable. He should stand in this place and apologise to the people of Coolbellup for what he said about that.

Mr P. Papalia: Where is he?

Mr M. McGOWAN: Does the Premier not get indignant about wherever the Minister for Corrective Services is? I do not care where the minister is. He can come into this place tomorrow and apologise. The Premier should not get indignant about that; he should get indignant about what the minister had to say.

Mr P. Papalia interjected.

The SPEAKER: Member for Warnbro!

Mr M. McGOWAN: The Premier should get indignant about what the minister had to say. Instead of defending the indefensible, why does the Premier not stand and say, "That's unacceptable"? I heard the Premier's answer to a question in question time; he did not address it. He should stand and say, "That approach is unacceptable."

Here we are trying to protect children. There have been some enormous advances. The dangerous sex offenders law was brought in; working with children checks were brought in; mandatory reporting was brought in; cyber protection laws were instituted in 2005. They were all brought in in that period 2005 to 2008. What has happened since then? Flaws have been identified in the laws and the government has failed to fix them despite the promises it has made.

What we were saying to the Premier is simple. We are not being critical. We are saying: release the review, and change the laws. The Premier can vote in support of the motion. We might then see this review later today, and we will see whether the Attorney General was telling the truth when he said that the current laws are working in exactly the right way, and we will see what the Attorney General's proposed laws are and whether he will be able to do something to improve the situation.

MR R.F. JOHNSON (Hillarys) [3.19 pm]: I also want to speak on this motion. I do not want to politicise this very important issue. We should not be politicising the safety and security of our children in Western Australia. I must say that I was quite surprised to see this motion that has been put before the house, because it does not condemn the government or the minister; it is simply asking for the review to be made available very quickly, and, indeed, for the amendments to the Dangerous Sexual Offenders Act to be introduced immediately. We heard today from the Premier that these amendments will be introduced and that the review will be tabled in this house along with the legislation. That should occur in the next few weeks. At the pace at which governments normally work, I would say that almost means immediately. We would be very lucky in normal circumstances to

have that occur. Therefore, I do not see why members on this side of the house would vote against this motion. There has been a delay. However, I am not going to criticise anybody for the delay. This issue is too important to start personalising and criticising any particular minister.

I think that 51 conditions have been placed on the release of this prisoner. Any breach is one breach too many when it comes to the safety and security of our innocent children. If there is a breach that takes away the innocence of a child through rape or sexual assault, or, God forbid, even worse, we have failed in our duty as a government and a Parliament. We have an obligation as a Parliament to protect our children. Our children are among the most vulnerable individuals in our society—they truly are—and we have a duty and an obligation to ensure their safety and wellbeing. Any child who is assaulted by a sex fiend—such as the person who has now been released—will be affected for the remainder of their lives.

Mr F.M. Logan: They have no voice.

Mr R.F. JOHNSON: The member is right. They have no voice at all. We have to speak up for those innocent children and be their voice. I have eight grandchildren and I fear for their safety when people such as this are out on the streets. I think any responsible parent would feel the same. I was the responsible minister when we introduced the sex offender register and had it put on the website. Opposition members were critical of certain aspects of that at the start, but they supported it in the end because they took the view that this is a serious issue and we need to protect our children. That is why I believe opposition members did the responsible thing and supported that legislation. It is not perfect by any means. However, it is better than having nothing at all. It enables people to look at the website and see who these dangerous sexual offenders are and it gives them the opportunity to protect our children.

I have heard it said today that if we introduce a life sentence with no opportunity for parole, it goes against the Constitution. I would love to see the part of the Constitution that says that. I believe Parliament is supreme. This is a sovereign Parliament. The legislation that we pass in this house is sacrosanct. In America, and also in other countries, sexual offenders are put away for life. My preference is that serious sexual offenders such as Mr Brown and TJD are never let out of jail. They should be put on an island somewhere. We should let them live a life that is different from being in prison but in which they cannot harm children in any way. That is our responsibility. If the courts in their wisdom decide to let these people out on the streets, we should do what is done in many western countries—not backward or third-world countries, but western countries—and implement chemical castration. That is done in Germany and in many other European countries. In fact, it is done in this state if the offender asks to be chemically castrated. What is the difference between asking for that and that being implemented to ensure the safety of our children?

I will be supporting this motion. If I did not support this motion, I would feel very bad, because I would not be supporting the innocent children of our state. I hope members will not take a political side and say, "The opposition has moved this motion, so we have to oppose it." I ask them to think about their children, their grandchildren, their nephews and their nieces and put their safety and wellbeing before any politics that may come into it.

MR J.R. QUIGLEY (Butler) [3.25 pm]: Mr Speaker —

Several members interjected.

The SPEAKER: Members! The member for Butler is speaking.

Mr J.R. QUIGLEY: This motion needs to be put in context of the recent events involving the release of Alwyn Brown last week. In putting it into context, one needs to look at the judgement delivered by Mr Justice Martino. The Premier said in question time today that he does not agree with the judge's order. An order for continuing detention was made by Mr Justice Heenan in December 2010. As we know, these orders come up for continual review. This order came up for review before Mr Justice McKechnie in 2012, and he released Alwyn Brown on conditions. On 1 August 2012, the detention order was rescinded. Only about six months later, on 26 April 2013, Alwyn Brown was back before the judge for having breached that order. Mr Justice McKechnie then imposed a term of imprisonment for having breached the order.

On 9 October 2014, this matter came up for review before Mr Justice Simmonds, on motion of the Director of Public Prosecutions. The Office of the Director of Public Prosecutions was represented on that occasion by Miss Robinson, and she opposed the application for release. It is interesting to look at that judgement. One of the matters that was looked at was the administration of anti-libidinal medication, which had played a crucial factor in the decision of 15 October 2015 to release Alwyn Brown. I will read from paragraph 36 of the judgement of Mr Justice Simmonds, who I might add would not release Alwyn Brown but ruled that he be kept in detention. He said —

> In that last respect, however, —

He is referring to the anti-libidinal medication —

> I must note what appears in Ms Rankin's report —

She was a prison psychologist —

> as to Mr Brown having claimed to Mr Summerton … see exhibit 1.13, page 13. Mr Summerton had been Mr Brown's treating psychologist from the Department of Corrective Services in the period leading up to the review … and had counselled him in the community …

It was to Mr Summerton that Mr Brown claimed that the anti-libidinal medication was having no effect on his sexual tendencies or desires. I will say that again. Mr Brown claimed to Mr Summerton that the anti-libidinal medication was having no effect on his sexual functioning. That was said in evidence just over a year ago, on 9 October 2014.

Let us bring the clock forward to 2015. The Premier has said that he disagrees with the judge's conclusion. This matter came up again not on an application by Brown to be released, but on an application by an agency of the state of Western Australia—that is, the Director of Public Prosecutions for Western Australia—which falls within the portfolio of the Attorney General. On this occasion, the Director of Public Prosecutions was represented by a different young lawyer by the name of Ms Markham. This whole area was canvassed again and the judge noted at the start of his judgement that the legislation provided that Brown should not be released. It states —

> Section 33 …
>
> > 1. must rescind the detention order if it does not find the respondent remains a serious danger to the community; and
> >
> > 2. if it finds that the respondent remains a serious danger to the community …
> >
> > > expressly decline to rescind the order; or
> > >
> > > … make an order … subject to conditions that the court considers appropriate …

Counsel representing the authority—that is, counsel engaged by the taxpayers of Western Australia—urged the judge to rescind the order, and that is found in the judgement, when His Honour noted that counsel for the applicant on this occasion had changed position from previously and said, "Let us manage him in the community." That is found in paragraph 17 of the judgement, which states —

> … The applicant —

That is, the Director of Public Prosecutions—not Mr McGrath himself, but the counsel engaged —

> accepts that risk of the respondent committing a serious sexual offence is manageable in the community under a supervision order.

The Director of Public Prosecutions, being represented by different lawyers, I agree, has done a 180-degree shift in the space of 12 months, and has done this on the basis that Brown can be supervised in the community with anti-libidinal medication. However, we can go back to what Mr Brown told the treating psychologist only 12 months before—that is, that anti-libidinal medication had no effect on his sexual functioning.

The judge of course is bound by the law. The Premier has said that he disagrees with the judge, but the judge was urged by the agency to go ahead with the release. There is something amiss here; there is something crook in mookery brook! This report that has been hidden and secreted from the public of Western Australia has to be tabled today. What has happened in the space of 12 months to convince the Director of Public Prosecutions, albeit through two different lawyers? That is perhaps the key to it. The first lawyer said in October 2014 that Brown should not be released because he said that the anti-libidinal medication does not work on him. I note for the transcript that the Minister for Police is laughing at this. I have close contact with the victim of a paedophile and I know it has destroyed her life, turned her anorexic and put her into a psychiatric hospital, and the Minister for Police sits here laughing. It is disgraceful.

In 2014, the counsel appearing for the DPP urged the court not to release Brown because he said to the treating psychologist that the anti-libidinal medication does not work on him and, in fact, he stopped taking it when he went back into prison. Twelve months later, the same agency, which falls within the portfolio of the Attorney General, went before the judge and urged his release. What was the judge to do? During question time, the Premier turned upon the judge, not upon the public servants who went to the judge and said that he should be released. This is a failing system. What happened last week? Brown said, "I agree; I am a serious danger to the community." He agreed with that. The judge noted in his reasons for the decision that the DPP was the applicant for his release. Let no-one lose sight of the fact that the DPP, for the taxpayers of Western Australia, was urging his release. The taxpayers of Western Australia pay these lawyers' wages. The judge said that on 13 September

2015—that is only last month—Dr Febbo expressed the opinion that the respondent remained at high risk of further sexual offence. The judge noted —

> In my view the respondent's concession —

That is, Brown's concession —

> that he remains a serious danger to the community was justified.

What is happening here is just insane. The only way we are going to get to the bottom of it is for this Parliament to unanimously vote this afternoon for the release of that report, and no-one in the community would oppose that.

MR P.C. TINLEY (Willagee) [3.36 pm]: It is a shameful approach from this government not to defend itself and it is a shameful approach from the Premier. The Premier has time to defend his ministers and his government and the reasons why the people of Coolbellup have had to come to me in their hundreds to represent them in this place. The poor suburb of Coolbellup measures three square kilometres. This guy will be seen. The government has done him a disservice. It has done the people of Coolbellup a disservice. I pick up where the member for Hillarys left off. I absolutely will at every turn stand and defend my community and have a voice for those who do not have their own. The hundreds of people who met me at the impromptu meeting that I called in front of the IGA was not a lynch mob. Members opposite can look at every comment I made and at the commentary they made, and any accusation against me of inciting any form of hate or retribution would be an absolute lie.

The people of Coolbellup are particularly decent. It is a changing suburb. There are young families. An inordinate number of children go to Coolbellup Community School. These people are concerned. Where do they turn to get the information from which they can make a reasonable assessment about the risk to their children? There has been nothing from this government. The judgement was not released until Friday, which confirmed that Mr Brown was in Coolbellup. This is not the last time they have had this scare. It took me several attempts to assuage the fears of the community about Mr Patrick Comeagain. We hosed that down because he was not in the community. Mr Brown is, and these people are particularly worried. If any member in this place wants to get to their feet and say that they would be happy to have a self-admitting repeat sex offender in their street or in their suburb, they should get to their feet and say it now. Members on that side of the chamber have plenty of time. Tell me that they want Mr Brown in their suburb, because if they do, they are being either silly or disingenuous.

It is an outrage to the people of Coolbellup to claim for one second that I am denied the opportunity, responsibility and right to represent them, so let us not go there. As the member for Hillarys said, we do not want to politicise it; we want to hold the government to account for its mismanagement of legislation and its absolutely appalling approach to the very important task of keeping our community safe, particularly our children.

We spent all last week debating not an amendment to a very difficult part of the Criminal Code, nor an amendment to the serious sex offenders legislation, but graffiti. That is the priority of this government—graffiti vandalism and the scourge of graffiti, while the people of Coolbellup are getting a message that the government does not care. They have plenty of evidence for that. They say to me, "Peter Tinley, who, after me as a parent, is responsible for protecting our kids?" I reply that the Minister for Corrective Services, the Minister for Police and the Premier are responsible. What do they get from the Minister for Corrective Services? He calls them nimbys—absolute tree-hugging, useless, whingeing nimbys. That is outrageous.

Mrs L.M. Harvey: He did not say that.

Mr P.C. TINLEY: The Minister for Police will have plenty of time to get up and defend the outrageous behaviour of the Minister for Corrective Services. The minister might want to reflect for a minute before she makes any sort of interjection, when I read from the transcript of an interview by Gary Adshead with the Minister for Corrective Services on 6PR. Deep into the interview, the minister was very clear with Gary Adshead, when Adshead was talking about the fact that I might have been inciting some sort of action by the community. The minister said —

> Well, well, no, when you feed that beast that is, I guess, vigilantism, then people can get it wrong. Now I have a mate who is a real estate agent rang me yesterday, a house sale in Coolbellup fell through, how do you feel about anyone trying to sell a house in Coolbellup right now?

Adshead rose to the occasion, saying —

> Well what is more important, selling a house or making sure your kids are safe?

Indeed he might say that. Minister Francis went on to say —

> Well, no, you have just devalued, essentially devalued, and put a tarnish on the real estate market in the whole suburb, when there is 21 of them out there at the moment —

I hope that is not 21 dangerous sex offenders in Coolbellup, I might add —

> … without incident, so um, you know you just got to be careful about what you achieve by the outrage.

This is outrageous, and I challenge the Minister for Police to get up and walk away from those comments and tell the people that the person who is meant to protect their kids is wrong and needs to take it more seriously. This government needs to take it more seriously. They are a bunch of deep thinkers—get on with it.

MRS L.M. HARVEY (Scarborough — Minister for Police) [3.43 pm]: I rise in response to this matter of public interest. It is important that we place on the record the circumstances of this case, and the government perspective on this issue. The state government absolutely shares the concerns of the community about the management of dangerous sex offenders in the community. That is why we have commissioned the review, and that is why the Attorney General is drafting changes to very complex legislation to bring to Parliament in the near future. We are looking at a review of the legislation to see whether there are ways to improve it and make it more effective. We are also ensuring that there will be an opportunity for victims to have a say in these hearings.

The law currently provides for, at the end of their sentences, the detention in custody or supervision in the community of offenders who pose an unacceptable risk, if they are not in custody or supervised in the community, of committing a serious sexual offence. The law has continually operated in such a way to achieve the aim of ensuring that dangerous sex offenders do not commit a serious sexual offence while they are subject to these orders. The member for Butler alluded to that, and that is the reason that when the court chooses to release these offenders, it balances the safety of the community with the rights of an individual to be released in the community after serving their sentence. The court makes that decision.

Mr J.R. Quigley interjected.

The SPEAKER: Member for Butler, I think you have had quite a good run.

Mrs L.M. HARVEY: Members in this house need to understand that the commonwealth Constitution does not allow us to lock up sex offenders forever and throw away the key. I am sure many people in the community would like to see that occur, but the Constitution prohibits that from occurring. This law provides for offenders to be kept in prison after their criminal sentence has been completed. The bill that will be brought forward proposes the most significant rewrite of these laws since they were first introduced. It will strengthen their effectiveness. In particular, we are looking at opportunities to provide better protection for the community and for victims.

It is a delicate balancing act. I have listened to people quoting from the court judgement, and the Supreme Court judge's reasons for releasing this offender into the community. He has not been released to his freedom; he has been released subject to a supervision order that has over 51 conditions on it. Let us have a look at the conditions.

Mr D.J. Kelly interjected.

The SPEAKER: Member for Bassendean, I call you to order for the third time.

Mrs L.M. HARVEY: The conditions require, as one would expect, reporting to a community corrections officer at a time and place prescribed. The offender needs to report to and receive visits from a community corrections officer as directed by the court. Those visits can occur at any time. The offender needs to notify a community corrections officer of every change of his name, place of residence or place of employment, two days before the change happens. He needs to be under the supervision of a community corrections officer, which includes complying with any reasonable direction of the officer. He cannot leave the state, obviously. He is obviously required not to commit any sexual offences, as defined under the Evidence Act 1906. He will be subject to electronic monitoring. In addition to that he is required to take up residence at a particular address. He is not allowed to leave the state without the permission of the manager of the Department of Corrective Services, and that permission is to be given with conditions that he is to comply with while absent from the state. He has to report to the Central–West Metropolitan Adult Community Corrections Centre in East Perth. He is to comply with lawful orders and directions of his community corrections officer.

Mrs M.H. Roberts interjected.

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

Mrs L.M. HARVEY: He needs to attend programs for treatment, engage with a psychiatrist, psychologist, mentor, support service or a support person nominated by the CCO, and as directed by a CCO. He also has to

comply with the requirements of all programs designed to address his offending behaviour and/or the risk of his serious sexual reoffending.

Mr P.C. Tinley interjected.

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

Mrs L.M. HARVEY: I am not going to read through all of the conditions. I am happy to table this document for members to access. He is also required to disclose and exchange information between all the agencies involved in managing him. He is obviously prohibited from having any direct or indirect contact with any of his victims. He is not permitted to commit any sexual offence or other criminal offence. He is not allowed to possess, consume or use any prohibited drugs or substances, including, but not limited to, cannabis.

Mr J.R. Quigley interjected.

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

Mrs L.M. HARVEY: In addition, Mr Brown is subject to a curfew under the order. He has to present himself for inspection at the front door of his approved address. He has to speak on the telephone to any community corrections officer or police officer or their agent monitoring the compliance with the curfew. He must also ensure that all the people present at his residence who may answer the telephone or door are aware of the obligations and request their assistance to comply with his obligations by alerting any attempts to contact him. That basically means that he has been released into a residence in which the court has determined he is best placed to manage the potential for re-offending and to comply with this order. He needs to ensure that anybody else who is residing in that place is there to assist him in complying with this order. He has to undergo medical testing and treatment, including antidepressant medication and anti-libidinal treatment or any paraphilias directed by his community corrections officer, in consultation with any doctor, psychologist or endocrinologist. He has to attend any medical practitioner, psychologist, psychiatrist or counsellor as directed by his supervising officer.

Several members interjected.

The SPEAKER: Members!

Mrs L.M. HARVEY: He is not allowed to possess or consume alcohol.

Several members interjected.

Mrs L.M. HARVEY: I think it is really important that people understand what these conditions are. Members of the opposition are interjecting, saying that Mr Brown did not comply with the order last time and he ended up back in front of the court and back in custody. That is correct. These conditions have been imposed to ensure that this person can be managed by the Department of Corrective Services and the sex offender management squad in an attempt to stop him re-offending. I think it is important that members realise that the last time he was released on a conditional order, he did not comply with the order and he was brought back before the court and ordered to remain in custody. He had not offended at that time against a victim but he had broken the conditions of his supervision order. That is why he ended up back in custody. That is what these conditional supervision orders are all about—managing an offender's behaviour. At the point that he is not complying with his conditions, he is brought back before the court and the court then makes a determination as to whether he presents an unacceptable risk to the community because he is not complying with his order. As we have seen in the past with many of these offenders, they end up back in detention.

I think this next condition is really important. He has to prevent placing himself in any high-risk situations. Those are situations in which he is not to associate with any other person known to have committed a sexual offence, unless that association is authorised in advance by his corrections officer. He is not allowed to possess, consume or use alcohol. He has to submit to a urinalysis or other testing for alcohol or prohibited drugs at any time as directed by his corrections officer or a police officer, including accompanying those persons to an appropriate location for the testing to take place. He is not allowed to remain in the presence of females affected by alcohol unless that person is approved in advance by the community corrections officer. He cannot remain in the presence of a person affected by a prohibited drug. He is not allowed to remain in any place where prohibited drugs are being consumed. He is not allowed to have any contact with any child under the age of 16 years, whether the contact is in person, in writing, by telephone or electronic means, unless it is authorised in advance.

There are 51 conditions. They are available publicly. I am happy to table this document in case members would like to inspect it at some point.

[See paper 3542.]

Mrs L.M. HARVEY: I think it is important to go back to what was said. Members have quoted Judge Martino's decision. We need to put his comments in context. Paragraph 12 of his report dated 13 September 2015 states —

> … Dr Febbo expressed the opinion that the respondent remains at high risk of further sexual offence if not the subject of a detention or supervision order. On the hearing of the application before me the respondent by his counsel expressly conceded that the respondent remains a serious danger to the community.

Through this judgement, the judge has at various times quoted the evidence of those attending psychiatrists. Each time it has been said that the respondent is a danger to the community if he is not subject to a detention order or a community supervision order. That is why the judge made his decision to release this offender into the community with strict conditions.

We have a very strong record in protecting the community. This legislation was introduced in January 2006. Members might be interested to know that at present 20 dangerous sex offenders are being managed in the community and 26 are currently in custody. After this legislation was gazetted—from 1 January 2006 to 30 September 2008, when we were not in government—six people were released under this act. They were all released under supervisory orders. A further prisoner who was released prior to the passage of the act was subsequently supervised as a DSO during that period as well. Of those mentioned offenders, three were later placed back into the custody of the state, two are still in prison and the other died in custody several days after re-entering prison. The other four dangerous sex offenders have not had any further custodial history. Of those who were released into the community, one is deceased and the other three have successfully completed their orders.

Although I understand absolutely the concerns of the community and the community —

Mrs M.H. Roberts interjected.

The SPEAKER: Member for Midland!

Mrs L.M. HARVEY: The community struggles with the concept of DSOs. I am a parent myself. I struggle with it. We still need a balanced legislative framework. I have been in this place when we have been discussing strong law-and-order initiatives—things such as mandatory sentencing for those people who assault police officers and for violent home invaders. We make commitments to the community about strong law-and-order options yet we get lambasted by the opposition for being too harsh and taking away the independence of the court to make these decisions.

In my closing comments, I ask the opposition what it thinks should occur here.

Several members interjected.

The SPEAKER: Member for Midland!

Mrs L.M. HARVEY: When we brought our community protection legislation to this place and we spoke about publishing the names of sex offenders on our sex offender website, we were subject to all sorts of derision. All sorts of comments were made in the community and in the media by the opposition at that time.

Mr P. Papalia interjected.

The SPEAKER: Member for Warnbro, you are on three calls.

Mrs L.M. HARVEY: The member for Girrawheen, in an interview with Paul Murray around the —

Mrs M.H. Roberts interjected.

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

Mrs L.M. HARVEY: The member for Girrawheen said at the time —

Mrs M.H. Roberts interjected.

The SPEAKER: Member for Midland, you have had a chance.

Mrs L.M. HARVEY: On Monday, 7 November 2011, 8.48 am, the member for Girrawheen said in an interview with Paul Murray —

> And I think we can stand by our record of two significant pieces of legislation, one of which I was intimately involved in assisting with the drafting on. We've got the checks and balances there in relation to sex offenders …

Apparently, at that time, the legislation—Labor legislation—which the member is now saying is ineffective, was appropriate. We have been accused —

Several members interjected.

The SPEAKER: Member for West Swan, I call you to order for the third time. Member for Midland, I do not want to hear from you again.

Mrs L.M. HARVEY: Members in this place heard me say that we currently have 20 dangerous sex offenders being managed in the community and 26 currently in custody. I take members back to *Hansard* of 20 June 2007 when Mr P.D. Omodei asked the Minister for Corrective Services how many convicted serious sex offenders were released from prison in 2001 through to that date in 2007. The response of the then minister, member for Girrawheen, was —

> Data of this nature is not readily available, the provision of this information would require considerable research that would divert staff away from their normal duties and I am not prepared to allocate the State's resources to provide an answer.

We have been open and transparent. We have said the number of DSOs who are out in the community being managed on orders. We do not like having to manage dangerous sex offenders in the community, but that is what we are required to do if we are going to make sure that we abide by the expectations of the community with respect to the rights of individuals under our Constitution. We are not hiding anything. I understand the Attorney General said he will release in due course the review and the report about what changes should be made to the legislation that he commissioned. I expect that will likely occur at the time that we bring the legislation to this place. I do not believe that it is appropriate to ask the Attorney General to rush what is very complex legislation —

Several members interjected.

The SPEAKER: Member for Willagee!

Mrs L.M. HARVEY: Members need to remember what this legislation does. This legislation states that if a person commits a serious sexual offence and they are declared a dangerous sexual offender, after they have finished their time in custody, as imposed by the court, we can detain them for as long as the court deems —

Mr J.R. Quigley interjected.

The SPEAKER: Member for Butler, I call you for the third time.

Mrs L.M. HARVEY: The legislation allows the court to detain these offenders after they have completed their sentence, their punishment, for as long as it deems appropriate, if it believes they may be a risk to the community. That is serious stuff. It is required. We do not shy away from it. The Attorney General is a very thorough person, and he is ensuring that when he brings the legislation to this place, we will have good, sound legislation that will send a clear direction to the courts about what we expect of them and that the dangerous sex offender legislation and dangerous sex offenders will be managed in a competent and effective way. I challenge the opposition to say what it would propose with that legislation: what would they propose? They have not come up with any ideas. They very cleverly criticised only the government, even though it was a decision of the court to release this offender. Do not shy away from that.

Mr J.R. Quigley interjected.

The SPEAKER: Member for Butler, either you go and have a cup of tea of your own accord or I will send you for a cup of tea, so I suggest you settle down.

Mrs L.M. HARVEY: The Director of Public Prosecutions is independent. The courts are independent. Every time we try to change legislation to send a direction to the court, we are criticised. When members opposite are criticising a decision of the court, they should at least have the guts to make the criticism against the entity they are criticising. Is it the lawyers? We have had criticism of the lawyers, the DPP, the court and the government. Apparently, the legislation that members opposite brought to this place is ineffective, so they should come up with some proposals for how they think it should be improved. We have an idea and will bring the legislation forward in due course. In the interim, I can assure the community that our sex offender management squad is well tasked to ensure that it can manage this offender, along with all the other managed offenders it has responsibility for, as is the Department of Corrective Services. Because this government took the step to allow GPS monitoring of offenders, we have one of the best tools available to manage where our offenders are in the community. Hopefully —

Mr R.H. Cook interjected.

The SPEAKER: Member for Kwinana!

Mrs L.M. HARVEY: If this DSO breaks any of the 51 conditions of his supervision order, the community can be guaranteed that either SOMS or DCS, or even both, are going to be there to ensure —

Mr J.R. Quigley interjected.

The SPEAKER: You are now being called for the fourth time. If you shout out again, I am going to evict you from the chamber.

Mrs L.M. HARVEY: As I was saying, the community can be assured that if this offender breaches any of the 51 conditions of his supervision order, our sex offender management squad or the Department of Corrective Services will haul him back before the court for reconsideration of his release order and then, hopefully, the court will act consistent with the community expectation at that time.

MRS M.H. ROBERTS (Midland) [4.07 pm]: What a pathetic response from the Minister for Police. It might have been worthwhile if we had not heard it all before from her. The Leader of the Opposition started his remarks by saying how sloth-like the Attorney General was; how he moved at an absolutely glacial speed. The Minister for Police is no better; in fact, she is even more hopeless. She represents the Attorney General in this house and, frankly, the minister is taking this too seriously because she is even slower than he is! We have heard it before. Today, this minister wasted about 10 minutes reading out the conditions. These conditions are not very much different from the conditions that were imposed last time, before he breached and was put inside again. That provides us with no reassurance at all.

I take the minister back. She is fond of quoting other people and what they had to say. Let us look at what the minister had to say in March 2014 when TJD was released and she said it was unacceptable that there was nearly a three-week delay for his photograph to go on the sex offender register and that there were loopholes she was going to fix. Did the minister fix them? No! Has she done anything? No. The minister said that that was unacceptable and that TJD should not have been released by the court and that her government was going to do something about it. The minister has done very little at all. What did the minister say on 20 March 2014 in this place? She said —

> I stand up for police officers. They have a difficult job managing this person and the fact remains that if there had been a better decision by the court —

There is an interjection, and the minister continues —

> If there had been a better decision by the court—a decision consistent with community expectations—this person would not have been released. What is the government doing about this?

That is the minister's rhetorical question, and she goes on to say —

> The government has announced an immediate review of the Dangerous Sexual Offenders Act.

That is what she said. The minister went on to say —

> In contrast to members opposite, who bag police officers and criticise the actions of our police officers, we are taking action. We will review the Dangerous Sexual Offenders Act so that we can compel the courts to make decisions that are consistent with community expectations.

That is what the minister told us over a year and a half ago. The minister has done nothing; she has let the community down. She further went on to say —

> In response to the member for Midland's question, the review of the Dangerous Sexual Offenders Act will look at precisely these issues to ensure that decisions made by the courts can be compelled to be made consistent with community expectations.

The minister has failed badly.

Division

Question put and a division taken, the Acting Speaker (Ms J.M. Freeman) casting her vote with the ayes, with the following result —

Ayes (19)

Ms L.L. Baker	Mr W.J. Johnston	Mr M.P. Murray	Mr C.J. Tallentire
Dr A.D. Buti	Mr D.J. Kelly	Mr P. Papalia	Mr P.C. Tinley
Mr R.H. Cook	Mr F.M. Logan	Mr J.R. Quigley	Mr P.B. Watson
Ms J.M. Freeman	Mr M. McGowan	Mrs M.H. Roberts	Mr D.A. Templeman *(Teller)*
Mr R.F. Johnson	Ms S.F. McGurk	Ms R. Saffioti	

Noes (33)

Mr P. Abetz	Ms W.M. Duncan	Mr S.K. L'Estrange	Mr D.C. Nalder
Mr F.A. Alban	Ms E. Evangel	Mr R.S. Love	Mr J. Norberger
Mr C.J. Barnett	Mrs G.J. Godfrey	Mr W.R. Marmion	Mr D.T. Redman
Mr I.C. Blayney	Mr B.J. Grylls	Mr J.E. McGrath	Mr A.J. Simpson
Mr G.M. Castrilli	Dr K.D. Hames	Ms L. Mettam	Mr M.H. Taylor
Mr V.A. Catania	Mrs L.M. Harvey	Mr P.T. Miles	Mr A. Krsticevic *(Teller)*
Mr M.J. Cowper	Mr C.D. Hatton	Ms A.R. Mitchell	
Ms M.J. Davies	Mr A.P. Jacob	Mr N.W. Morton	
Mr J.H.D. Day	Dr G.G. Jacobs	Dr M.D. Nahan	

Pairs

Ms J. Farrer	Mr T.K. Waldron
Mr B.S. Wyatt	Mr I.M. Britza
Ms M.M. Quirk	Mr J.M. Francis

Question thus negatived.