DANGEROUS SEXUAL OFFENDERS LEGISLATION AMENDMENT BILL 2015

Third Reading

Resumed from an earlier stage of the sitting.

MR P. PAPALIA (Warnbro) [2.44 pm]: I resume by making the observation that the Barnett government stood up for the rights and the opportunities for freedom of dangerous sex offenders rather than taking the opportunity to appeal against their release. As the shadow Attorney General indicated during his contribution to the third reading debate, it is now very clear that despite the protestations of the Minister for Corrective Services, the Minister for Police, I think even the Premier and certainly the Attorney General, and despite all of them claiming that there is nothing they can do, there certainly is something they can do; they are just too lazy to do it. They are not motivated enough on behalf of the victims of dangerous sex offenders to even bother appealing against their release when the Director of Public Prosecutions chooses not to. That is a fact that has been conceded by the Minister for Police on numerous occasions during consideration in detail, and it confirms just how extensively the Western Australian public has been let down by the Barnett government in this particular field of endeavour.

In addition to all the government's other extensive failures, this one in particular must pain the Western Australian community. If there is one crime that incites the anger and the criticism of the Western Australian public, it is dangerous sex offenders and their release from custody, despite this legislation, which was, as has been confirmed by the government on many occasions, introduced by WA Labor during our last term in office. Prior to that, we could do nothing about dangerous sex offenders. They got to the end of their sentence and they were released. Labor introduced the law that enabled them to be detained post completion of their sentence. The problem was that that law came into effect in 2006, only about 18 months prior to the election in which Labor lost office. Subsequently, for eight long years, the Barnett government has been responsible for oversight of this legislation, and has failed dismally. It has consistently failed to employ the law to the full extent of the powers that it is given and, as a consequence, many dangerous sex offenders are on the streets who might not have been there had the government bothered to appeal their release.

It has been confirmed through debate over the last two years that the introduction of GPS tracking bracelets as a consideration for the courts prior to the release of these individuals has made an impact; that is undeniable. At the time of the change made by this government when Hon Terry Redman was responsible for the portfolio, he acknowledged and conceded that the introduction of GPS bracelet technology as a consideration in a court decision on the release of dangerous sex offenders could result in more dangerous sex offenders on the streets. He was the one telling the truth. I do not believe that the information that has been provided by the Minister for Police on behalf of the Attorney General, and the Attorney General's contribution in the other place, tell the whole truth. They speak about a reduction in percentages of dangerous sex offenders on the streets and talk about two specific years; I suspect it is very likely that they have chosen a specific time frame and category to ensure that the statistics back up their argument that the GPS tracking bracelets have not made an impact. I do not believe that for a moment, and I am still waiting. I would like very much for the minister to provide us with the wider, more expansive statistical information that she promised during consideration in detail. I will welcome an interjection if she wants to answer this. She will recall that she made a commitment that she would provide all the background data to the percentage claims made by the Attorney General in the upper house—53 per cent of DSOs on the streets in the year prior to the GPS bracelets, in reference to 2014–15 —

Mrs L.M. Harvey: That was if you put the question on notice, because we would need to go and do the data recovery.

Mr P. PAPALIA: Is that too difficult for you to just do it of your own volition —

The SPEAKER: Through the Chair, that is fine.

Mr P. PAPALIA: — as a demonstration of goodwill that the minister knows what the Attorney General was saying was the truth, as opposed to what I suspect is a manipulation of the data? If the minister is compelling me to put it on notice, I will.

Mrs L.M. Harvey: To collect that data is a manual collection process and it needs to be done—we have to go back. The only thing I had was the statistical representation, but to get that data I have had to go back to the Department of the Attorney General to go through the case history for the individuals. I will get it for you, but I have not been able to get it by today.

Mr P. PAPALIA: That is the point, minister.

The SPEAKER: Through the Chair, thanks, otherwise Hansard cannot follow.

Mr P. PAPALIA: Through you, Mr Speaker. The point is that the percentages I referred to were introduced to the debate by the Attorney General. His department must have compiled all of the data. It must have at its

immediate disposal all of the information that informs those two percentages. The Attorney General could not have just plucked it out of the sky. He must have the data that confirms that 53 per cent of dangerous sexual offenders were released in the year prior to the GPS bracelets and 49 per cent of them were released the year after. Otherwise, he was making it up and it was not true. I would be very disappointed with the Attorney General were that the case. It is impossible for the Attorney General to have made that claim, had he not all the background data of the number of DSOs in our system, the numbers that were on the streets, the years the statistics referred to and all of the background data that enabled him to make that claim. That is what I am saying. I am not suggesting the minister has it on her person, but I would expect that the Attorney General, having made that claim in the other place, and his department must have that information, otherwise he would not have made the claim. I will put this on notice, if it is more difficult—to arrive at the two years in question where it suited the Attorney General's argument, I suspect that his department has gone through all the data to try to find some material that made it look worse for us and better for members opposite. But I do not buy the claim that is made by the government, the Attorney General in fact, because he is the only one who has the information that post-release of the GPS bracelets as a consideration for release of DSOs, the number of DSOs on the street have gone down, because that is not true. The number of DSOs on the street has gone up. That is why he referred to a percentage number. Because he is trying to make the claim that the percentage of the overall DSOs eligible has somehow reduced. The truth is, since the introduction of the GPS tracking bracelets as a consideration by the courts, the number of DSOs on the streets of Western Australia has gone up. That is just a fact.

Mrs L.M. Harvey: It is not a fact.

Mr P. PAPALIA: It is a fact. If the minister wants to make a claim about percentages I might concede that if she provides me with the information, but I will not concede that there are fewer DSOs on the street than before the GPS tracking, because that is not true.

I have asked the Minister for Corrective Services and he told me a couple of years ago there were 19 and the last time I asked him there were 21 and I think the minister said here in this place just recently there are 29 or something.

Mrs L.M. Harvey: No, I think my answer was 24.

Mr P. PAPALIA: Okay, 24. There were fewer before the bracelets, trust me. There were fewer on the streets under this legislation, because the legislation only came into effect in 2006. Not many of the DSOs would have come up for consideration from 2006 to September—when was the GPS tracking—2012.

Mrs L.M. Harvey: Yes, but before the introduction of the legislation, there were not supervision orders for DSOs, so of course there is going to be an increase over time.

Mr P. PAPALIA: That is right. My point is that under this legislation, to which we refer, from 2006 to 2012, there would have been a number of DSOs on the street, not many. Post–the change to the legislation, this legislation, by the minister's government, despite the warnings and observations made by our then spokesperson, there would be more on the streets. That is undeniable, the minister cannot deny it; it is just the truth.

Mrs L.M. Harvey: The Attorney General says that that is not the case.

Mr P. PAPALIA: No, all he is saying is the percentage of DSOs eligible is fewer, and that may be the case, but I want to see the data before I concede that.

That aside, the real point is that we have introduced quite a legitimate response to the concerns, because in the wider community and anyone listening to the debate over the last two years and three months that we have been waiting for the Attorney General to get off his backside and do something about this, would have heard the public say they fear that the GPS tracking devices being used as a consideration by the courts, will result in more people going in the streets. There is an easy solution—concede and use our amendment. But the government failed to do that. It is a very simple three-line amendment. The amendment moved by the member for Butler stated —

> In considering whether to make a supervision order under subsection (1)(b)(ii), the court must disregard the fact that the person will be subject to electronic monitoring if a supervision order under subsection (1)(b)(ii) is made.

That would solve the problem. That would eliminate the potential for that to be a problem and for that to unduly influence the courts, because they may have greater confidence in the technology than is actually appropriate. We know that GPS tracking devices have failures. They have their incapacity to be tracked in many different locations, such as shopping centres and other buildings where the signal is not that great. We have seen situations in which people have tampered with them, and it is not an immediate response as a consequence of that, where DSOs have tampered with their devices. The assumption probably by the courts is that there will be

an immediate response. We have seen that that has not taken place. There are a lot of questions around GPS tracking. It should not be considered to provide some elevation in the observation of these individuals. To remove the problem and the potential for that to be the case, the government could just use our amendment, but the minister has chosen not to. It is not as though the minister has provided any better argument. She has not provided an argument that refutes the whole thing, other than two percentages provided by the Attorney General over two specific years. That does not confirm anything. That does not mean the victims of DSOs are safer. That does not mean the Western Australian community is safer. All the minister has said is, "We have done a little debating argument in Parliament and we don't want to take your amendment" because the Attorney General is, apart from lazy, arrogant, and he will not take any advice from anybody. As a consequence, people in the community will potentially be more vulnerable. If the one factor that tips the scales in favour of a DSO being released is a GPS tracking bracelet, then there will be a DSO on the streets as a consequence, and there will potentially be more victims, when, as we see, they still offend.

Allegations made last weekend to what looks to have been an offence by someone who, despite all of these conditions and capabilities for monitoring and supervision, is still capable of committing an offence and creating yet another victim, I would have thought would have elevated this whole subject above petty politics. It would have put it at a point where the minister may have listened to the opposition if our shadow Attorney General had some ideas that the Attorney General is incapable of coming up with. I would have thought that had that been the case, as it was, the seriousness of the threat posed by these individuals would have resulted in the minister being a little more mature about the whole thing, rather than just rejecting our input. It is sad to see that that is not the case. What is doubly sad is that the minister has come into this place and just parroted the argument from the Attorney General, despite the opportunity in this place to listen to the shadow Attorney General provide a cogent, comprehensive argument for all of our proposed amendments—not to say that was not done in the upper house. It was done there, but the Attorney General gets complacent up there; he feels he can just ignore everyone all the time and get away with it. But down here I would have thought the minister might have taken enough interest herself to consider whether the amendments being proposed were worthy of consideration and then talked to the Attorney General and perhaps try to convince him of the worth in the amendments. All the minister did was come in here and read out the response, and she even had advice provided by the Attorney General's policy officer that replicated the responses in the upper house and confirmed that no matter what was said in this place, no matter what was offered in the arguments in favour of the amendments, the minister was just going to ignore them.

That is incredibly disappointing. The most worrying consequence of that is it is quite possible that dangerous sex offenders will end up on the streets and may reoffend, and we will have more victims who would have otherwise been protected had the Minister for Police bothered to take an interest and had the Attorney General overcome his ego enough to concede that maybe the opposition had some good ideas that he did not possess. It was very disappointing.

From now on, every single time a dangerous sex offender is released by the courts, the Labor Party will ask whether the Attorney General appealed. We will demand an answer. I hope that the Western Australian media would ask the same question. The first question to be asked of the Premier, the Minister for Police or the Minister for Corrective Services at a doorstop, and certainly the Attorney General—although he does not do many doorstops because he does not do much at all—the very next time a dangerous sex offender is released is: did the Barnett government appeal this release? If not, it will be a shameful thing. It will be deeply embarrassing. The Minister for Police, the Minister for Corrective Services and the Attorney General have all made the false claim for a couple of years now that there is nothing they can do. Now the truth is out there. We know the government can do something; it is just that the Attorney General is too lazy to do it. He has no excuse now and the government has no excuse.

There is another eight months until the next state election. In that time, quite a few DSOs will probably come up for consideration for release. If any of them are released and the Attorney General has not appealed, the Labor Party will want to know why, particularly if the Director of Public Prosecutions chooses not to appeal. That is the most contentious situation. On quite a few occasions the DPP has chosen not to appeal on behalf of the state. The minister has confirmed in this place that that does not preclude the Attorney General from doing it himself. If he does not do that the next time that situation occurs, the opposition will want to know why and we will tell the Western Australian public the only reason is that the Barnett government does not care enough about their safety to even bother appealing.

Another observation I must make—it has already been made by the shadow Attorney General—is that I thought the minister would embrace our proposal. The propensity for this government to put people into prison, whether it is a good thing or not, is demonstrated—it loves it! There are more people in prison than any time in history. The government is quite happy to lock up Aboriginal women who cannot pay a few thousand dollars in fines

instead of locking up dangerous sex offenders who have breached their conditions of release. It stands up for dangerous sex offenders. That is extraordinary. That is the situation. That is what happened in this Parliament.

Mrs L.M. Harvey: You are a disgrace!

Mr P. PAPALIA: In what way? The government is quite happy to lock up Aboriginal women who cannot pay their fines. The facts speak for themselves.

Mrs L.M. Harvey: I don't lock anyone up.

Mr P. PAPALIA: The government is quite happy to lock them up. Under this government, one in every three women who go through the doors of the prison —

Mrs L.M. Harvey: Tell the truth.

Mr P. PAPALIA: I am telling the truth. I use the government's statistics! Unlike the minister, I use the government's statistics. I ask questions on notice and then I use the answers provided against the government. One in every three women who go through the door—instead of listening superficially, listen to the words I am saying. I am not saying one in three "in" the prison; I am saying "going through the doors" of the prison. Thousands of people cycle through prison every year. One in every three women who do that are there solely for fine default. That is a fact; it is an embarrassing fact. It demonstrates this government is quite comfortable with that.

Mrs L.M. Harvey: It is not true.

Mr P. PAPALIA: If it were not comfortable, it would have done something. What has it done about it?

Mr W.J. Johnston: In fact they put the women there because they changed the rules to make them go to prison.

Mr P. PAPALIA: I know. The government actually changed the regulations governing fine defaulters who breach work orders so that they go back into prison more regularly and at a faster rate. It is undeniable. Does the minister know by how much the prison population has grown in the last six months?

Mrs L.M. Harvey: What does this have to do with the bill?

Mr P. PAPALIA: It has everything to do with the bill. As the minister indicated during the course of the third reading debate, she is reluctant to lock up dangerous sex offenders who breach their conditions of release. The minister would not like to impose that onerous outcome upon dangerous sex offenders. However, by contrast, the minister is quite happy to lock up fine defaulters, particularly Aboriginal women fine defaulters. That is a fact. It cannot be denied. I am sorry, but it is the truth. If it is not the truth, what has the government done to avoid Aboriginal women fine defaulters going to prison in the last two years since the tragic death of Ms Dhu?

Mrs L.M. Harvey: Bring on a private member's motion and we will debate that.

Mr P. PAPALIA: Righto; I would welcome that one! Why does the minister not bring a motion on for debate? That would be a wonderful debate. Instead of ministers standing up and doing silly things, like the environment minister did today in question time, why does a minister not tell us what the government has done to remove fine defaulters and Aboriginal people from prison? The government has done nothing. There has been 10.6 per cent growth in the prison population in the past six months—that is the answer. The government cannot lock up a DSO who has breached their conditions because that would be terribly onerous on the poor old, dangerous sex offender. The government does not want to lock them up. It does not want to impose that difficulty on the prison system of one additional dangerous sex offender, while their conditions are assessed and their situation is analysed, having breached their conditions of release. The Barnett Liberal–National government has taken an extraordinary stance. On behalf of dangerous sex offenders, the minister said she does not want to lock them up, when they breach their conditions, whilst their case is reconsidered. The minister does not want to lock them up. She would rather they were on the streets. But she is quite happy to lock up everybody else. That is an interesting stance. I will be very happy to convey the message to the Western Australian public that that is the government's stance.

Most importantly, I felt that the three-part amendment moved by the opposition was quite reasonable, but the minister opposed it and used the government's numbers to defeat it. It was moved in both houses. It related to requiring a dangerous sex offender to make their case. It shifted the onus of responsibility onto the individual to make a case to the court that they should be released. It proposed that the DSO take responsibility. I confirmed that during my contribution to the second reading debate and I will reiterate the argument again. In the Western Australian prison system there are dangerous sex offenders who are what is known as deniers. That means that they commit their offence, often against multiple numbers of children and often horrific crimes, but they deny they have ever done anything wrong when they are caught. They continue to deny, despite being convicted. They go to prison and continue to deny while in prison that they have done anything wrong. They

refuse to engage in rehabilitation programs. The government cancelled the only "deniers" sex offender program in the country, which was introduced by Hon Margaret Quirk. There is no rehabilitation program for dangerous sex offenders if they continue to deny. After serving their entire sentence, they come under the auspices of this legislation; that is, the court considers their release. The government will not change the onus of responsibility to shift to DSOs to make them argue their case or to make them demonstrate that they concede they have done something wrong at the very least and show some form of contrition over what they have done to others. Because the government did not accept that amendment to the legislation, DSOs can now remain silent. They can remain silent right throughout the process. As the minister indicated, under the current legislation the courts will do what they do completely in accordance with the law and these people will be released.

All that the opposition asked was to put one more little hurdle in front of them. It is not a small hurdle for one of these people to stand in the court and confront judges who are experienced in this field and try to convince them that they would comply with their conditions of release. That is no small thing for them! It would be a challenge for them—were they compelled to do it. It is quite a reasonable ask, and a reasonable amendment, for them to stand there and do that. It would create no burden or imposition on the justice system—their case was being considered anyway. No cost is associated with it. The only challenge, drama or difficulty with that amendment would have been for the dangerous sex offender However, the Minister for Police stood with the dangerous sex offenders. The minister stood with the people who deny they have ever done anything wrong, despite the fact that they have raped children. I find that extraordinary. I cannot believe that the minister has done that. I hope that nothing worse happens. I hope that none of these dangerous sex offenders who will be released under the conditions that the minister has imposed will damage somebody else in a way that might have been prevented had the minister implemented the opposition's amendments. I hope that is not the case. I hope that the fear articulated by the shadow Attorney General that extending the period between applications for consideration of release to two years does not result in a greater likelihood of dangerous sex offenders being released by the court. The fact that these offenders will have another two years of incarceration beyond the sentence that will be imposed as a consequence of denying release could play on their mind. I hope of that happens, because that will be a horrible and terrible outcome for the community of Western Australia. It will all be down to the ego of this government, particularly that of the Attorney General, and its incapacity to concede that maybe it does not have all the ideas.

MR W.J. JOHNSTON (Cannington) [3.12 pm]: I will not speak very long on this, but I want to make a few observations. The first is that I was surprised during consideration in detail that the Minister for Police was taking advice from the Commissioner for Victims of Crime in dealing with the legislation when the minister was arguing on behalf of the rights of an accused. That seemed to be particularly strange, and the government needs to look at that. Clearly, from sitting in my office listening to the debate, the government was arguing that it could not accept the amendments of the Labor Party because they would infringe on the rights of the dangerous sex offender.

Mrs L.M. Harvey: That is not what we said.

Mr W.J. JOHNSTON: Yes it is; it is exactly what the minister said. The minister said that it would breach the constitutional rights of the dangerous sex offender. That is what the minister said.

Mrs L.M. Harvey interjected.

Mr W.J. JOHNSTON: I am sorry; I cannot hear the minister.

Mrs L.M. Harvey: I do not think I will interject on you anymore, member. I will let you have your run and deal with it when I sum up.

Mr W.J. JOHNSTON: The argument was that the proposed amendment by the shadow Attorney General would not survive challenge. That is what the minister said. I took that to mean that it would not be constitutionally valid. One of the minister's advisers was, I understand, the Commissioner for Victims of Crime. We had the strange situation in which the minister representing the Attorney General was discussing the rights of the dangerous sex offender while being advised by the commissioner for victims. Clearly that has exposed a serious issue with that office being in the Department of the Attorney General. I will not go off onto a second reading–style debate, but I make the point that a lot of people in the community have serious concerns about the way victims are treated through the legal process. I have discussed that in this chamber in the past. I do not want to veer away from this legislation, but I make the point that people look at these things and find it strange.

The other thing that I noted was the defence by the minister representing the Attorney General of the Attorney General's comments in which he called victims of crime rent-a-crowd and flash mobs. I find it extraordinary that anybody would defend, as the minister did during the consideration in detail stage last night, the Attorney General's embarrassing commentary. This underscores the arrogance of the current government.

I do not know what the election result next year will be, and it is quite true that the Liberal Party might well be returned to power. That would not be in the interests of Western Australians, but it is certainly a possibility. I can tell the minister the one thing that voters do not like and that is arrogance. The arrogance on the other side of the

chamber is extraordinary. The Minister for Police is defending the Attorney General calling victims a rent-a-crowd. We have a minister defending the Attorney General calling victims of crime flash mobs. It is just crazy. How does the government think that is acceptable to ordinary people in Western Australia? It beggars belief that the Liberal Party is so out of touch that it thinks that is acceptable. It is just like the government's behaviour in question time today. It is unbelievable arrogance that the government thinks it does not have to listen to people in the community and that somehow or other the only one thing that matters is its view because it has a majority in the chamber. Whether it is the views of victims of crime on this legislation or of people about the Biodiversity Conservation Bill 2015 that we debated yesterday, the government believes that somehow or other the views of the community are irrelevant. We had the same behaviour today in question time.

I am never happier than when I see the Liberal Party being arrogant. That makes me happy! When the Liberal Party comes into this chamber in question time, or as government members did last night in debate on the consideration in detail of this bill or the environment legislation, and behave in the arrogant way that they did, it makes me happy. That is because, as everybody knows, arrogance comes before a fall. This government, as in this legislation, has very little to be arrogant about, but it is still arrogant. That makes me happy! Keep doing it, minister. Do not become humble. Minister at the table, do not listen to victims of crime; do not listen to the shadow Attorney General when he brings these sensible amendments to the chamber and suggests that the minister should listen. Do not listen to him—because that makes me happy! When the minister rejects sensible policy suggestions from this side of the chamber on the basis that it is suggested by this side of the chamber, she makes me happy, because that is a road to ruin for the Liberal Party and the National Party. When government members cheer in question time on these sorts of issues, it is a good sign for the Labor Party. That is what the Labor Party wants to see. We want to see the arrogance of the Liberal Party and the National Party, because that is good for us. It helps the Labor Party in pointing out to the community the deep, deep flaws and weaknesses and that, after eight long years of this government, it has run out of ideas, The government has run out of ideas because it will not listen to commonsense. That is what happened last night with the very clever proposed amendment by the shadow Attorney General about the reverse onus in an application for release of a dangerous sex offender.

Let us understand what was being proposed. It is a common law responsibility. It is not a criminal responsibility in which the Crown has to prove everything, but a common law arrangement in which the person wanting to be released has to show why they should be released. For the first time, the person would have to speak. They could have gone through the entire criminal process and never spoken on the record to the police, given no evidence in the court, as my good friend the member for Warnbro points out, and denied guilt for the whole time they were in prison because the onus was being put on them, but under the proposed amendment,they would have to demonstrate why they should be released. That is a very clever, very sensible approach. I understand it was rejected on the basis that the government thinks it would infringe the rights of the dangerous sex offender.

Mr J.R. Quigley: And confuse the judiciary.

Mr W.J. JOHNSTON: Yes, and confuse the judiciary. What an extraordinary position that somehow or other this very clever arrangement would infringe on the rights of the dangerous sex offender. That is who the Liberal Party wanted to support last night in the debate. In doing so, it called the people who stood alongside the shadow Attorney General a rent-a-crowd and a flash mob. They are people who have been victims of extraordinarily brutal crimes. That is what the Attorney General called them and that is what the minister representing them defended in this place. That is extraordinary. As my good friend the member for Warnbro also pointed out, this is the same government that changed the rules to put fine defaulters into prison, which is just extraordinary.

The oxygen thief, who pretends he is the Minister for Environment, criticised the Labor Party in question time today for listening to the community. That was his criticism. He said, "How dare the Labor Party support the environment movement. How dare the Labor Party listen to the people who work every day on saving the environment. How dare you do that! You should listen to the Liberal Party." Here we have the Attorney General and the Minister for Police saying, "How dare the Labor Party listen to victims of crime; you should listen to us." As I said, every time I hear that, it is good. I am pleased. I get happy in question time when the Liberal backbench cheer and shout and celebrate. It makes me happy.

Mr F.A. Alban: We're glad, member. We're glad something makes you happy.

Mr W.J. JOHNSTON: Again, I look forward to the member for Swan Hills making a contribution to any debate. I just want to be able to see his name in *Hansard* the one time he has made a contribution to debate in this chamber. That is what I really look forward to. I really look forward to him telling it like it is and getting up and explaining what he thinks. I still remember the member telling me about how he is going to refurbish Royal Perth Hospital. He

said, "Don't you know what happened at the hotel across the road?" That is what he said. I am still looking forward to the member getting down to Royal Perth Hospital with his hammer to start that work.

The ACTING SPEAKER (Ms L.L. Baker): Member, you need to get back to the bill.

Mr W.J. JOHNSTON: I was reacting to my good friend the member for Swan Hills.

Mr F.A. Alban interjected.

The ACTING SPEAKER: Member for Swan Hills, your interjections are not being accepted, so please zip it.

Mr W.J. JOHNSTON: The position that the government has taken on this matter is absolutely ridiculous. It thinks that the rights of a dangerous sex offender are more important than the views of victims of crime. It is just extraordinary.

Mr R.F. Johnson: They said the same about drunk-drivers, you know. That's what I'm upset about—the rights of a drunk-driver to be able to have a licence again when they come out of prison. This minister is quite happy for them to have that licence. It is disgraceful.

Mr W.J. JOHNSTON: I am looking forward to the minister putting her comments on the record. I know that she must carefully consider the legislation of the member for Hillarys. I look forward to her providing government time for its debate because I know that she considers it to be a very important issue.

Mr R.F. Johnson: It's a road safety issue.

Mr W.J. JOHNSTON: Indeed, it is a road safety issue, but we are not talking about that today.

Mr R.F. Johnson: But it is similar.

Mr W.J. JOHNSTON: It is. I say again that I am very happy for the Liberal Party to think that it is on a winner when it criticises victims of crime as being a rent-a-crowd. I refer to page 1506 of the Legislative Council *Hansard* of 22 March 2016, when Hon Michael Mischin said —

> the rent-a-crowd—that local member's rent-a-crowd …

He also said on that same page —

> We have things like flash mobs.

It is a disgrace. Whether the government wins the election or not is not the issue. The issue is: what is going to happen to victims of crime? On this occasion, regardless of the politics, the government is not on the correct side of the debate.

MRS L.M. HARVEY (Scarborough — Minister for Police) [3.26 pm] — in reply: I thank members for their contribution to the third reading debate.

Ms J.M. Freeman: Are you the only person doing any work at the moment?

The ACTING SPEAKER: I am sure the member will call a quorum if she feels lonely.

Mrs L.M. HARVEY: It is customary for the minister who has carriage of the legislation to finalise the third reading debate. That is what I am doing.

I thank members for their contribution to the debate on the Dangerous Sexual Offenders Legislation Amendment Bill 2015. I will cover some of the issues that were raised and canvassed during the third reading debate. To return to some of the assertions that have been made, I would like to clarify once again that we are talking about offenders who have completed the sentence imposed on them by the court. Under the dangerous sexual offenders legislation, they can either receive a continuing detention order if they are declared a dangerous sex offender or they can be released into the community on a strict supervision order if the community's safety can be assured. Although it is unusual for offenders in Western Australia to be given an indeterminate sentence or a life sentence for some of the offences, that can occur. It is very rare for an offender to receive a life sentence or an indeterminate sentence in the judicial framework here in Western Australia. The dangerous sexual offenders legislation was introduced to address the concern at the time, and certainly that continuing concern, that these offenders could complete their sentence and be released into the community with no management whatsoever once they completed their sentence. That is the vexing situation that we have. We are managing a very difficult cohort of people who often, as the member for Warnbro said, are in denial of the impact that their offences have had on their victims.

Part of the reason for the government establishing the position of Commissioner for Victims of Crime was so that there was a place for victims of crime to go to voice their concerns, to have their views heard and to have the views of those victims fed into the government process, particularly with respect to legislation and ensuring that victims have a voice that can be heard as part of this process. Indeed, that is what Jennifer Hoffman did in her role as Commissioner for Victims of Crime. She liaised extensively with victims of crime. There was a long process in getting this legislation from the review stage in mid-2004 to Parliament, and that was because extensive

consultation occurred. Jennifer Hoffman did a terrific job of that. That said, I thought the disrespect for the work that she has done and for her role in her position of liaising with victims of crime was appalling. I take great offence to hear public servants and the positions that they occupy and the work that they do criticised in such a way. Indeed, Ms Hoffman was quite upset about the intimidatory approach that was taken towards her during consideration in detail, and I do not believe it was fair. As members of Parliament, we accept that when we take on a role, we are going to be held to account and we will have to accept some criticism in the process. Public servants who are here to assist ministers and provide advice during the consideration in detail of the technicalities of legislation do not take on that role and expect to be denigrated and to have their role disrespected.

Several members interjected.

The ACTING SPEAKER: Members!

Mrs L.M. HARVEY: I felt quite offended by the way she was treated during this process. It has been raised in the third reading debate.

Mr J.R. Quigley interjected.

The ACTING SPEAKER: Member!

Mrs L.M. HARVEY: I cannot sit down without addressing those issues that were raised by members during the third reading debate.

I do not have available to me the raw data on the figures on GPS monitoring. I have requested that my staff provide it to me. However, the information that I have, which the Attorney General used in debate, indicates that in 2010–11, 53 per cent of dangerous sexual offenders who came before the courts to have a determination of whether they would have a continuing detention order or a supervision order were released on supervision orders. In 2014–15, which was a few years after the introduction of GPS tracking, 49 per cent of dangerous sexual offenders who came before the courts for a determination of whether they would have a continuing detention order or a supervision order in the community were released on supervision orders. There is not a great deal of difference. As I said during the debate, the difference between 53 per cent and 49 per cent of a low number of offenders may be only two offenders. On a base of about 24 offenders being managed in the community at any given time, it might not be the same 24, because, as we know, these offenders often find it very difficult to stick to the conditions of their supervision orders and many of them find themselves before the court and going back into detention. It is a bit of a movable feast, if you like, because some of the offenders are successfully managed in the community, but some of them roll through the court process and end up back in detention. As I have said, I will endeavour to get that raw data to the member for Warnbro, but I have not been able to achieve that at this time.

I think it is important that we take into account what the legislation does. It allows for the duration of a supervision order to be extended. It allows for victims of crime to be heard by the court regarding their need for adequate protection. When this legislation is passed, the court can include in a supervision order a condition to restrain the offender from making public comment either directly or indirectly about the victim, which is certainly one of the issues that victims have raised with Ms Hoffman that cause them considerable distress. The court can also include in a supervision order any other condition to ensure the adequate protection of the victim. The bill clarifies that the provision of the Evidence Act 1906 about publication or broadcast in relation to complainants of sexual offenders extends to the Dangerous Sexual Offenders Act proceedings. That effectively means that our victim notification register can act effectively. Victims can register with the Department of Corrective Services to ensure that they are made aware, if they so choose, when a DSO will have a court appearance for a determination of whether they will be held in detention or released on a supervision order. At that point, those victims can have input into that process if they choose, because this legislation specifically allows for that. That is a new part of the legislation that the government was very pleased to introduce.

The bill allows for legislative support for the integrated management of DSOs. It allows for extended coverage of the act. It also allows for the treatment for mentally unfit offenders to be made clear. Basically, mentally unfit offenders cannot avoid being the subject of orders under the DSO act, which is consistent with the focus of the DSO act to protect the community. Also, importantly, under this legislation, after the first appeal by offenders who are being held on a continuing detention order for release from that order, subsequent appeals will be spaced at 24 months instead of 12 months, which extends that process. The government is pleased with the legislation. We are very pleased that the opposition supports the legislation, notwithstanding that the government rejected the proposed amendments in both houses. I commend this bill to the house and I thank members for their cooperation on its progress through this house of Parliament.

Question put and passed.

Bill read a third time and passed.