

Mr Mark McGowan; Mr Colin Barnett; Speaker; Mr John Day; Mrs Michelle Roberts; Mr Bill Johnston; Acting Speaker; Mr Paul Papalia; Mr Joe Francis; Mrs Liza Harvey; Dr Tony Buti

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**DANGEROUS SEX OFFENDERS — RELEASE FROM PRISON**

*Standing Orders Suspension — Motion*

**MR M. McGOWAN (Rockingham — Leader of the Opposition)** [2.49 pm] — without notice: I move —

That so much of standing orders be suspended as is necessary to allow the following motion to be debated —

That this house condemns the Barnett government, in particular the Minister for Corrective Services, for implementing policies that allow dangerous serial sex offenders to be released from prison who otherwise would not be.

I believe this matter is urgent.

**Mr C.J. Barnett:** Why not do it at 12 noon?

**Mr M. McGOWAN:** The reason it is urgent to debate this straight after question time is that in question time we had only four questions, and the Premier is defending laws that allow serial sex offenders to be released from prison. There is the Premier!

Several members interjected.

**The SPEAKER:** Members, I want to hear the Leader of the Opposition.

**Mr M. McGOWAN:** The Premier is defending laws that allow rapists to be released from prison and will not allow us to even debate it in this house. We are going to debate this, and we are going to debate it until four o'clock today if the Premier does not agree —

**Mr C.J. Barnett:** Until midnight!

**Mr M. McGOWAN:** We will be more than happy! We will debate puppies—dangerous drug dealers walking puppies—and sex offenders escaping in Geraldton due the Premier's failures. We will debate this issue today, which is extraordinary and deserves at least 40 minutes of this house's time.

**Mr C.J. Barnett:** Four o'clock in private members!

**Mr M. McGOWAN:** There we go; the Premier is trying to stop it again. At four o'clock the shadow Attorney General will move to put in place laws so people do not stay in prison longer than they should be when they have not been convicted of an offence. That is actually important, that is what has been scheduled for four o'clock and that is what we will be debating at four o'clock. What we intend to debate today as a matter of urgency —

Several members interjected.

**The SPEAKER:** Member for Pilbara, I call you to order for the first time. I do not want to hear anymore until we have heard from the Leader of the Opposition.

**Mr M. McGOWAN:** Today we are seeking from the government a short time—20 minutes a side—to allow for a proper debate of what has gone on to allow dangerous serial sex offenders to be released from prison when, in our view, the existing laws would have meant that they stayed there. We want to hear the government's justification and we want to call for changes to the law to prevent this from happening in the future. This is an urgent matter.

**Mr C.J. Barnett:** We will do it at four o'clock.

**Mr M. McGOWAN:** The Premier can keep saying that and I will keep debating why the matter is urgent. Today we have someone walking the streets who otherwise would not have been, who has been found guilty on 13 separate occasions of sexual offences, including at least two rapes, and about whom there is a whole range of analyses in this document I am holding about his particular character, which I will quote. He is out on the streets because of this government and its rules.

**Mr C.J. Barnett:** That's an absurd claim and it's irresponsible.

**Mr M. McGOWAN:** Allow the debate, Premier, and stand up and say something—stand up and defend this.

**Mr C.J. Barnett** interjected.

**The SPEAKER:** Premier, I call you to order for the first time.

**Mr M. McGOWAN:** This is a matter of urgency because, as we now know, this individual who has been released has been described as having psychopathic traits and is at high risk of reoffending and of committing

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life-threatening violence. He has been released because the government has put in place rules that allow serious, dangerous serial sex offenders to be released if they wear a tracking bracelet around their ankles—that is why he has been released. Otherwise, the laws put in place in 2005 to ensure dangerous serial sex offenders remain in prison would have ensured this person remained in prison until he was no longer a threat. That is what the case was, but the government's changes that allow sex offenders to have these bracelets have enabled this person to be released when he otherwise would not have been. I would like to debate this matter. I would like to explain to the house what the judgement said. I would like to explain to the house what the former minister said. He said —

“Yes, it's possible that it could increase the number of dangerous sex offenders that are released,” ...

The former minister knew in April 2012 that there was a high probability of this happening and we now find, less than two years later, that it has happened. How has this been allowed to happen? Why has the government allowed it to happen? Why did the government put these laws in place without provisions to prevent this from happening? All of these questions need to be debated. It is urgent because we heard answers from the minister in question time in which he denied the undeniable. When I read this quote from the former minister to him, first of all, he denied that he even said it—I have it right here—and then he said, “Well, um, probably. Who knows what.” That was his answer. He did not even know what would happen or what the outcome would be. I then asked whether he therefore did not know that this would be the likely outcome of allowing dangerous serial sex offenders to be released and he said no, when less than two years ago the former minister himself said it was a potential outcome. He denied the undeniable.

*Point of Order*

**Mr C.J. BARNETT:** The Leader of the Opposition started off with a case for suspending standing orders. He is now arguing the substantive motion; he is not addressing the urgency.

**The SPEAKER:** Leader of the Opposition, your arguments must be confined to why it is urgent to bring this matter before the Parliament.

*Debate Resumed*

**Mr M. McGOWAN:** I will raise why the matter is urgent and if the Premier wants to prevent the debate, I will ask him again: will he allow 20 minutes a side?

**Mr C.J. Barnett:** You were offered four o'clock.

**Mr M. McGOWAN:** No; we have other business. I will now explain why it is urgent that this matter be debated now.

Several members interjected.

**The SPEAKER:** Members! We have been through the matter of four o'clock now. Can the Leader of the Opposition talk to the urgency of the matter.

**Mr M. McGOWAN:** I will give the two reasons this is urgent. At 4.00 pm the shadow Attorney General will deliver a second reading speech about the cases involving Mr Marlon Noble who is in Kalgoorlie prison.

**Mr C.J. Barnett** interjected.

**The SPEAKER:** Premier!

**Mr M. McGOWAN:** The Premier might not think it is important, but there are people in prison who have never been convicted of an offence and who have been there for longer than the ultimate term would have been had they been convicted. That is a serious matter and we are allowing debate on that matter in our time at 4.00 pm this afternoon. We will then talk about cost-of-living pressures on families. That is what will be going on then. I think that is matter of urgency considering it is a serious matter that has been debated in Western Australia today, yesterday and over the course of the last few weeks.

Why is it urgent to discuss this topic of released sex offenders today? I want to read out a decision the Supreme Court of Western Australia handed down recently. This matter is urgent because the individual concerned is currently on the streets because of this government. Page 8 of the Supreme Court's decision states —

Dr Hall in his report dated the 20 February 2014 stated that in his opinion a future offence would most likely occur in the context of relationship conflict and in the use of substances including alcohol. Dr Hall estimated the offending would involve violence, with a chance of escalation to serious life-threatening violence. Dr Hall suggested that the likely psychological harm to the victim in the event of an offence would be severe.

There is another point on page 9 —

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*Point of Order*

**Mr J.H.D. DAY:** The Leader of the Opposition is straying a long way from the argument about why this really needs to be debated at three o'clock this afternoon rather than four o'clock this afternoon. He is quoting from the Supreme Court judgement, which is probably very relevant to the overall issue, but it is from some time ago and he is straying a long way from the point of this particular motion.

**Mrs M.H. ROBERTS:** Further to that point of order, when I first approached the Leader of the House, he agreed we would have 20 minutes a side. It seems he was overruled by the Premier and on that basis the government is now claiming that the debate should be held during private members' business at four o'clock.

**The SPEAKER:** That is not a point of order.

**Mrs M.H. ROBERTS:** This is my point of order: the case needs to be made about why this matter is urgent and it is almost impossible to argue why it is urgent without being able to refer to any of the facts.

*Debate Resumed*

**Mr M. McGOWAN:** I am expressing to the Premier, and I would appreciate it if he listened, that the matter is urgent because this person is now not in custody. Therefore, all of these facts I am elucidating to the house are relevant in justifying why this matter is urgent—this person is currently not in custody. I will read page 9 of the Supreme Court's decision —

A major problem with Mr TJD's management in the community is his dishonesty in reporting ...

His level of disclosure and honesty is a central factor in the challenges facing all parties involved in his management in the community. His degree of dishonesty has at times seriously undermined the capacity to effectively monitor his behaviour and risk, and consequently assist him to cope appropriately. This pattern of behaviour is long established and well documented —

*Point of Order*

**Mr C.J. BARNETT:** The Leader of the Opposition is arguing the substantive case. He is reading extracts of judgements and the like and that is not relevant to the motion before the house.

**Mr M. McGOWAN:** I understand from words spoken by the very reasonable Leader of the House—as opposed to other members of the government—that the government has agreed to 15 minutes a side. If the Leader of the House confirms that, I will sit down. He has agreed; okay, I will sit down.

*Standing Orders Suspension — Amendment to Motion*

On motion by **Mr J.H.D. Day (Leader of the House)**, resolved —

To add after “debated” —

, subject to the debate being limited to 15 minutes for government members and 15 minutes for non-government members

*Standing Orders Suspension — Motion, as Amended*

**The SPEAKER:** Members, as this is a motion without notice to suspend standing orders, it will need an absolute majority to succeed. If I hear a dissentient voice, I will be required to divide the Assembly.

Question put and passed with an absolute majority.

*Motion*

**MR M. McGOWAN (Rockingham — Leader of the Opposition)** [3.01 pm]: I move —

That this house condemns the Barnett government, in particular the Minister for Corrective Services, for implementing policies that allow dangerous serial sex offenders to be released from prison who otherwise would not be.

This is a dishonest and dysfunctional government. Today we have seen that dishonesty and dysfunctionality borne out in relation to the issue of a dangerous serial sex offender who has been released from custody because of policies that the government implemented that it predicted would result in the particular outcome that has now come to pass. The government is dishonest because it constantly claims that it is tough on crime, yet we see it put in place policies that allow for outcomes such as this. The government even knew that this may have been the outcome but, in order to score its media hits and to get its spin out to the public, it still put in place a policy that has resulted in a dangerous serial sex offender who has raped or sexually assaulted 13 women in Western

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Australia being released onto the streets of our city. This individual, as I said, has had a number of serious convictions over the years. As I said earlier, and I will go through again in a moment, various psychiatrists and psychologists who have looked at this offender raised serious concerns about his behaviour and his potential to behave in that manner again in the future. What did we see happen? We saw the government put in place laws that allow for his release. I will explain why.

A couple of years ago, the member for Armadale and I released policies that those people who have violence restraining orders against them could have a satellite tracking device attached to their ankles. These were people who were not in prison. These were people who had violence restraining orders issued against them, but they were not in prison. It was a sensible, reasonable policy because they are not in prison and therefore their potential victims in the community would be warned if they came near them. It was a sensible, reasonable policy. The government pooh-poohed that. The government said, “That’s silly; we’ve got a better one. We’re going to apply a policy to attach satellite tracking devices to sex offenders.” That was the government’s solution. What did we find? We found that the government has now allowed for this policy to be used by the courts, with the support and encouragement of the government’s Director of Public Prosecutions, to allow those people who otherwise would have stayed in prison to be released. That is what has happened.

We all remember the Minister for Corrective Services showing his ankle, marching around the place with a tracking device on and people were tracking him on a laptop or the like. Members remember that great media stunt. It all looked good at the time but the ultimate outcome now is that the courts are using it, with the encouragement of the government’s Director of Public Prosecutions and the inaction of the Attorney General, to allow for people to be released from prison who otherwise would not be. As of 2005, the dangerous serial sex offender laws have been in place in Western Australia. These are based on laws in Queensland that were put in place for a gentleman by the name of Robert Fardon. At the end of his term of imprisonment, Robert Fardon said to everyone who would listen that he was going to go out and offend again. He was going to go out and rape and sexually assault people again. There was nothing that could be done; he could not be held. The Queensland government passed laws to ensure that he would stay in prison beyond his ordinary sentence, based upon an assessment of the Supreme Court. The Labor government of Geoff Gallop, Jim McGinty and Alan Carpenter did exactly the same here. We enacted laws to keep dangerous serial sex offenders in prison beyond the expiry of their term if they are at serious risk of reoffending. These are sensible, reasonable but tough laws to deal with crime—the most heinous crimes of sexual offences and sexual assaults. Those laws would have meant that this individual stayed in prison for longer until he was judged not to be a risk again. But what did we find? We found that the Minister for Corrective Services, the former Minister for Corrective Services, the Premier and his cabinet intervened and came up with their policy of ankle bracelets. What did the DPP do when this matter came before the Supreme Court? I quote —

The DPP does not oppose the continuing detention order made by Corboy J being rescinded, and replaced with a supervision order subject to certain conditions.

The DPP supported it. The conditions, listed on page 8 of the judgement, include paragraph 21(f), “a requirement to be GPS monitored”. Therefore, the whole answer that the minister gave in question time was absolute rubbish. There it is in black and white in the judgement of the Supreme Court. I want to quote a bit more. On page 12 —

**Mr C.J. Barnett** interjected.

**Mr M. McGOWAN:** Can I speak without interruption from the Premier, please, Mr Acting Speaker?

**The ACTING SPEAKER (Mr N.W. Morton):** Continue speaking; you have the call.

**Mr C.J. Barnett** interjected.

**Mr M. McGOWAN:** The Premier is the one releasing them.

This is what the judge said —

On the basis of the material before me I agree with the submission presented by the DPP that a supervision order with strict conditions as recommended by Dr Hall provides adequate protection of the community.

The condition was that a GPS tracking device be put on this individual, otherwise he would not have been released.

**Mr C.J. Barnett:** How do you know that?

*Point of Order*

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**Mr W.J. JOHNSTON:** Mr Acting Speaker, I direct your attention to the decision of the Speaker last Tuesday night to warn members who are interjecting. I wonder whether you will follow the same lead and call to order the Premier.

**The ACTING SPEAKER (Mr N.W. Morton):** Thank you, member for Cannington. The Leader of the Opposition has the call; I will continue to hear from the Leader of the Opposition in relative silence.

*Debate Resumed*

**Mr M. McGOWAN:** Thank you, Mr Acting Speaker. The Premier interjected to ask me how I know that. I will take members to exhibit A. I will quote a statement the then Minister for Corrective Services, now Leader of the National Party, made on 29 April 2012 —

“Yes, it’s possible that it could increase the number of dangerous sex offenders that are released,” ...

There it is, Premier! The Leader of the National Party said it; there it is. There they are; the tough-on-crime people on the other side of the house. The Attorney General does not even speak to the DPP; he does not even express a view. The DPP is a statutory independent office, I understand that, but the Attorney General can express a view. He has a brain and he is an adult; he should tell the DPP what he thinks. There is nothing wrong with that whatsoever. That is what the Attorney General could have done. This year alone, the tough-on-crime Liberal Party sent a dangerous repeat sex offender to Geraldton for Christmas and he escaped. It sent a dangerous drug dealer to a park in Wilson to walk a labrador puppy and that prisoner escaped. Now we have had not an escape, but the deliberate release of an offender because of a policy that allows it to happen. That policy was put in place by this government and an Attorney General who is too docile to even raise the case with the Director of Public Prosecutions to say, “Maybe it’s not a good idea that you support the release of this prisoner.” That is what has happened. The minister’s answers in question time, frankly, denied the undeniable. I look forward to the Minister for Corrective Services’ answers on all this. I think the law needs to be changed so that these tracking devices cannot be used as excuses for serious or repeat sex offenders to be released. That is what needs to happen. It needs to be ruled out. I have established it because this minister said it!

**Mr C.J. Barnett** interjected.

**Mr M. McGOWAN:** The minister said it, my friend. The Premier is blind to reality. He is perfect and his ministers are perfect! The Premier cannot see that this is a grievous error that has endangered the public of Western Australia.

**MR P. PAPALIA (Warnbro)** [3.11 pm]: Clearly the government is a little worried about defending itself in this matter. I support this motion. Why would I not? I oppose serial rapists being released from our prisons because this government’s ineptitude has allowed it to occur. I oppose that. I condemn the government for it and I condemn this Minister for Corrective Services who has demonstrated nothing but incompetence since he took over the portfolio. In recent times he has overseen an incredible tumult of escapes. We have not just seen escapes. Last year there were escapes from Wandoo. This year, a violent sexual predator escaped from the custody of this government when he was sent to a low-security prison in Geraldton because of this government’s oversight. That was never explained and the investigation was shrouded in secrecy. There was no exposure for the failures within government and within Serco, the contractors—nothing. It was a cover-up. Subsequently, as we heard, there has been the escape of a serious drug dealer who, employing a policy championed by this minister of walking puppies, was able to not only escape, but also, prior to that, spend about 13 occasions planning the escape before successfully getting away. We have seen the culmination of a chain of events that was set in motion in 2012 by another minister who failed in the portfolio. The former minister acknowledged at the time that what he was implementing was likely to lead to a larger number of serious sex offenders being released from prison. He acknowledged it. Why did he do that? Because it was a hastily cobbled together response to a well-considered and thought-out policy on domestic violence that had been launched by the Leader of the Opposition and the member for Armadale on 6 March 2012. Less than a month later, after being consistently questioned by the public and the media as to what it would do in response to this proposal—a reasonable, thought out and considered proposal by the opposition—the government rolls out this sham! It was a pathetic attempt at political one-upmanship: the Liberal Party will go ahead with violence restraining orders; the Labor Party will go ahead with sex offenders. That is what it did. It was pathetic and it was doomed to failure.

The minister acknowledged it in his response to the public on WAtoday. He knew that he had done no work on it and it was likely to release more serial sex offenders. What do we see? A dangerous serial sex offender, who has raped multiple women—13 serious offences—has been in and out of jail consistently. Why is he out now? As identified, the Dangerous Sexual Offenders Act 2006 enables the government to ensure that he stays in there. That was put in place by Labor. Labor gave the DPP the opportunity to oppose individuals like this being released. As the Leader of the Opposition indicated, the reasons the DPP chose not to oppose his release and the

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reasons the commissioner chose to allow his release are very clear. There is a list of conditions. The first is that the order be for a duration of 10 years. Imposing a duration of supervision is not unusual. That is not new. Another is a requirement to continue psychotherapy. That is not new; that is done all the time. Another is the requirement of ongoing treatment with anti-libidinal medication. That is not new; that has been used for a while. There was a requirement of random urinalysis and random breath analysis. That is not new because this guy was known to have had a problem with those things. There was the requirement of a night-time curfew. That is not new; that has been done for years. There was a requirement that there be no unsupervised access to children. That is not new either; it was thought that this guy had been assaulting his own child. That condition is imposed all the time.

What is new on this list that was not in place in 2006, and was not in place in 2008 when Labor lost office? The only thing on this list that is new is GPS monitoring. That is the only change in conditions that could have been imposed on this individual that has changed at all since Labor lost office. It is the only thing that has changed since the Liberal Party took office. It is entirely responsible for the opportunity for this individual to be released. I understand there are media reports that the minister may have had his bacon saved by this violent serial rapist already breaching the terms of his bail. He may have been saved by that, but it does not change this motion and it should not—the government and the Minister for Corrective Services deserve to be condemned. The opportunity was introduced for these people to be released—fix it!

**MR J.M. FRANCIS (Jandakot — Minister for Corrective Services)** [3.16 pm]: I will start by outlining to members in the house the history of the legislation that governs the use of tracking devices. In 2006, the former Labor government introduced the Dangerous Sexual Offenders Act that enabled the use of certain technology. That was obviously modified by this government in 2012. The effect of that was that changes came into place in February 2013. It allowed a number of different things but it also allowed the introduction of GPS tracking devices rather than the older devices that worked—the short version of it—by having a bracelet, or something attached to the body, that had a proximity sensor, a transmitter–receiver, to a device in their house. That was connected to the monitoring centre through a normal copper phone line. The device could be used only to ensure that people basically adhered to curfews and were in their house or wherever they were meant to be at that time. That is when that monitoring device was attached to the phone line. The problems with that were that if it was cut off, it did not notify the centre because there was no loop around a person’s limb to allow the monitoring centre to know whether the device had been taken off. Technology has moved on.

The government adopted the new technology and obviously embraced GPS. More robust devices are ones that alert the monitoring centre if they have been tampered with. If the device is tampered with, the offender is subject to a further two years’ imprisonment—a mandatory minimum of 12 months’ imprisonment. I want to make it perfectly clear that I have always made the point, as did the previous minister, that GPS technology has its limitations. I have said that before when I have spoken about the device. In fact, I will go back to 1 May 2012. As the member for Jandakot, a backbencher, I asked the then Minister for Corrective Services a question about GPS technology. In his answer, the previous minister said it is not a silver bullet. GPS tracking on its own is not the answer for monitoring offenders in the community. It will complement a range of measures already in place to manage offenders and improve community safety.

I think it is worth repeating what I have said about this on past occasions: I have made it perfectly clear that the implementation and use of GPS technology is not something that should be considered by the judiciary in deciding whether or not an offender should be released. It is certainly something that can be put in the orders.

**Mr M. McGowan** interjected.

**Mr J.M. FRANCIS:** Member for Rockingham, nowhere in that judgement does the Supreme Court officer say if it was not for GPS technology, it would not be letting him out. It does not say that. I have said something about this in the past. The member for Warnbro asked me a question back on 12 June 2013, and my answer was —

It is very simple: the judiciary makes the order, which includes the custodial sentence time that is required for dangerous sex offenders, as it does for any other offender. If they are released into the community with certain conditions, such as an area where they are not allowed, an area that they have to remain in or a curfew, the GPS tracking device will help ensure —

That those who have been released, subject to certain orders, obey those particular orders. Further along, I continued —

When it was announced, it was a commitment, as I said before, of \$6 million over four years. The dangerous sex offenders who are on the tracking system right now are people who had already been released from custody. So, they have done their time behind bars, as sentenced by the judicial system in

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Western Australia. They have done their time behind bars in custody and they have been released, but part of their release is that they are required to obey certain orders, such as curfews and not going within close proximity of, say, schools or parks. These devices are being fitted to people who had already been released, not as a condition of their parole or their release.

In this instance, it is my understanding that it may well be one of the first ones where the judiciary may have referred to the GPS device, but it cannot be used as a consideration for determining whether the offender will or will not be released. If he is released, he must wear the device.

I have already dealt with penalties and breaches and how that works as well.

I make the point that I have already said this before in this place; I am reiterating a theme here, but on the same day last year the member for Forrestfield asked me a question on the same topic, and I replied —

An absolute key priority for the government is always the protection and safety of people in the community within this state. Of course, as technology evolves and develops, it is incumbent upon any government to explore how that technology can be applied to help add another level of safety and protection to the people of this state. The government has committed \$6 million over four years to implement and roll out this technology, and I am pleased to announce that as of 20 May we have started to fit dangerous offenders with GPS trackers.

Those are dangerous sex offenders who would otherwise have had the limited technology that was already starting to age and was limited in what it could or could not monitor. My answer continued —

As of today, we actually now have 16 dangerous sex offenders being tracked throughout Western Australia, mostly across the metropolitan area ...

That figure is now somewhere around 22, but I will check that figure.

It is great technology, but it does have its limitations. As I said, I am happy to talk with people about how it works. I say to the member for Warnbro that it was not a stunt; I wore it because I wanted to know the limitations of the technology. I wanted to know where and when it would and would not work, how long it would take to find out if I had tampered with the device, and I think it is important —

Several members interjected.

**The ACTING SPEAKER (Mr N.W. Morton):** Members! Member for Armadale! The Minister for Corrective Services has the call. I would like to hear him in relative silence.

**Mr J.M. FRANCIS:** It is important that ministers know about things like the limitations of the technology that we are implementing to provide that extra level of security to the people of Western Australia and to allow us to track offenders. As I have said many times, it is not for the judiciary to use the technology as an influencing factor for the release of an offender. I certainly am not going to stand here and openly question the motives behind the Supreme Court, other than to say that somebody very close to me has been a victim of a dangerous sexual assault, not too far in the past. Certainly, if it were my decision, I may well have made a very different decision to the one made by that Supreme Court officer, but that being said, we are in a system of society where there is a separation between the judiciary, the Parliament and the executive, and the Supreme Court officer in this circumstance has made the decision to release this particular person.

I think we need to consider why the Labor Party is doing this today; I think we need to consider its motives. It is a little bit rich for members opposite to come in here and criticise legislation that provides a framework for this technology to be rolled out.

**Mr P. Papalia:** For releasing dangerous sexual predators!

**Mr J.M. FRANCIS:** The member keeps trying to say I released —

**The ACTING SPEAKER:** Member for Warnbro, you are on two calls. If you continue to interject, I will call you for a third time. Members, I have said this once, and I will say it again: I am listening to the Minister for Corrective Services and I wish to do so in relative silence.

**Mr J.M. FRANCIS:** By the opposition's standards, if it is a case of personal responsibility, then without doubt the member for Midland is personally responsible for nine serious offenders walking out of the Supreme Court in 2003. Clearly, the member for Girrawheen is personally responsible for somebody passing away in the back of a prison van. We have to be realistic as to what personal responsibilities we start putting on ministers in this place.

I return to the debate back in 2012 on the Dangerous Sexual Offenders Amendment Bill 2012. What was the Labor Party's position on this legislation? Does anyone remember? I think it is worth remembering that it did not have a problem with it. In fact, it criticised us for not doing it earlier.

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**Mrs M.H. Roberts:** The Dangerous Sexual Offenders Bill was brought in in 2005!

**The ACTING SPEAKER:** Member for Midland! You are on three calls. In the words of the Speaker, you are now on three and a half calls. I urge you to listen to the rest of the debate on this motion in silence.

**Mr J.M. FRANCIS:** During that debate, the member for Cockburn said this in his contribution to the second reading debate —

I respond to the second reading debate on the Dangerous Sexual Offenders Amendment Bill 2012 on behalf of the Australian Labor Party. I make it clear that the Labor opposition will support the bill. In fact, we welcome the introduction of this bill into the house because it is at the conclusion of a significant period of criticism of the government for failing to replace the existing —

There followed an interjection. The member for Cockburn continued —

We welcome the bill coming to the house because it concludes a period of criticism by the Labor opposition of the Liberal–National government and its handling of dangerous sexual offenders in Western Australia—in particular the handling of the dangerous sexual offenders using the current radio-based technology to monitor curfews imposed on dangerous sexual offenders in Western Australia.

Before we go into the bill in greater depth, I just remind the house of the current technology, which was not well addressed by the minister in his second reading speech. The current technology used by the Department of Corrective Services for monitoring dangerous sexual offenders is wireless-based technology that is very old and very limiting —

I agree with the member for Cockburn on that —

in its capacity to monitor dangerous sexual offenders.

Not only did the opposition not oppose the legislation, it criticised us for not doing it earlier. It welcomed the legislation. I make it crystal clear, once again, that the purpose of this technology is not to provide the judiciary with another reason to release someone who otherwise would not have been released; it is an additional protection and layer of security so that the Department of Corrective Services can ensure that people who are subject to those orders are monitored more accurately, and if they breach their conditions—they only have to look the wrong way, at the moment—there will be significant consequences for such actions.

**MRS L.M. HARVEY (Scarborough — Minister for Police)** [3.28 pm]: Let us be clear: on this side of the house, we support the independence of the judiciary and the Director of Public Prosecutions, and their separation from government.

Several members interjected.

**The ACTING SPEAKER:** Thank you, members! Member for Willagee, I call you for the third time. Members, I am listening to the Minister for Police. I wish to do so in relative silence.

**Mrs L.M. HARVEY:** We do not always agree with some of the decisions that are made, and that is the truth of it. Members opposite may laugh, but we regard this as a very serious matter indeed. To say that this judgement was based solely on the ability of an offender to have an additional level of supervision —

**Mr P. Papalia** interjected.

**Mrs L.M. HARVEY:** There were 44 conditions placed on this offender as part of his supervision order, including an additional level of supervisory capacity called the GPS tracking system. This is a 12-page judgement with 34 paragraphs. Just about every single one of those paragraphs refers to this person being a dangerous sex offender and a serious danger to the community. It shows that he has repeatedly demonstrated an inability to comply with conditions such as abstaining from drugs and alcohol, taking his anti-libido medication —

Several members interjected.

**The ACTING SPEAKER:** Thank you, members.

**Mrs L.M. HARVEY:** I think this is an important issue. The entire judgement —

Several members interjected.

**The ACTING SPEAKER:** Leader of the Opposition!

Mr Mark McGowan; Mr Colin Barnett; Speaker; Mr John Day; Mrs Michelle Roberts; Mr Bill Johnston; Acting Speaker; Mr Paul Papalia; Mr Joe Francis; Mrs Liza Harvey; Dr Tony Buti

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**Mrs L.M. HARVEY:** To say that this 12-page, 34-paragraph judgement was made on the basis of one condition out of 44 placed on this dangerous sex offender is drawing a long bow. At best it is a shallow and puerile interpretation of what is —

**Mr P. Papalia** interjected.

**The ACTING SPEAKER:** Member for Warnbro, I have given you multiple warnings. I call you to order for the third time. Again, I wish to listen to the Minister for Police.

*Point of Order*

**Mr W.J. JOHNSTON:** Mr Acting Speaker, I am just wondering what the standing orders say about ministers telling the truth in this chamber. I am simply seeking clarification. As the minister said that there are 44 conditions, when in fact there are only seven, I wonder what you are going to do about that issue.

**The ACTING SPEAKER (Mr N.W. Morton):** Member, if you have a point of order, you make it. You do not ask the Chair for advice on the standing orders.

*Debate Resumed*

**Mrs L.M. HARVEY:** Forty-four conditions were imposed on this offender for his management in the community. It says in the report repeatedly that he is a dangerous sex offender, he is a serious risk to the community, and he will be a danger to the community. So it is indeed perplexing as to how the decision has been formed that this person can be adequately managed in the community and the community can be protected with this person wandering around. It is perplexing and it is disturbing, and the community and the people in this chamber are rightfully outraged.

**Dr A.D. Buti** interjected.

**The ACTING SPEAKER:** Member for Armadale, I call you to order for the first time.

*Tabling of Paper*

**Dr A.D. BUTI:** Mr Acting Speaker, I would ask that the minister table the document that she is reading from, and to point out where the 44 conditions that she has referred to are outlined in that judgement.

**Mrs M.H. ROBERTS:** Further to that point of order, it appears that the minister is quoting from an official document, and as such she should be required to table it.

**Mrs L.M. HARVEY:** Mr Acting Speaker, my understanding is that this judgement is on the public record, and I am happy to table it. I do not have a problem with that.

Several members interjected.

**Mrs L.M. HARVEY:** What is this—a Star Chamber?

**Ms R. Saffioti** interjected.

**The ACTING SPEAKER:** Member for West Swan, I call you to order for the second time. The minister.

*Debate Resumed*

**Mrs L.M. HARVEY:** I realise that language can be somewhat confusing. What it says here, and we have been selectively quoting from paragraph 21 —

**Mr P.B. Watson** interjected

**Mrs L.M. HARVEY:** If the member for Albany listened, he might learn something. It states that the following conditions recommended by Dr Hall be included in the order, and it goes on to list that the duration be for 10 years: requirement to continue psychotherapy; requirement for ongoing treatment with anti-libidinal medication; requirement for random urinalysis and breath analysis; requirement for a night-time curfew; requirement to be GPS monitored; and requirement that there be no unsupervised access to children.

**Ms R. Saffioti** interjected.

**The ACTING SPEAKER:** Member for West Swan, I call you to order for the third time. At this rate, members, there will not be many people in the chamber this afternoon. I am listening to the Minister for Police.

**Mrs L.M. HARVEY:** Those are conditions that must be included in the supervision order. But the supervision order contains 44 conditions covering a range of categories: reporting conditions; residential conditions; curfew;

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Mr Mark McGowan; Mr Colin Barnett; Speaker; Mr John Day; Mrs Michelle Roberts; Mr Bill Johnston; Acting Speaker; Mr Paul Papalia; Mr Joe Francis; Mrs Liza Harvey; Dr Tony Buti

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and programmatic and medical conditions. All the things that we would expect—44 conditions—have been put in place to try to manage this dangerous serial repeat offender in the community. We do not agree with that. We do not agree that he can be adequately managed in the community in this way. In fact, I believe he is likely to breach in the short term.

**Dr A.D. Buti** interjected.

**The ACTING SPEAKER:** Member for Armadale, I call you to order for the second time.

Thank you, minister. The question is that the motion be agreed to.

*Division*

Question put and a division taken, the Acting Speaker (Mr N.W. Morton) casting his vote with the noes, with the following result —

Ayes (18)

Ms L.L. Baker	Mr W.J. Johnston	Mr M.P. Murray	Mr P.C. Tinley
Dr A.D. Buti	Mr D.J. Kelly	Mr P. Papalia	Mr P.B. Watson
Mr R.H. Cook	Mr F.M. Logan	Ms M.M. Quirk	Mr D.A. Templeman ( <i>Teller</i> )
Ms J. Farrer	Mr M. McGowan	Mrs M.H. Roberts	
Ms J.M. Freeman	Ms S.F. McGurk	Ms R. Saffioti	

Noes (34)

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

Pairs

Mr C.J. Tallentire	Ms W.M. Duncan
Mr B.S. Wyatt	Mr T.R. Buswell
Mr J.R. Quigley	Mr J.E. McGrath

Question thus negatived.