



Speech by

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Hansard 4 June 2003

DANGEROUS PRISONERS [SEXUAL OFFENDERS] BILL

Ms NOLAN (Ipswich—ALP) (4.23 p.m.): I rise to add my carefully considered but also heartfelt support to the Dangerous Prisoners (Sexual Offenders) Bill, introduced to the House by the Attorney-General. This bill, as has already been canvassed, creates the capacity for the extension of sentences on a year-by-year basis for prisoners who have committed violent sexual offences or sexual offences against children and who have reached the end of their sentence but remain a risk to the community. The process the bill sets down is that when a prisoner who has committed such a crime but is not considered to be rehabilitated is nearing the end of their sentence the court will have the capacity, on the advice of two independent psychiatrists, to order either that the prisoner be released with intensive supervision or that the prisoner remain in prison. If the prisoner is detained beyond the end of their sentence, this determination will be reviewed through the same process every 12 months.

This is groundbreaking legislation unlike any other in Australia, and it does impinge on one of the fundamental legal principles—that is, do the crime, do the time but then that is it. This is a big step for the government to be taking, and legitimate civil liberties concerns have been raised. I have given these matters considerable thought over some time and I am strongly supportive of the bill for a number of reasons. Firstly, the creation of an effective indefinite sentence for violent sex offenders and paedophiles is not legally new. There already exists in the law the capacity for prisoners to be granted an indefinite sentence when they are first convicted. This bill deals only with those who are proven serial offenders but who, for whatever reason, have not been given an initial indefinite sentence. It only affects about a dozen people currently in the prison system.

The second and more significant reason for my support is that it protects the community from violent sexual offenders. There are people in the community who are driven to commit terrible sexual offences, including sexual offences against children, and who, while they may not be considered by mental health professionals to be insane, seem unable or unwilling to stop themselves from doing it again. These people, though there are very few of them, are a real risk to the community. In committing such awful crime they have lost many of their rights and the community must be protected from them.

Ipswich has experienced the kind of horribleness and hysteria that can be created in the community when fears of these types of offenders arise. In January this year a huge scare was created in Ipswich around just such an offender. When Dennis Ferguson was released from prison after kidnapping and sexually assaulting a number of children, he had shown no remorse, undertaken no rehabilitation program and may well have been a real risk to the community. The *Queensland Times* ran a front-page story about Ferguson's release, alleging that he was going to move to a house in West Ipswich.

Mrs Carryn Sullivan: We had the same on Bribie Island—exactly the same.

Ms NOLAN: I am sure that there was hysteria all over the place. Even if it may not have been true, it did sell papers. It is now history that some drunk went around to the house in the middle of the night and broke its door down, just as it is history that Ferguson never moved there. Indeed, given that he was supposed to be going to Ipswich and supposed to be going to Bribie Island, I do wonder if there was ever in fact any evidence that he planned to go there.

Mrs Carryn Sullivan: There was no truth in it at all.

Ms NOLAN: Yes, I am not surprised. In this case there was wrong done on a number of points. The vigilantes who took it upon themselves to break someone's door down had no right to do so. The

Queensland Times acted irresponsibly by fuelling people's fears and the law at the time was insufficient to keep Ferguson in prison. This legislation deals with the government's responsibility in that kind of fairly ugly scenario. While it is difficult and controversial legislation, this change to the law will protect people, particularly children, from violent serious sexual offenders. That is a move which I believe must be given priority over virtually all other considerations. I commend the bill to the House.