

DANGEROUS SEXUAL OFFENDERS AMENDMENT BILL 2011

Receipt and First Reading

Bill received from the Council; and, on motion by **Mr C.C. Porter (Attorney General)**, read a first time.

Explanatory memorandum presented by the Attorney General.

Second Reading

MR C.C. PORTER (Bateman — Attorney General) [10.13 pm]: I move —

That the bill be now read a second time.

The Dangerous Sexual Offenders Act 2006 was introduced into Parliament in November 2005 and became law the following year. The legislation was developed in response to community concern over the threat posed by unrehabilitated sex offenders being released from prison and into the community at the end of their sentence of imprisonment. The act's purpose is to protect our community, and particularly children, from dangerous sexual offenders, and to control and provide treatment for such offenders. The legislation aims to ensure that people who have a history of sexual offending and who are likely to reoffend are released from prison only if they are subject to stringent supervision requirements, or remain in custody until they no longer pose a serious threat to the community.

The Liberal–National government is committed to ensuring that this legislation meets its objectives and provides adequate community protection against such offenders. To that end, the Dangerous Sexual Offenders Amendment Bill 2011 seeks to make a small number of changes to the Dangerous Sexual Offenders Act 2006 to strengthen the act by addressing several deficiencies. Although the act is currently undergoing a broader review, there are certain issues that need to be remedied without delay, rather than being left until the conclusion of that project.

The bill focuses on four areas. First, the bill will reinforce the underlying philosophy of the act that the paramount consideration is the protection of the vulnerable from the predations of dangerous sexual offenders. Amendments contained in this bill will seek to ensure that the safety of persons outside Western Australia is considered when making assessments and decisions under the act. Although the safety of Western Australians remains the government's primary responsibility, the government understands that the state must be a good national and global citizen. In short, we as a government have a moral responsibility to ensure that dangerous sex offenders under our control do not harm other potential victims, whether inside or outside our state boundaries. If a person has committed a serious sexual offence and is in custody in a Western Australian prison, the threat that that offender may pose to Australians in other states and territories, and indeed to people overseas, should be a relevant consideration in the decision whether they are released from prison and, if released, the conditions under which they are released. Accordingly, the bill clarifies that "the community" to be considered by the Supreme Court when determining whether an offender poses a serious danger is not limited to Western Australia.

Secondly, the bill deals with those offenders who have been released subject to a supervision order and have breached that order. Currently, the Supreme Court may deal with a breach of a supervision order by amending that order or detaining the offender in custody. No other consequences flow from a breach of an order. There may be cases in which neither option is appropriate, whereby the breach is such that an amendment to the order is unnecessary or impracticable and a return into custody unreasonable. The act provides for no other sanction. To rectify this deficiency, the bill will make it an offence to contravene a supervision order and will allow the court to impose a sentence of up to two years' imprisonment, thus making it clear and indisputable that breaching an order is a serious matter that can be appropriately dealt with by the courts.

Thirdly, the bill will give the courts greater power to issue a warrant for a person's arrest. As the act currently stands, offenders who are believed to have breached their supervision order cannot be arrested unless they are deemed to be a flight risk. Accordingly, the court has no power to issue a warrant even if the person poses a clear risk of reoffending. The bill will give the court the power to issue a warrant in these circumstances. In addition, the bill will give police the power to arrest a person for breaching a supervision order without first having to obtain a warrant. This will ensure that offenders who pose an immediate threat to the community can be apprehended without delay.

Finally, in addition to protecting the public, the bill seeks to protect the public servants and mental health professionals upon whom the act relies for its proper and effective administration and who treat offenders on the community's behalf. In line with other legislation, the bill introduces a provision to ensure that psychiatrists and officers of the Department of Corrective Services and the Director of Public Prosecutions are protected from liability while performing functions under the act. I commend the bill to the house.

Debate adjourned, on motion by **Mr M. McGowan**.

