

## **DANGEROUS SEX OFFENDERS**

### *Matter of Public Interest*

**THE SPEAKER (Mr P.B. Watson)** informed the Assembly that he was in receipt within the prescribed time of a letter from the member for Hillarys seeking to debate a matter of public interest.

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

**MR P.A. KATSAMBANIS (Hillarys)** [2.50 pm]: I move —

That this house condemns the McGowan Labor government for placing the community at risk by repeatedly letting dangerous sex offenders out onto the street.

There is absolutely no doubt that the Western Australian community is at risk because this government has failed in one of the most basic tasks of any government: to keep the community safe from dangerous sex offenders. That failure is multiplied by the fact that when this government was in opposition and campaigning to be in power, it made a series of grandiose promises to the public of Western Australia that it would make tough laws that would keep the community safe from these sorts of predators. Unfortunately, when this government has come to power, when it has had the opportunity to deliver on its promises and to deliver on the expectation of the public of Western Australia to be kept safe from dangerous sexual predators, this government has failed, and it has failed dismally.

We know exactly what has happened in the past two years. Some of the high profile cases are very well-known. We had the case of Latimer, a continual dangerous sexual offender, who was let out onto our streets despite the Attorney General claiming that tough new laws would keep him behind bars. When Latimer breached the conditions of his release, he was allowed to roam the streets for nine days before the police picked him up, and then he was bailed. Then he breached his conditions again, spent a few days in jail, and then was bailed again, despite the Attorney General's promise of tough new laws. The Attorney General promised that there would be a presumption against bail so that if people like Latimer breached their conditions of release, they would go back into jail. That has been proven to be a complete and utter falsehood. In the one high-profile case in which the Attorney General's own laws ought to have worked, they have not worked.

**The SPEAKER:** Members!

**Mr P.A. KATSAMBANIS:** They have failed the public of Western Australia. Latimer has gone through the revolving door of justice twice and has been let back onto the streets twice. No wonder the public are feeling unsafe! We have had situations with other high profile sex offenders.

**The SPEAKER:** Members! If you want to have a discussion, go outside, please. Thank you.

**Mr P.A. KATSAMBANIS:** Thank you. We have had other high-profile dangerous sexual offenders, such as Paul Douglas Allen, who has attacked seven children between four and 10 years of age. Nobody wants him to attack an eighth child, yet this Attorney General prides himself on Paul Douglas Allen being released back onto our streets. The Attorney General says, "I have solved that problem", and in his grandiose, grandstanding way says, "He will be chemically castrated", which really means he will be injected with anti-libidinal medication. Anti-libidinal medication is nothing new, but we know from experience around the world that it does not stop these people from offending. It may stop the nature of their offending, it may stop the type of physical offending they might have otherwise done, but it does absolutely nothing to stop the urges and it does nothing to stop the power grab that these offenders have over people. It might mitigate some of the most serious harm to victims, but it does not stop more victims from being created. Again, he has failed.

Today, we raised in this place the case of Peter Wallace Hill, who was convicted of three charges of indecent sexual assault and two charges of indecent dealing. This man, along with his partner in crime, David Lindner, destroyed the lives of a family and destroyed the trust of an entire community in the south west. This man, Peter Wallace Hill, was given an extraordinarily light sentence of four years for those five criminal charges, and he has been let back onto our streets less than 14 months after his sentence. The decision to release him was made on 10 September, last month; however, 36 days later, the Attorney General does not know anything about it. It is in the media today. The Attorney General still does not know anything about it! This man has been released back onto the streets, back into the Busselton and the south west community. We do not know what conditions have been placed on his release; we do not know whether there are any conditions at all. We do know that he was given an extraordinarily light sentence to start with, he has been let out at the first possible opportunity, and he is back on the streets of Busselton. The Attorney General has no idea!

We also know, from sad experience, that every time we go outside the Perth metropolitan area, the monitoring of these sorts of offenders gets weaker and weaker and weaker. The sexual offenders management squad is relatively

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well-resourced here in the metropolitan area, but outside the metropolitan area its coverage on the ground is almost non-existent. We are relying on the goodwill of our overstretched and overworked police officers and corrections officers in the regions to monitor these people, sometimes over long distances. No wonder the community is not feeling safe, particularly the communities around Busselton and the south west, knowing that this Peter Wallace Hill is being released back into their community, and the possibility that one day the ultimate horrific predator, a man who has destroyed lives in two countries—David Lindner—may be released back into that community as well. It is just not good enough.

We know that the regions are suffering. We recently saw the case of David Gundari, a horrific sex offender. He sexually abused two tourists in 2007. He was sentenced to a long term of imprisonment, but was released in November last year after serving 12 years. He raped two tourists in horrific circumstances. He beat them basically to a pulp and raped them. One of them, a poor Japanese woman, was unconscious after the beating she received. She was beaten until she was unconscious and then she was raped. This man, who has done the most horrific things in our society, was released back into the community and then went missing. He did not abide by the conditions of his release orders. There were a series of conditions, including a curfew, urine tests for banned illicit substances and alcohol, a ban on him visiting licensed venues, and that he attend programs and counselling. He skipped all that. Were our police able to pick him up and protect the community? No—he managed to leave the state! David Gundari from Kununurra left the state and was picked up by Katherine police in the Northern Territory. He was picked up in relation to weapon offences and an outstanding warrant dating back to 2005. This guy is a hardcore, hardened criminal. Our supervision of this man was so lax that he managed to not only breach the conditions of his supervision order, but also leave the state. We created a problem not only here—because Lord knows what he has done here under the lax supervision that he has received—but also a problem in the Northern Territory. It is just not good enough! I could keep going on and on and on with the examples of these people who are being released into the community.

We know that in the two years since this government came to power, between March 2017 and March 2019, more than 90 additional sex offenders are being monitored in the community. That is 90 more people who could cause harm to our community and who should be behind bars but who, under the policies of this government, are being released onto the streets and into our suburbs, towns, regions and remote communities to cause more harm. It is just not good enough! This government claimed that it was going to be tough. It claimed that it would introduce laws that would keep these people in prison for longer. Unfortunately, more of them have been released out onto the streets with less supervision. This government had better wake up to itself. We do not want any more victims—not tourists, not children and not adults. We want this government to live up to its rhetoric, to stop the grandstanding and to actually do something concrete and real to protect our community. Right now this government is failing.

**MRS L.M. HARVEY (Scarborough — Leader of the Opposition)** [3.00 pm]: I, too, rise to contribute to this matter of public importance that the opposition has brought to the Parliament today. Yesterday, the Attorney General said that the figures we were quoting were incorrect. Today the Minister for Corrective Services intimated the same by shaking his head when we mentioned some of the figures. We got our figures from a document put out by the government of Western Australia and the Department of Justice and Department of Corrective Services. It is headed “Quarterly Statistics: Adult Community 2019: Quarter 2”. Page 8 of that document lists the number of adult offenders managed in the community under the category of most serious offence. These offenders have committed sexual assault and related offences and are being managed in the community. On 31 March 2017, 191 offenders were being managed in the community who had been in jail for sexual assault and other related offences. On 31 March 2019, 283 were offenders being managed in the community having served time for serious sexual offences. That is an additional 92 offenders, which is a 48 per cent increase over two years. That is where we got the information from. As we know, there are two categories of offenders who have committed sexual offences: dangerous sexual offenders and reportable offenders.

I will add to what the member for Hillarys said about Mr David Gundari by quoting what has been said about him in the news. The ABC online news on 8 October states —

He was released last year after serving the entirety of his sentence, —

He did not get parole, members. He had to stay in prison until the very last day. It continues —

despite the Prisoners Review Board finding he had unmet treatment needs and still posed a medium to high risk of reoffending.

Mr Gundari was subject to a post-sentence supervision order. The article states —

When assessing Mr Gundari, the board found he lacked insight and would often normalise violent behaviour.

...

**Extract from Hansard**

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The board also noted he had a “poor response to prior community supervision” and did not have protective strategies in place to reduce his risk of reoffending.

In *The West Australian* of 9 October, what I found particularly disturbing was a psychologist’s report on Mr Gundari that indicated that he had a delusional belief that his victims had consented to the rapes, bearing in mind that one of those victims had been beaten unconscious before she was raped. How any individual with the belief that a woman whom he had beaten unconscious and subsequently raped, had consented to that act, could be released into and left to roam our community is beyond belief. The fact that he has skipped whatever monitoring was put in place for him and fled to the Northern Territory is further damning on this government.

I will talk about Paul Douglas Allen, whom the member for Hillarys also talked about. I want to go back over some of his history. Sometimes in this place other people’s words are more compelling. In September 2014, dangerous sex offender Paul Douglas Allen was ordered to stay in jail until his breaches were dealt with. He had breached his supervision order. In 2014, when the Liberals and the Nationals were in charge, this man was found to be in possession of more than one million images of child pornography. He had been ordered to stay behind bars until he faced court on charges of breaching the conditions of his release order, as is appropriate. If a reportable dangerous sex offender is subject to a release order and then breaches that order by accessing child pornography, one would hope that he would stay behind bars as a precautionary principle to protect the community while he waits for his trial. He was declared a dangerous sex offender in 2006. He repeatedly breached the strict conditions of his release, and he was taken back into custody in September last year after officers from the sex offender management squad found more than a million images of child exploitation material on his home computers. In August he was sentenced to more than two years in jail. The judge was reported as having said that the images were of a high degree of degradation and disturbing in nature. These were images of children that were of a high degree of degradation and disturbing in nature. This is why we have brought this matter of public importance to the chamber today.

I will give members some background on Mr Allen. The court judgement states —

Between 1998 and 2001 Mr Allen committed 12 offences of a sexual nature against young children. The children concerned were between the ages of 4 and 10 years and the respondent at that time was aged between 18 and 21 years ...

...

In 2009 Mr Allen committed 14 breaches of the supervision order —

That was after having served some time for those earlier offences against children. It states —

The breaches included instances where police had made unannounced visits to Mr Allen’s home and found him to be in possession of videos, DVD’s and newspaper and magazine cuttings that contained images of children. Although the images were not indecent —

This makes me feel sick to say it —

Mr Allen admitted using them for the purposes of sexual arousal.

This man should not be out in the community. In June 2010, the supervision order was amended. In 2011 and 2012 he was convicted of breaches of the order. The list goes on. In 2013, he was charged with failing to comply with a reporting obligation. Once again, his offences were of possession of child exploitation material or child pornography. It is really quite horrendous to read what has been said of this individual.

Mr Allen was assessed by Dr Wynn Owen who had to prepare a report for the court to determine whether he should be released into the community. The member for Hillarys mentioned that some of these offenders are on anti-libidinal medication. Mr Allen was on anti-libidinal medication, but Dr Owen’s report states —

He reported that he no longer wished to consider hormonal anti-libidinal treatment as he was concerned about the side effects.

I bet he was concerned about the side effects! Paragraph 32 of this judgement states —

A significant issue for Dr Wynn Owen was Mr Allen’s continued image collecting behaviour ... This increases the likelihood of offending in the future.

...

Dr Wynn Owen said that paedophilic thinking and behaviour is very much a part of Mr Allen’s personality.

...

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Dr Wynn Owen's conclusions were that notwithstanding extensive treatment intervention and very specific supervision conditions Mr Allen has been unable to modify his behaviour. While in detention he has continued to secrete images of children in his cell, notwithstanding full knowledge that not only is this not allowed but also will be treated seriously bearing in mind his status as a dangerous sex offender.

...

He has fluctuated between denial and acceptance of his collecting behaviour.

This is a dangerous sex offender who believes that by collecting pornographic images of children, he is somehow managing his sexual deviancy. That is the nature of this individual and why every parent in our community should be terrified for their kids while this man is roaming around out there. It is appalling. I will read the findings —

It is clear on the evidence that Mr Allen remains a serious danger to the community. This was not disputed at the hearing. It is equally clear that the risk of reoffending cannot be adequately managed in the community on a supervision order at this stage.

There has been some limited progress in counselling in the last 12 months, but this has reached an impasse due to Mr Allen's entrenched image collecting behaviour.

Those images are of child pornography.

He was also reviewed by Dr Dylan Galloghly, who similarly found that Mr Allen was a person who is not safe to be released into the community. In conclusion, the Supreme Court ruling states —

I am satisfied that Mr Allen remains a serious danger to the community. I am also satisfied that his risk of reoffending cannot, at present, be adequately managed if he is released on a supervision order.

There is no suitable accommodation in the community. There is simply nowhere that this individual can safely live. We bring these issues to the Parliament because this government has released more reportable offenders who have been in jail as a result of sexual offending. There has been a 48 per cent increase between March 2017 and March 2019, and that is the government's own reporting. Dangerous sex offenders are released and are apparently managed in the community. They breach their conditions and then they just get released again. The Attorney General said his legislation was going to fix these problems, but clearly it has not. It is incumbent on the government to do its job. Keep these people behind bars. Keep them behind bars, and keep our children and women safe.

**MR S.K. L'ESTRANGE (Churchlands)** [3.11 pm]: The Leader of the Opposition and the member for Hillarys have outlined some very serious concerns. Let me try to wrap this up very simply for members. This is about how the government manages these people in the community. This is about how the government manages the Department of Corrective Services. The bottom line here is that when communities are asked, "Do you trust the McGowan Labor government to keep the community safe; do you trust the McGowan Labor government to effectively and safely manage dangerous sex offenders?", increasingly, communities are saying no. They are saying no because they keep reading the examples that the member for Hillarys and the Leader of the Opposition outlined today. They keep saying no because these stories are continuing and it is simply not good enough. Does any member on the other side actually think they are doing a good job of managing dangerous sexual offenders? Anybody?

**Mr J.R. Quigley:** Yes! Me!

**Mr S.K. L'ESTRANGE:** Apart from the Attorney General. There is only one: the Attorney General. The Attorney General has no support from his own side on this issue—no support whatsoever. As was highlighted by the Leader of the Opposition, from March 2017 to March 2019, there was a 48 per cent spike in the number of sex offenders being managed in the community. The Attorney General pipes up now. I noticed in a recent article in *WAtoday* that the Attorney General said, "You can't keep them in jail forever." He also said that he shares the community's concerns. The Attorney General would remember a character called MGD, who completed a 10-year sentence for 21 child sex offences. Judge Derrick, who released this person after he had completed his sentence concluded —

I am satisfied that the respondent, despite his assertions to the contrary, has had, and continues to have, an entrenched deviant sexual interest in pre-pubescent female children.

When the Attorney General was quizzed by the media, he said —

I'm confident that he will be safely managed. Let me qualify this, because people will say there he is, using slippery politician's language, if the department manage him in the manner that the court has ordered I am confident.

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That is an interesting point. The Attorney General has accepted that the Minister for Corrective Services is not doing his job, because there are umpteen examples of these people not being managed properly. They are breaching their supervision orders. Even when they breach them, they cannot be caught and are left on the loose for nine days. The Attorney General knows that, and that is why he even said himself that he uses “slippery politician’s language”. He knew that his government would be unable to manage these sex offenders on the conditions under which they had been released into the community. He accepted the incompetence of his own government. That is what he did in that media report.

One of the clear indicators of how the Attorney General is failing to manage these people properly is in what is called the individual management plans for these prisoners. I asked this question on notice earlier this year: as at 1 August, how many prisoners who have a sentence greater than six months are currently not on an individual management plan? The answer that came back was 1 079 prisoners. They are supposed to receive an individual management plan within 28 days of sentencing. The other question I asked was: as at 1 August, who is the one who has waited the longest for an individual management plan? The answer was that one prisoner went for 19 and a half months without an individual management plan. How does the community feel about that? The Leader of the Opposition and the member for Hillarys highlighted the example of David Gundari. The issue of David Gundari, apart from the appalling crimes that he committed, comes back to this notion of individual management plans. Another article in *WAtoday* reads —

... David Gundari has served his entire 12-year sentence for the two rapes, documents concerning his recent release reveal treatment programs he required were not available to him in prison and that his risk of reoffending in a sexual manner remains medium to high.

Can the Attorney General tell me whether that is a good way to manage a prisoner? This prisoner’s individual management plan for when he was in jail for 12 years was not even complied with. He was then released to the community, with the Department of Corrective Services saying that he was unsafe. That is the reality that confronts the people of Western Australia. That is why this matter of public interest is being brought to the attention of the Parliament today. It is not that we think of these things just to give the Attorney General a hard time. The fact is that he is not doing his job and he is not making sure that his cabinet is keeping his Minister for Corrective Services accountable for his mismanagement of these serious sex offenders. That is the reality, and it is simply not good enough.

There are many more examples. Earlier this year we saw the Edward Latimer case, which was an absolute debacle. Latimer decided to breach his supervision order. He went off into Northbridge and then he could not be found. It took the government two days to tell the police about it. The police took a further seven days to find him, so for nine days this guy, who has serious sex offences against his name and who had breached his supervision order, was out there and could not be found. That was under the Attorney General’s watch. It is simply unacceptable. When the Minister for Corrective Services was asked why it took so long, he said, “Oh, well, we’ll look into that.” In an article in *The West Australian* on 19 September this year, the answer he gave was quite remarkable.

Corrections Minister Fran Logan told Parliament yesterday he had spoken to Corrective Services commissioner Tony Hassall and had asked him to speak to the Police Commissioner about how quickly police should be notified about a breach.

The minister does not need a committee to work out how quickly the police need to be notified of a breach of conditions by a serious sexual offender. The answer, minister, is immediately! It is not hard. The minister gets on the phone and says, “We’ve got a serious sexual offender who has just breached his conditions of supervision, police commissioner. Go and find him now!” It took him two days to notify the police and then the minister said, “Oh, I’d better talk to the commissioner to get him to conduct some inquiry into why it took so long.” The incompetence beggars belief, Attorney General. The Attorney General’s colleague is not here, unfortunately. I would love him to be here to listen to this. I hope he reads the *Hansard*. I know he has to be away. The Premier is not here to hear this either. They are just some simple examples.

Another article I came across, which is dated 24 February this year, says “Sex pest orders ignored”. It states —

NINE of the State’s worst sex monsters living in the community under strict conditions were convicted or accused of breaching their court-imposed release orders last year.

And over the past two years, 22 dangerous sex offenders are alleged to have violated GPS tracking conditions attached to their release, with 14 of those resulting in a conviction.

In conclusion, the bottom line is that we can see why the Attorney General needed to use those slippery politician words. He has no faith in his government’s capacity to manage these dangerous sex offenders in the community, because we are consistently seeing breaches of their conditions, and the community is at risk. There are many more examples, and time is not available for me to go through them all today. The Attorney General needs to step up, and get his cabinet to fix this problem.

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**MR J.R. QUIGLEY (Butler — Attorney General)** [3.20 pm]: I joined with the member for Dawesville in absolutely laughing at the member for Churchlands during his speech. The opposition today has laid out —

*Point of Order*

**Mr Z.R.F. KIRKUP:** I refer to the imputation made by the Attorney General. I was not laughing at the member for Churchlands —

**The SPEAKER:** There is no point of order.

Several members interjected.

**Mr Z.R.F. KIRKUP:** It is an imputation of improper motives. Do members not understand what the standing orders say?

**The SPEAKER:** Member for Dawesville, I call you to order for the first time for disputing my call, and the second time for just keeping on about it. You should know better.

*Debate Resumed*

**Mr J.R. QUIGLEY:** Got him twice with the first ball! This is a very serious issue that has been raised.

**Ms L. Mettam:** Where is the Premier?

**The SPEAKER:** Member for Vasse, I know where you are. I call you to order for the first time.

**Mr J.R. QUIGLEY:** A very serious matter has been raised in the Legislative Assembly this afternoon, and I remind members that the Legislative Assembly is not the Churchlands coffee club. The matter raised by way of a matter of public interest is that this house condemn the Labor government for placing the community at risk by repeatedly releasing dangerous sex offenders onto the street. The argument has been made that this is some terrible thing that the Labor government has done, and it should be punished at the polls. The Liberal party has now put its flag in the mound. It is going to run a dishonest law and order scare campaign, come hell or high water, come truth or lies. I have not seen this before in the nearly 20 years I have had the honour of serving in this place, but this has so disturbed the Director of Public Prosecutions that she was moved to write a briefing note to me, which I will table in due course, critical of the Leader of the Opposition. I have never seen this before. The briefing note reads —

**BACKGROUND**

The purpose of this Briefing Note is to provide information about the release of dangerous sexual offenders ... to community supervision since March 2017 in response to comments made by the Hon Liza Harvey MLA, Leader of the Opposition, at a doorstep on 6 October 2019.

**STATEMENTS MADE BY THE LEADER OF THE OPPOSITION**

Number of DSOs Released to Community Supervision

During her doorstep, the Hon Ms Harvey MLA stated that “double the number of sex offenders have been released since the Labor Government came into office”. That statement is inaccurate.

So says the Director of Public Prosecutions to the Leader of the Opposition. The briefing note continues —

As at 9 March 2017 —

That is when the Leader of the Opposition finished in government —

there were 25 DSOs released to community supervision orders ... A further 22 DSOs were in custody on continuing detention orders ...

As at 7 October 2019, there are 27 DSOs on community SOs. There are also 22 DSOs in custody on CDOs.

However, four of the 27 DSOs subject to SOs are presently in custody (for contravention, on interim detention orders or remand).

The Director of Public Prosecutions was concerned at this misinformation being fed to the public of Western Australia in prosecution of a dishonest scare campaign against the public of Western Australia. That is what members opposite are doing. They are practising their scare campaign against the public, not against Labor. They are trying to scare the living bejesus out of every mum and dad in the street. The Director of Public Prosecutions has to come forward and call them out for it. The briefing note states, further on —

DPP Not Opposing Applications for Release to Supervision Orders

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The Hon Ms Harvey MLA asserts that since the change of Government, my office has not appealed as many applications for release to community supervision, resulting in “ ... double the number (of DSOs) in the community”.

The Director of Public Prosecutions then says —

That assertion is misleading and incorrect.

My office is only aware of nine appeals since the DSO Act commenced, most of which concerned statutory construction rather than a challenge to the court’s assessment as to whether the person was an unacceptable risk.

I will table this briefing note for the media and for the chamber.

[See paper 2929.]

**Mr J.R. QUIGLEY:** The next subheading is —

DSOs Are Not Being Appropriately Supervised in the Community

This is the allegation brought forward by the member for Churchlands from the Churchlands coffee club to the Legislative Assembly. The DPP continues —

Throughout the doorstep, the Hon Ms Harvey MLA denounced the current accommodation arrangements for DSOs and their ability to travel by public transport within the community. While she was unwilling to provide specific details as to how the Opposition envisaged addressing her concerns, the Hon Ms Harvey MLA stated —

*“the best place for these individuals to be, in my view, is behind bars ... ultimately, that’s where they need to be because the reality is these people have a propensity to re-offend”.*

*Tabling of Paper*

**Mr Z.R.F. KIRKUP:** I note that the Attorney General provided a document to be tabled, but it was not actually the one he was reading from. I ask whether he would consider tabling the document he is reading from.

**The SPEAKER:** He tabled the last one that he read from.

**Mr Z.R.F. KIRKUP:** He tabled a copy, I believe, Mr Speaker. I am just curious as to —

**Mr J.R. QUIGLEY:** This one has highlights on it. I have highlighted the dishonesty of the Leader of the Opposition.

**The SPEAKER:** Excuse me! Lead counsel, sit down. Member for Dawesville, continue.

**Mr Z.R.F. KIRKUP:** Thank you very much, Mr Speaker. Obviously, the Attorney General was quoting from an official document, and I ask that he table the document that he was quoting from.

*Withdrawal of Remark*

**Mr Z.R.F. KIRKUP:** As a further point of order, I ask that he withdraw the word “dishonest”, when he was referring to the Leader of the Opposition.

**Mr J.R. Quigley:** I was not —

**The SPEAKER:** I never heard that. Was that in the actual —

**Mr Z.R.F. KIRKUP:** It was when he was replying to me.

**The SPEAKER:** You will withdraw, if you have said anything dishonest. I did not hear it, but if you did, will you withdraw it?

**Mr J.R. QUIGLEY:** Sure, I withdraw it.

*Tabling of Paper*

**Mr J.R. QUIGLEY:** As to this document, I think the attendant has a copy. Can I have my copy back, and I will table what the member has asked to be tabled? It just has the three false assertions highlighted.

**The SPEAKER:** You cannot un-table a document.

**Mr J.R. QUIGLEY:** I will table another one.

**The SPEAKER:** Table it now.

**Mr J.R. QUIGLEY:** I will table it as soon as I finish reading the highlighted bit. It states —

Throughout the doorstep, the Hon Ms Harvey MLA denounced the current accommodation arrangements for DSOs and their ability to travel by public transport within the community. While she was unwilling to

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provide specific details as to how the Opposition envisaged addressing her concerns, the Hon Ms Harvey MLA stated —

*“the best place for these individuals to be, in my view, is behind bars ... ultimately, that’s where they need to be because the reality is these people have a propensity to re-offend”.*

I wonder whether the attendant can take this copy, touch the table with it and give it to the member for Dawesville.

**The SPEAKER:** Paper tabled. You cannot say who it goes to. You just table it and let us work that out.

[See paper 2930.]

*Debate Resumed*

**Mr J.R. QUIGLEY:** The next very disturbing thing is that it caused the Director of Public Prosecutions herself to be so concerned that she wrote to me to point out the wild inaccuracies in the press statement or interview given by the Leader of the Opposition. As I said at the start, the Liberal Party has now planted its flag in the mound of dishonesty. I have not called anyone else dishonest. There is a mound of goodness, and there is a mound of badness. The mound of badness is called dishonesty, and that is where the Liberal Party has planted its flag and it will stay.

**Mr P.A. Katsambanis** interjected.

**Mr J.R. QUIGLEY:** We will test that.

The member for Churchlands said that the Labor Party has been dishonest because we have said that we will tighten up the dangerous sex offender laws and that has made no difference at all. I do not mind that the member for Dawesville has not kept up to date with Supreme Court judgements, because that is not his portfolio. However, the member for Hillarys could have helped him. One of the things that we said we would do is reverse the onus of proof.

**Mr P.A. Katsambanis** interjected.

**Mr J.R. QUIGLEY:** I am not taking interjections from the vegie patch this afternoon. Would you protect me from the cabbages, Mr Speaker?

**The SPEAKER:** Members! They did not interject when you spoke. I want to hear this. I am enjoying it, I think.

**Mr J.R. QUIGLEY:** We said that we would make it harder and tougher for dangerous sex offenders to be released. I said, as part of our election promises, that we would reverse the onus of proof, and that will make it much harder for dangerous sex offenders to be released, because they will need to convince the court. The member for Churchlands voted for that. The member for Churchlands should not be disappointed. The judges have not let him down. He voted to change this. I know that his vote was not a loud vote—it was just a little quack behind me as I went forward. I will read from the judgement of Justice Hall. He is a highly esteemed judge, as all members know. He will be the trial judge alone on the Macro Taskforce case. He is one of the leading criminal judges in the Supreme Court.

**Mr P.A. Katsambanis:** Which case was it?

**Mr J.R. QUIGLEY:** Corbett.

Justice Hall said, as part of his conclusion —

As to whether the respondent will substantially comply with the standard conditions of the order, the onus is on him to establish this on the balance of probabilities.

That is what I brought into this Parliament.

**Mr P.A. Katsambanis** interjected.

**The SPEAKER:** Member for Hillarys!

**Mr J.R. QUIGLEY:** That is what we said we would do. His Honour also said, further down on page 16 —

On the presently available information I am not satisfied that the respondent would substantially comply with the standard conditions if released.

His Honour correctly directed himself to where the onus now lies, since the McGowan Labor government toughened up this system. The court has listened to what we had to say, and interpreted that —

**Mr P.A. Katsambanis** interjected.

**The SPEAKER:** Member for Hillarys!

**Extract from Hansard**

[ASSEMBLY — Wednesday, 16 October 2019]

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Mr Peter Katsambanis; Mrs Liza Harvey; Mr Sean L'Estrange; Mr John Quigley; Mr Zak Kirkup; Mrs Michelle Roberts

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**Mr J.R. QUIGLEY:** I know the member is getting desperate with his squealing. He has a lot to squeal about. There is nothing more that he has to squeal about than the misery and tragedy that he visited upon Mrs Aylward and Mr Tucker, both Australian citizens who were murdered after the then Department of Immigration decided to deport—I will get his name correct—Mr Mustafa Kunduraci, because he was defrauding the immigration system. At the hearing before the Migration Review Tribunal, which on this particular occasion comprised one member only, the member for Hillarys, the Department of Immigration turned up and pleaded with him that this bloke was dangerous and had defrauded —

*Point of Order*

**Mr Z.R.F. KIRKUP:** Mr Speaker, the motion moved today by the opposition is about dangerous sex offenders who have been released onto the streets under this government's policies. That has nothing to do with the jurisdiction in Victoria, or whatever the Attorney General is pursuing. I draw you to relevancy and ask the Attorney General to maintain a response that is relevant to the motion.

**The SPEAKER:** That is a point of order. You will get back to the motion that we have agreed to debate, Attorney General.

*Debate Resumed*

**Mr J.R. QUIGLEY:** I am going to the credibility of the member for Hillarys.

**The SPEAKER:** No, you are not, member.

**Mr J.R. QUIGLEY:** They have all gone to my credibility, Mr Speaker.

**The SPEAKER:** I know, but —

**Mr J.R. QUIGLEY:** The member for Hillarys cannot release a murderer and stand here before the Parliament with any credibility. It is impossible.

**The SPEAKER:** Something that is impossible is for you to canvass my ruling. I call you to order for the first time.

**Mr J.R. QUIGLEY:** This is a motion about dangerous sex offenders. It does not say anything about dangerous sex offenders in any jurisdiction. This is a motion about dangerous sex offenders. The member for Hillarys himself has released one, and the person went on to commit murder.

*Point of Order*

**Mr Z.R.F. KIRKUP:** Mr Speaker, the Attorney General was clearly misleading the house. I ask him to withdraw. I again refer to your previous ruling about maintaining a contribution that is relevant to this motion, which clearly refers to the McGowan Labor government releasing sex offenders onto the streets. Implicit in that is in the jurisdiction of Western Australia.

**Mrs M.H. ROBERTS:** Further to that point of order, the member for Dawesville has suggested that the Attorney General has misled the house. He has not provided any substance to that claim. It is merely a claim that the Attorney General has misled the house. I do not think his point of order stands.

**The SPEAKER:** No. His point of order was not about misleading the house. It was about relevance.

*Debate Resumed*

**Mr J.R. QUIGLEY:** I will move on from the point. It is taking too long.

**The SPEAKER:** You should have done that in the first place.

**Mr J.R. QUIGLEY:** Thanks for your helpful advice, Mr Speaker, and I will obey it.

The Leader of the Opposition of course did not lead off the debate. That is because she has been hopelessly compromised by the press interview that she gave, when she said that all these people deserve to be locked up and kept in jail; we do not want them out on the streets. The government in which she was a senior minister came up with the supported accommodation program. The Leader of the Opposition was a party to setting up the system that she is now publicly decrying. Talk about a confused woman! She was party to setting up the system, and she now says that is not a good system. This is what Western Australians would be inflicted with if this person ever became the Premier of Western Australia.

The member for Churchlands said that I am using slippery language. I am saying to the public that I will not use slippery language. I will call it for what it is. Dangerous sex offenders should be held in jail and should not be let out. But, but, but, we have a written Constitution in Australia that is overseen by the High Court of Australia. The High Court will not permit indefinite incarceration beyond sentence. The High Court will not permit it—full stop. The Leader of the Opposition knows that. However, she has come in here, as part of the Liberal Party's campaign to mislead and deceive. That is not what she was saying on 28 June 2016, when she said, almost statesperson-like —

**Extract from Hansard**

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I have a responsibility as a minister in executive government to abide by the Constitution.

...

the fact remains that we have to abide by the Constitution, and, constitutionally, we cannot detain people indefinitely ...

I agree with her. I agree with the statement that she made in 2016, but I do not believe in this slippery politician nonsense she comes up with today that she will keep them in there forever. But then, in case there was any doubt, she said —

Let us be clear: —

I do not think she was talking about the members for Hillarys or Churchlands because they were not here —

on this side of the house, —

That is the Liberal side of the house in the old days —

we support the independence of the judiciary and the Director of Public Prosecutions, and their separation from government.

That is what the Leader of the Opposition said. She supports the Director of Public Prosecutions in her independence and will no doubt support her today in the director's criticisms of the member for Scarborough, the Leader of the Opposition, when she points out these three grave inaccuracies given in her press interview, which were given for the deliberate purpose of misleading the public of Western Australia.

On 20 October 2015, the member for Scarborough said —

Members in this house need to understand that the commonwealth Constitution does not allow us to lock up sex offenders forever and throw away the key.

She goes on. This is for the member for Churchlands —

We do not like having to manage dangerous sex offenders in the community, but that is what we are required to do if we are going to make sure that we abide by the expectations of the community with respect to the rights of individuals under our Constitution.

She was referring to the prisoners' rights under the Constitution. This whole debate was firstly brought up by a wildly misleading press interview, which, as I have said before, precipitated this very damning briefing note from the Director of Public Prosecutions for Western Australia exposing the misleading nature of the utterances of she-who-would-be-Premier of Western Australia—God help us all if it ever happens.

[Quorum formed.]

**Mr J.R. QUIGLEY:** In opposition, we proposed some very serious amendments to the Dangerous Sexual Offenders Act. We tried that in opposition. We moved an amendment that would reverse the onus of proof. Here is what the Leader of the Opposition had to say during that debate. The previous government voted down that amendment when we tried to reverse the onus of proof. The Leader of the Opposition was part of the government that voted it down and she was the lead speaker. She said that the Labor opposition's proposed amendment would not add anything to the operation of the act, it would create confusion and take the focus off community safety. This is the very piece of legislation that we passed and to which Justice Hall referred when giving his judgement in *State v Corbett* when he said —

As to whether the respondent will substantially comply with the standard conditions of the order, the onus is on him to establish on the balance of probabilities.

Justice Hall said he had failed to do so.

As for this nonsense, saying that we are coming in here big on talk and we cannot walk, we have stormed home. We have changed the legislation. Members of the opposition sat in government for eight years and refused to do anything about the legislation. This is legislation that was introduced by Labor in 2006, and all the dangerous sex offenders would be walking around our streets totally unsupervised, were it not for the fact that Labor brought in this legislation in the first place.

We also said that when a person breaches an order or a direction given by a community service officer, they will be arrested, not summonsed. No more of this summonsing and getting something in the mail. That is what we said at the time, and we delivered, Leader of the Opposition. What was the Liberal government's then attitude to toughening it up? What was its attitude to saying that when a person breaches they will be arrested? It was as weak as water; it was as weak as a lettuce leaf soaking in water for a day. Listen to this: the Attorney General at the time, Hon Michael Mischin, described it as a blunt instrument that would not advance the objects of the act. The

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Liberal Party's position is to not arrest dangerous sex offenders when they breach their conditions. It is too harsh on them, it is too blunt and it does not advance the objects of the act, which is to keep the community safe. The Liberal Party is saying, "Don't go around and arrest these dangerous sex offenders when they breach their order; that is too harsh on them. You're losing sight." What are we losing sight of? I am suggesting that the Liberal Party has lost sight of community safety. Members of the Liberal Party were even disparaging of the victims who gathered in Forrest Place to protest against the way that they were mismanaging dangerous sex offenders. People were going out. We know there was a man out there—I will come to his name soon—with the condition that he does not take drugs. He was full of drugs, but that did not matter. He just got a notice in the mail that said, "Please come to court Thursday week and answer this." Not under Labor! He would be arrested, put in handcuffs and put in a cell until dealt with. What did the Liberal Party say about the protest? Cop this: I know that the Leader of the Opposition does not want to hear this and the member for Churchlands will avert his eyes and ears and the member for Hillarys will sit there with his head hanging in shame, but when the victims all got together to protest about the mismanagement of dangerous sex offenders by the then Barnett government, the then Attorney General called them a rent-a-crowd from the Soviet Union. What a disgraceful thing he said. It was just disgraceful that he called victims of sexual assault, even the lovely Margaret Dodd who was in that crowd and whose daughter Hayley was murdered, a "rent-a-crowd". How disgraceful. You Liberals are disparaging of humanity and human suffering. How disparaging you are of those victims who had the courage to step forward and say "Enough; I want a change in the law." Members opposite just call them a rent-a-crowd from the Soviet Union and write them off. They do not put their arm around them and say, "Come here; let's talk. Let's see what we can do to fix your problem." They just disparage them and attack the messenger, and call the very serious amendments that we have brought to this Parliament "too harsh": "Labor, you're being too harsh on these people. You're invoking a blunt instrument." For some of these people I would like my instrument to be razor sharp, but it is not within the legislation!

This reminds me; I thank my staff for this. I refer to the dangerous sex offender Christopher Bentley who appeared in the Northbridge Magistrates Court on Saturday, 1 June, for contravening his DSO supervision order when he returned a positive urine analysis for amphetamine and methamphetamine. Bentley was remanded in custody to the Perth Magistrates Court on 18 June 2019. He has since been convicted. There was no summons. There was no "wait until you see it in the post". He was arrested and remanded in custody until his case was dealt with. This is what the former Attorney General called a blunt instrument. It is absolutely unbelievable that he would call the arrest of Bentley, who tested positive to methamphetamine and amphetamine, "too harsh". We know what the former Liberal government and its weak Attorney General would have done. They would have sent him a summons in the mail, member for Churchlands—keep your head down!—to show up in 21 or 28 days' time. He would not have been dealt with harshly like Mr Bentley was; he would have been protected by the slack laws of the Liberal Party, led by the then useless Attorney General Mischin.

*Withdrawal of Remark*

**The SPEAKER:** Member, you will call him by his correct title.

**Mr J.R. QUIGLEY:** "Hon Michael (Slack) Mischin".

**The SPEAKER:** Attorney General!

**Mr J.R. QUIGLEY:** I withdraw.

*Debate Resumed*

**Mr J.R. QUIGLEY:** Hon Michael Mischin did not do anything! Shake your head, you hypocrite! He did not do anything at all. The Leader of the Opposition is chiding the government, but when she was in government, she said —

... I have a responsibility as a minister in executive government to abide by the Constitution.

... but the fact remains that we have to abide by the Constitution and, constitutionally, we cannot detain people indefinitely ...

That is right at odds with what she said.

Let us be clear: this side of the house supports the independence of the judiciary and the Director of Public Prosecutions, and their separation from government. That is not the argument that the Leader of the Opposition rose to make this afternoon—far from it. She completely contradicted and put the lie to what she had said in 2014. Enough is enough. The letter is tabled, the debate has been had, and we know where the Liberal Party is going to stand. It is going to stand by the mound of dishonesty. It is going to plant the Liberal flag in there. Do not think it does not worry us. To dissemble fake news takes effort. Fake news has brought America to an awful bind. Fake news has brought the United Kingdom to its knees. Remember when they were going to get £450 million a week for the National Health Service, according to Mr Johnson during the campaign? Fake news has really confused

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America to such a point that it does not know what it is doing—into Syria, out of Syria; it is hopeless. Now, picking up from the Boris Johnson–Donald Trump playbook, the Leader of the Opposition went out last Sunday to deliver her fake news. We know from the letters and the figures that everything she said about the number of dangerous sex offenders who have been detained in custody is false. It was not double the number, heavens above. In March 2017, there were 22 DSOs. On 7 October, there were 27, but of those 27, four were already back in custody so there was none of this increase that the Leader of the Opposition has moaned about this afternoon. As the public should know, it is fake news.

*Division*

Question put and a division taken with the following result —

Ayes (13)

Mrs L.M. Harvey	Mr S.K. L'Estrange	Dr M.D. Nahan	Ms L. Mettam ( <i>Teller</i> )
Dr D.J. Honey	Mr R.S. Love	Mr D.C. Nalder	
Mr P.A. Katsambanis	Mr W.R. Marmion	Mr D.T. Redman	
Mr Z.R.F. Kirkup	Mr J.E. McGrath	Mr P.J. Rundle	

Noes (34)

Ms L.L. Baker	Mr W.J. Johnston	Mr P. Papalia	Mr C.J. Tallentire
Dr A.D. Buti	Mr D.J. Kelly	Mr S.J. Price	Mr D.A. Templeman
Mr J.N. Carey	Mr M. McGowan	Mr D.T. Punch	Mr P.C. Tinley
Mrs R.M.J. Clarke	Ms S.F. McGurk	Mr J.R. Quigley	Mr R.R. Whitby
Mr R.H. Cook	Mr K.J.J. Michel	Mrs M.H. Roberts	Ms S.E. Winton
Mr M.J. Folkard	Mr S.A. Millman	Ms C.M. Rowe	Mr B.S. Wyatt
Ms J.M. Freeman	Mr Y. Mubarakai	Ms R. Saffioti	Mr D.R. Michael ( <i>Teller</i> )
Mr T.J. Healy	Mr M.P. Murray	Ms A. Sanderson	
Mr M. Hughes	Mrs L.M. O'Malley	Mrs J.M.C. Stojkovski	

Pairs

Mr I.C. Blayney	Mr F.M. Logan
Mr A. Krsticevic	Ms J. Farrer
Mrs A.K. Hayden	Ms M.M. Quirk
Ms M.J. Davies	Ms E.L. Hamilton

Question thus negatived.