

DRAFT SECOND READING SPEECH

HON. MICHAEL FERGUSON MP

Corrections Amendment (Treatment of Sex Offenders) Bill 2015

check Hansard for delivery

I move that the Bill now be read for a second time.

Under the 365 Day Plan, the Government committed to introducing the first tranche of legislation for the treatment of sex offenders.

It has been a long held view of this Government that all individuals convicted of a sexual offence should participate in appropriate treatment to address their offending behaviour.

The Government further believes that where an offender refuses to participate in this treatment for their offending behaviour there should be direct consequences for this choice.

We remain absolutely committed to reducing the risks posed to the community by addressing every avenue available to *with regard to the* participation of sex offenders in appropriate treatment.

We believe that *by doing all we can to facilitate* participation in treatment, we will assist prisoners to successfully and safely reintegrate back into the community.

The Government has received the recently released Sentencing Advisory Council's Final Report on Sex Offence Sentencing. This report confirms that sentencing in respect to some sexual offences is too lenient and will require legislative change to address this disparity. The Government is considering all of the recommendations arising from this report.

In addition, the Government has requested that the Sentencing Advisory Council provide advice on the issue of mandatory treatment for sex offenders to further inform our work in this area.

We strongly believe that this first tranche of proposed legislative change will assist in increasing the safety of the Tasmanian community.

This Bill fulfils the Government's commitment by amending the *Corrections Act* to require that a notice or assessment that is given to the Parole Board concerning a sex offender prisoner's participation or non-participation in appropriate treatment, is a matter that the Parole Board is required to consider when determining whether or not to release a prisoner on parole.

The Bill defines 'appropriate treatment' as a professional intervention to address the underlying causes of offending behaviour of a sex offender prisoner.

The Bill also provides that if the Director of Corrective Services is satisfied on reasonable grounds that appropriate treatment is available for a sex offender prisoner, the Director is required to give that prisoner a reasonable opportunity to participate in the treatment.

As it may not be appropriate for sex offender prisoners to undertake treatment in some circumstances, the Director is not required to give a prisoner a reasonable opportunity to participate if:

- the prisoner is medically or psychologically unfit to participate in the treatment;
- the prisoner is not cognitively capable of participating in the treatment;
- there is insufficient time for the prisoner to complete the treatment; or
- the prisoner's participation could compromise the safety, security or good order of the prison.

The Bill also provides that the Director may cease or suspend participation in treatment if the Director is satisfied on reasonable grounds that the participation is unsatisfactory, the treatment is no longer available, practicable or appropriate, or there are other valid grounds for the cessation or suspension of the treatment. For example, if a prisoner becomes seriously ill and is physically incapable of continuing with the treatment.

The Bill defines unsatisfactory participation as participation that, for reasons assessed by the Director as being within the prisoner's control, is incomplete or non-compliant. It is important to note that participation can only be considered to be unsatisfactory if it is caused by something which is within the prisoner's control.

A written assessment in relation to the prisoner's participation is required to be prepared and provided to the Parole Board by the Director to assist the Board in its determination as to whether to release a sex offender prisoner on parole. The report will include information relating to:

- the prisoner's attendance and compliance;
- the prisoner's attitude, behaviour and responsiveness during treatment;
- whether the treatment is completed, and if not, the reason for non-completion; and
- whether the Director has ceased or suspended participation.

If a sex offender prisoner chooses not to participate in appropriate treatment, notice of this choice and the relevant particulars will also be provided to the Board.

The Bill also amends the *Corrections Regulations* by providing that remission of sentence is not to be granted to a sex offender prisoner by the Director of Corrective Services if the prisoner has been given a reasonable opportunity to participate in appropriate treatment, and the prisoner has either chosen not to participate or has chosen to participate but the participation has been unsatisfactory.

In the interests of natural justice, the Bill also provides that if the Director determines to give a sex offender prisoner the opportunity to participate in treatment, the Director is

to inform the prisoner that non-participation or unsatisfactory participation will prevent the prisoner from being granted a remission of sentence.

The Bill also requires the Director to inform the prisoner that participation, non-participation or unsatisfactory participation will, if the prisoner becomes eligible for parole, be taken into consideration by the Parole Board when the Board determines whether the prisoner should be released on Parole.

A consultation draft of the Bill was released for public comment and sent to a range of stakeholders, including relevant government agencies, the Parole Board and a range of external stakeholders such as the legal fraternity, support services and advocates.

Those stakeholders who provided comment were generally supportive of the proposed amendments. Some additional amendments were proposed to the Bill, however the majority of the comments were considered to be either unnecessary or impractical as they would have the effect of removing the flexibility contained within the Bill.

It should be noted that some stakeholder comments will be reconsidered when the next tranche of reforms relating to the treatment of sex offenders are developed by the Government. This will occur when the reports and recommendations of the Sentencing Advisory Council and the Royal Commission into Institutional Responses to Child Sexual Abuse have been finalised and properly considered by the Government.

I commend the Bill to the House.