**RECISSION OF RESOLUTION**

**Mr ELFERINK (Leader of Government Business):** Madam Speaker, I move that the Assembly rescind the resolution in respect of censure of the Chief Minister.

The Assembly divided:

| Ayes 11 | Noes 7 |
|---|---|
| Mr Chandler | Ms Fyles |
| Mr Elferink | Mr Gunner |
| Ms Finocchiaro | Ms Lawrie |
| Mr Giles | Mr McCarthy |
| Mr Higgins | Mr Vatskalis |
| Mr Kurrupuwu | Mr Vowles |
| Mrs Lambley | Ms Walker |
| Mr Mills | |
| Mr Styles | |
| Mr Tollner | |
| Mr Westra van Holthe | |

Motion agreed to.

**SERIOUS SEX OFFENDERS BILL 2013 (Serial 18)**

Bill presented and read a first time.

**Mr ELFERINK (Attorney-General and Justice):** Madam Speaker, I move that the bill now be read a second time.

The purpose of this bill is to provide for the continued detention, or supervised release, of serious sex offenders who are deemed to be such a serious danger to the community that regulation of the offender is warranted post-sentence.

The community continues to be concerned about the danger posed by serious sex offenders when released back into the community after finishing their sentences. Recidivism rates amongst sex offenders are not significantly higher than for other types of offenders. However, the impact of their actions can have devastating effects on victims. The community expects government and the justice system to take actions for the purpose of minimising the possibility that such offenders will commit further sex offences. The community also expects government to make realistic, effective and genuine efforts to rehabilitate such offenders. Increasingly, the community expects government to monitor offenders to both deter offenders from committing future crimes and reduce their opportunities to commit further sex offences. These community concerns and expectations are justified and this bill is one important way this government can address them.

Currently, the NT only has one scheme that enables regulation of some serious sex offenders following the end of their period in prison. This is the scheme under the *Child Protection (Offender Reporting and Registration) Act*. This scheme does not apply to offenders where victims of the offence committed were adults. The scheme only applies limited reporting and registration requirements and, in some cases, can prohibit certain activities. However, it cannot place positive obligations on offenders; for example, to attend programs, to live in certain places or undergo rehabilitation. Also, it cannot order post-release detention.

I introduced a similar bill in the previous parliament as shadow Attorney-General, which was defeated. I said at the time I would make the introduction of a similar regime a priority should I become Attorney-General. This bill delivers on that undertaking.

Legislation that allows for the detention or supervision of an offender post-sentence clearly touches on important legal principles. The concept of double jeopardy is one such principle which provides that a person should not be punished twice for the same offence. There are good reasons for such principle and the bill is not intended to undermine these well-established legal principles. Unfortunately, there are those rare individuals who pose a real danger of committing further offences of the worst type upon their release. Where these offenders can, with certainty be clearly identified, it is reasonable that the authorities be empowered to do something about it.

Mechanisms allowing for the detention or restraint of a person by the state, and which do not relate directly to the person's conviction or sentence, already exist in the Territory and are well-accepted mechanisms within the legal system internationally.

For example, the *Bail Act* allows for the detention of people who have not been convicted of any offence. However, it is essential that any legislation creating a regime that allows for detention does not encroach to an unacceptable extent on the principles of the justice system and the rule of law. It must also contain safeguards and ensure the legislation is not abused.

These types of schemes have survived High Court challenges in other jurisdictions. The High Court has held the purpose and application of this type of legislation to be lawful. Further, if has held it is appropriate that the higher courts hear and determine such complex issues. We can safely rely on the Supreme Court to balance the right of individuals against the need for community protection.