

LOCKED AWAY Sex monsters will stay in jail

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THE State Government will introduce a new law to keep our worst sex offenders locked up.

The change, dubbed "Jessica's Law", will stand as a tribute to the brave young Ballarat rape victim whose ordeal prompted moves to revamp sentencing.

And the Government will push ahead with the change despite the advice of its legal experts.

A continued detention law would allow judges to keep prisoners in jail if they were still considered dangerous.

The Sentencing Advisory Council will recommend in a report to be released today that continued detention should not be adopted.

But a government spokeswoman yesterday said it would go ahead.

The council was asked to consider the merits of a new law by Attorney-General Rob Hulls after Jessica's 29-hour ordeal last year at the hands of serial rapist William Craig Forde.

Jessica, who has campaigned for stronger laws to deal with people such as Forde, is ill and could not be contacted yesterday for comment.

A spokeswoman for Mr Hulls, who is overseas, said the scheme would include offenders who had committed serious sexual assaults against adults, as well as children.

Victoria's current law allowing extended supervision orders to be imposed on prisoners still considered dangerous applies only to child sex offenders.

But the Government has rejected a council recommendation that any new scheme should also apply to high-risk prisoners convicted of murder, manslaughter or attempted murder.

Mr Hulls' spokeswoman said offenders convicted of very serious homicide offences were "already covered by very strong sentences".

She would not discuss individual cases such as Hoddle St killer Julian Knight, who will be eligible to apply for parole in seven years.

Council chairman Professor Arie Freiberg said the council believed the goal of any post-sentence scheme "should be community safety, not the further punishment of offenders who have served their sentence".

But the Government believes continued detention is needed to deal with the worst offenders.

"It will be targeted at extreme cases who have not been rehabilitated in prison and remain a high risk, regardless of how intensively they might be monitored after release," the spokeswoman said.

Continued Page 2

From Page 1

The council says in its report that a narrow majority believed the dangers of continued detention outweighed its potential benefits.

The split decision of the 11-person council was that an improved system of extended supervision in the community should be used instead.

The council concluded that properly resourced supervision in the community was "equally able to achieve the goal of community protection, and does so in a less intrusive way than continuing detention".

The SAC report provides a model for a High Risk Offenders scheme, despite rejecting continued detention.

The spokeswoman said the council's recommendations would be carefully considered.

"Detaining people after they have finished their sentence raises complex policy and other matters. This is an important matter and it's important to get it right," she said.

Council chairman Prof Arie Freiberg said the state's controversial Charter of Human Rights and Responsibilities had played an "extremely important part" in the council's decision.

The charter, which was pushed through Parliament last year despite strong opposition, protects the right of people not to be arbitrarily arrested or detained.

The council's report lists the right not to be punished more than once as one of the principles relevant to the continuing detention scheme.

But the government spokeswoman said the charter made it clear that no right was absolute.

The council's report calls for an urgent review of accommodation of offenders under supervision.

Prof Freiberg said many offenders subject to extended supervision orders were being held in "quasi detention".

He said most of the 16 child sex offenders on supervision orders were in a fenced compound just outside the perimeter fence of Ararat jail.

"In some ways they're worse off than the prisoners, because they don't have access to the facilities inside the jail," Prof Freiberg said.

"If you're going to hold people under supervision it should be supervision in the community."

Queensland, WA and NSW already allow supervision and detention of serious sex offenders after they have finished their sentences.

Have your say: Voteline Page 17

Editorial, Page 18

JESSICA'S LAW

2006:

February 6: Ballarat single mother Jessica abducted at knifepoint and raped repeatedly during a 29-hour ordeal by William Craig Forde, who had been released from jail three months earlier

February 7: Jessica released after 29-hour ordeal. Police arrest Forde and learn he has three previous convictions for rape and has quickly reoffended each time he has been released

May 12: Forde indicates he will plead guilty and the Herald Sun reveals his shocking criminal history

May 15: Attorney-General Rob Hulls announces he will ask the Sentencing Advisory Council to consider a new continued detention law

August 17: Jessica's Story, a harrowing victim impact statement explaining the depth of her suffering, is published in the Herald Sun and prompts an extraordinary public response

December 13: Judge Thomas Wodak gives Forde an indefinite sentence, to be reviewed after 17 years

2007:

January 29: Sentencing Advisory Council releases discussion paper and a proposed model for post-sentence options for dealing with high-risk sex offenders

July 2: Council releases its final report and recommends an improved extended supervision scheme, rather than continued detention. State Government says it is committed to a continued detention scheme.