

Inappropriate Powers under the Housing Amendment (Registrable Persons) Act 2009 (NSW)

Abstract

The *Housing Amendment (Registrable Persons) Act 2009* (NSW) ('2009 Act') was passed by the Rees Government in response to community protests and in order to allow that Government to evict Dennis Ferguson from his public housing home. The *2009 Act* provides for the immediate termination of a public housing lease, without notice and with no avenue of appeal. This Comment argues that this Act is problematic for its rushed passing, the potential it establishes for summary eviction, and the 'protected' powers it creates for the Commissioner of Police and the Director-General of the Department of Human Services. In addition, the *2009 Act* is discriminatory in applying only to those in public housing. For these reasons, and because it is an ineffective governmental approach to dealing with the problem of child sexual abuse, I suggest the amendments to the *Housing Act 2001* (NSW) established by the *2009 Act* should be repealed, similar powers of eviction having already been established in the *Residential Tenancies Act 2010* (NSW) and its statutory predecessor.

Introduction¹

In 2003, so-called 'notorious paedophile' Dennis Ferguson was released from Brisbane's Wolston Jail, having served over 14 years for the violent sexual abuse of two children in 1988 (Penberthy 2009). Upon his release, Ferguson was deemed to embody a continuing threat to children and subjected to reporting conditions for 15 years (O'Leary 2008:9). In the years between 2003 and 2009, Ferguson served 15 months at the John Moroney Correctional Centre in New South Wales (NSW) for breaching his reporting conditions (having been convicted under the *Child Protection (Offenders Registration) Act 2000* (NSW)); was the first individual to be placed by Queensland Police on the Australian National Child Offender Register (ANCOR)²; spent about 32 months in custody during ongoing criminal proceedings against him in which he was ultimately found not guilty; and, was evacuated from homes in Murgon, Bundaberg, Toowoomba, Ipswich, Miles and Carbrook following local community protests. In 2009, shortly after it was discovered that he was living on College Street, Sydney, proximate to the prestigious Sydney Grammar School, Ferguson was able to obtain a five-year lease to a public housing apartment in Ryde, in Sydney's northwest. Community protests predictably ensued, the dominant opinion

¹ My sincere thanks go to George Papanastasiou for invaluable comments and corrections in drafting this Comment, to the two anonymous reviewers, and to Cate Stewart for much appreciated editing support.

² The Australian National Child Offender Register (ANCOR) is a web-based system that enables 'registrars to achieve a nationally consistent approach to child offender registration and to support the management of such offenders. It allows authorised police officers to register, case manage and share information about registered persons between police agencies' (Commonwealth of Australia 2011). In NSW, which offenders are monitored by ANCOR is determined by the *Child Protection (Offenders Registration) Act 2000* (NSW).

encapsulated by one Ryde resident's comments: 'I don't know where we can put him, but we don't want him here' (ABC 2009).

The media furore surrounding Ferguson's release from prison in 2003 led the then Queensland Parliament to enact the *Dangerous Prisoners (Sex Offenders) Act 2003* (Qld) ('*DPSO Act*'), which provides for extended supervision and continuing detention orders.³ After the legality of the *DPSO Act* was upheld in the High Court, the NSW Parliament passed similar legislation: the *Crimes (Serious Sex Offenders) Act 2006* (NSW) ('*CSSO Act*') (see McSherry and Keyzer 2009).⁴ Since the *CSSO Act* could not be applied retroactively, David Borger, the NSW Minister for Housing during the Ryde protests, found himself limited in the authority he could bring to bear upon Ferguson and his living situation. Protests began outside Ferguson's home on 12 September 2009 and were exacerbated by the discovery that Ferguson had attempted to contact his co-offender, Alexandria Brookes, through Centrelink's 'In Touch' service. The Housing Amendment (Registrable Persons) Bill 2009 (NSW) ('2009 Bill') was introduced in and passed by both houses of NSW Parliament on 23 September 2009. On 24 September, following the recommendation of NSW Police Commissioner Andrew Scipione, Ferguson's lease was cancelled by the Department of Human Services, the locks to his apartment were changed, and he was transported by police to a new secret location. This Comment outlines: the powers established by the *2009 Act*; the criticisms that have been made regarding both its creation and its effects; and what it suggests about the relationship between past sex offenders and the communities to which they are likely to return.

Provisions in the 2009 Act

Despite some dissenting voices (discussed below), the political response to the media's unveiling and the subsequent community protests about Ferguson's accommodation in Ryde was typical of law and order politics in NSW. The Shadow Minister for Justice, MP Greg Smith, claimed Ferguson's housing was 'a Queensland problem, not a NSW problem', given Ferguson's previous living arrangements (Jerga, Cranston and Drummond 2009). Another Opposition member, MP Anthony Roberts, publicly congratulated media parties for 'supporting the community' and likened Ferguson's placement in Ryde 'to putting up a reformed alcoholic in a pub' (Roberts 2009). After initially claiming his Department would remove Ferguson immediately (before realising it did not have the legal right to do so) (Smith 2009), NSW Housing Minister David Borger justified Ferguson's right to housing on consequentialist grounds, in terms of the increased risk he would embody if his housing situation were less stable: 'it would be a much worse outcome for the community and the children of New South Wales if [Ferguson] were walking around the main streets in the suburbs and towns of any electorate or if he were sleeping under bridges or in parks because the police would not be able to keep track of him' (Borger 2009). Just over a week after protests had commenced, and in response to Opposition accusations of 'inaction', the then Premier Nathan Rees stated that his Ministers had 'found a path through this minefield which was endorsed at an extraordinary cabinet meeting last night' (AAP 2009). Rees' comments demonstrate how legal safeguards for the individual rights of public housing

³ See Doyle, Ogloff and Thomas (2011) for an overview of the population currently subject to such orders, in NSW, Western Australia and Victoria.

⁴ See Keyzer (2009), Freckleton and Keyzer (2010) and McSherry (2010) regarding appeals made to international law concerning the *CSSO Act* and the *DPSO Act*, and the results of these appeals.

tenants were perceived in the creation of the 2009 Bill — passed the following day — as frustrating political ends.

On 24 September 2009, 12 days after protests began outside Ferguson's residence, the 2009 *Act* amendments to section 58 of the *Housing Act 2001*(NSW) ('*Housing Act*') took effect. The amendments to the *Housing Act* allow for the termination of a public housing tenant's lease if that tenant is a 'registrable person' and if it is determined that 'the presence of the tenant at the public housing places any neighbours in the locality or the tenant at risk of being physically harmed or injured' (*Housing Act* s 58B). The *Housing Act* takes its definition of a 'registrable person' from section 3A of the *Child Protection (Offenders Registration) Act 2000* (NSW).⁵ The power to terminate a lease is granted to the Director-General of the Department of Human Services, or their delegate, who acts on the recommendation of the Commissioner of Police, or their delegate (*Housing Act* s 58B).

Three points are worth noting briefly here regarding the amended *Housing Act*. First, section 58B applies to public housing leases entered into before the 2009 *Act* was passed; in other words, it functions retroactively and, as such, was capable of being applied to Ferguson. Second, at the point in time when the Director-General terminates the lease, the NSW Land and Housing Corporation obtains an exclusive right of possession over the premises, which can be enforced by NSW Police (s 58B). Where this occurs, the actions of the Director-General and the Commissioner of Police, as 'protected persons', cannot be made subject to appeal (s 58F). Third, the *Housing Act* specifies that if a lease is terminated in this manner, while compensation cannot be claimed, 'the Director-General must ensure alternative housing (whether or not public housing) is made available to the tenant' and that 'alternative housing continues to be made available to the registrable person for so long as the person would have been a tenant under the terminated lease' (*Housing Act* s 58C).

Key legal issues with the 2009 Act

Although both sides of NSW Parliament were committed to Ferguson's eviction from the Ryde community — his offence in this case being the risk of reoffending he was perceived to embody — dissenting voices did emerge. These were present within Parliament, such as MP Peter Besseling and MLC Sylvia Hale; and within the popular media, such as barristers Greg Barns and Georgina Wright, forensic psychologist Wendy Northey, and non-government organisation (NGO) representatives Brett Collins (Justice Action) and Chris Martin (Tenants' Union of NSW). This section outlines three important criticisms of the 2009 *Act*, put forward by such voices, relating to the process of the 2009 Bill's swift passing, its relation to summary eviction, and the absence of appeal and review provisions.

In the parliamentary discussion, independent MP Peter Besseling was critical of the 2009 Bill's swift passing. Echoing Brett Collins' caricaturing of the 2009 *Act* as 'a Dennis Ferguson Act' (Clennell 2009), Besseling (2009) said:

⁵ A registrable person is required to report annually to the Commissioner of Police any 'relevant personal information', which includes, among other things, the person's name, other names, date of birth, address, accessible children, employment details (including the name of his employer and location(s) of his employment), vehicle ownership, internet provider and online identities, and intentions to travel interstate: *Child Protection (Offenders Registration) Act 2000* (NSW) s 9.

How can we push this bill through Parliament as quickly as possible, traversing on the principles of due process and good public governance and in the process, whether by design or otherwise, deny proper consideration of important legislation by our State's elected representatives, key advisory groups and individuals within our community who would otherwise have the opportunity to provide valuable feedback?

Besseling's ironic comments highlight that this Act represents a failure on the part of government to consult stakeholders other than the most vociferous members of the Ryde population and politicians willing to exploit the trope of childhood innocence. 'Good public governance', in this case, required a legislative and policy response that would not simply defer similar situations to later dates, when it is likely that Ferguson, or other recognisable past offenders, will be discovered in other communities that do not want them as neighbours.

In addition to this issue of the 2009 Bill's being brought before NSW Parliament and passed on the same day, barrister Georgina Wright (2009) argues that the *2009 Act* overrides conventional legal tenancy rights, in providing for summary eviction. She states:

The legislation means that a person who is not in breach of the law can be evicted and forced to live elsewhere without any right to have that decision reviewed by the landlord, any court or tribunal and without any right to notice of the decision terminating his lease. In other words, the Act provides for summary eviction.

In the parliamentary discussion, MP Penny Sharpe disagreed that this is the case, given that Housing NSW is obliged to find an evicted tenant alternate accommodation. However, as MLC Sylvia Hale pointed out, section 63F of the *Residential Tenancies Act 1987* (NSW) (now the *Residential Tenancies Act 2010* (NSW)) ('*Tenancies Act*') already allows Housing NSW to terminate a tenant's current lease provided alternate accommodation is made available. In rhetorically questioning why the Government did not make use of the existing law, Hale (2009) suggests 'the answer is that the existing legislation provides for the right of review of any decision, as well as for a minimum 30-day termination notice'. In addition to this privileging of immediate action over the rights of the tenant, the retroactive use of this power can also be said to undermine a 'person's right to order his or her affairs in accordance with the current law', a point made by the NSW Legislation Review Committee (2009:36–7).

In defence of the *2009 Act*, Sharpe (2009) claimed that the existing legislation was not able to resolve issues 'promptly enough' and emphasised 'that the powers in this amendment are supposed to be used only in an emergency situation'. However, where further cases are concerned, it is unclear what might constitute an 'emergency situation' and obvious that this is a cultural and political matter, rather than a strictly legal one. Extending the point concerning the explicit exclusion of the possibility of review of decisions made by the Director-General and the Commissioner of Police, the NSW Legislation Review Committee (2009:38) suggests that the situation under the *2009 Act* 'could make individual rights and liberties appear unduly dependent on non-reviewable decisions'. Where 'protected persons' can exercise 'protected functions', we should be wary of the potential for legislatively sanctioned subjects to act without recourse to judicial review. In his writing on states of exception, Agamben (1998, 2005) argues that modern constitutional democracies are ontologically grounded in the potential of sovereign power to suspend the constitution. Where this potential is actualised, decrees with 'force of law' function to maintain certain subjects in an inclusive-exclusionary relation with the state, subject to sovereign power but excluded from constitutional protections (Agamben 1998, 2005).

Ferguson's treatment under the *2009 Act* does not constitute an Agambenian state of exception. However, Agamben's work reminds us of the importance of the separation of powers and judicial review, as well as the danger to individual rights inherent in granting the power to terminate an exceptional individual's lease to the Director-General and the Commissioner, where ambiguous conditions of disrupting other tenants' right to quiet enjoyment of their homes (discussed below) are specified as justification.

Discussion

At the time of writing, the power provided by the *2009 Act* has only been utilised by the Director-General and the Commissioner on one occasion, in relation to Ferguson in 2009. On the one hand, we can read this positively, as evidence of restraint shown by those with the capacity to exercise this power. On the other hand, we can say that this single occasion justifies labelling the *2009 Act* 'a Dennis Ferguson Act', and question the appropriateness of legislation created to deal with a single individual, even if that individual is not explicitly specified (as was the case with Gregory Wayne Kable in the now repealed *Community Protection Act 1994* (NSW), see Edgely 2007:364–5). Further, we should be concerned that this power continues to exist, capable of being exercised the next time a past sex offender's presence, Ferguson or otherwise, is the cause of local community protests.⁶ This final section outlines the stakes involved in the debates that have led to the *2009 Act*, and argues that, in addition to the legal and procedural criticisms made above, the *2009 Act* discriminates according to economic status and is ineffective in terms of crime prevention.

In the debates that took place around the time of Ferguson's eviction, the lack of widespread criticism can be accounted for by the perceived harms involved. The potential harm inflicted upon Ferguson's right to choose where to live was positioned in competition with community safety, embodied by the figure of the innocent child. The response of government can be conceived as acting according to what McSherry (2010:2) has termed 'the precautionary principle': 'where the risk of harm is unpredictable and uncertain and where the damage wrought will be irreversible, any lack of scientific certainty in relation to the nature of the harm or its consequences should not prevent action being taken'. Where this principle from international environmental law manifests in relation to child protection, the sexually innocent, or 'pure', body of the child becomes the locus of community, which constitutes itself through the recognition of those 'strangers' who do not belong and might do harm to children (Ahmed 2000). The potential destruction of childhood innocence as it is broadly conceived and the risk to actual children's bodies represented by Ferguson are prioritised above a justice-based understanding of his punishment — one that recognises him to have 'done his time'. This occurs even where his removal can, at most, be a deferral or displacement of these threats: Ferguson will be housed in another community, and all communities contain children; his repeated eviction from communities increases the likelihood he will at some point escape the surveillance of NSW Police, increasing the risk he embodies; and, most significantly, while Ferguson's

⁶ It should be noted that one of the major reasons for the lack of such incidents, in addition to Ferguson's notoriety relative to other past sex offenders, is the provision of extended supervision and continuing detention orders under the CSSO Act. While these orders have also been used sparingly, relative to the total imprisoned sex offender population (see Doyle, Ogloff and Thomas 2011), the continued imprisonment of past offenders, or the accommodation of individuals serving extended supervision orders in Community Offender Support Program Centres (see Weelands 2009), run by the NSW Department of Corrective Services, has decreased the contact between local communities and well-known high-risk offenders.

removal provides the illusion of drastically reducing the likelihood of child sexual abuse in Ryde, supporters of this action generally sidestepped the issue of child sexual abuse committed by offenders known to victims.

Ferguson's right to his accommodation was also framed as in competition with other public housing tenants' right to quiet enjoyment of their homes (*Tenancies Act* s 22). Borger (2009) expressed concern for

[t]enants [who] obviously have the right to quiet enjoyment of their home and an expectation to live in a community where their individual safety is not threatened or compromised by vigilante-style reactions to the presence of registrable persons.

The frustration of public housing residents having to share accommodation with monitored sex offenders has been examined elsewhere (see Cowan, Pantazis and Gilroy 2001; Cross 2005) and public housing residents have often voiced the justified complaint to politicians that politicians themselves would not choose to house such individuals in their own neighbourhoods (Kitzinger 1999:215). In Ferguson's case, his removal was at the behest of the most vociferous members of the local community, despite evidence of more realistic acknowledgements by local residents both that he must live somewhere and that he would not be the only sex offender in the area (convicted or otherwise) (Penberthy 2009). In Borger's (2009) comments, Ferguson is conceived as the cause, and is made responsible for, community protests against him. The implicit comparison of rights — of Ferguson's right to housing and other public tenants' right to quiet enjoyment — recognises that all individuals have a right to accommodation, but limits this right for a past offender according to his or her potential to disturb his or her neighbours' quiet enjoyment. On consequentialist grounds, it is disappointing that the Government sought to and successfully moved Ferguson, and that it retains the power to repeat this action, given the available evidence for the significance of stable accommodation in reducing recidivism and supporting community reintegration (see Baldry et al 2003, 2006).

On this question of preventing child sexual abuse — the sincere and legitimate motive underpinning many residents' protests — it should be emphasised that the amendments to the *Housing Act* will be of very limited effectiveness. In addition to the obvious points that it can only be applied to those offenders registered under the *Child Protection (Offenders Registration) Act 2000* (NSW) and that a majority of child sexual abuse is committed by known offenders in domestic contexts (Richards 2011; Bravehearts 2009), the powers established by the *2009 Act* can only be applied to individuals with public housing leases. In other words, it has no power over registered offenders renting private or community housing, a point Borger (2009) acknowledged in his parliamentary speech. It appears discriminatory that this population alone, differentiated according to their inability to obtain housing without government support, should be subjected to an Act that allows for their removal in the name of social (and their own) protection. The situation as it stands is effectively one in which private accommodation precludes the general pursuit of the object of the *2009 Act*. Why this should be the case is unclear, when it is conceivable that a registrable person living in private accommodation may constitute a similar threat, or constitute the grounds for the establishment of an 'emergency situation'. Rather than suggesting the extension of the *Housing Act's* provisions to include those individuals, I submit that the amendments to the *Housing Act* are discriminatory (regarding economic status); subject to procedural and legal criticisms (regarding the swift passing of the *2009 Act* and its powers for summary eviction); misdirected (as a response to the issue of child sexual abuse); and unnecessary (given the provisions that exist in the *Tenancies Act*).

Conclusion

The *2009 Act* is less a statement about Ferguson's, and similar (child) sex offenders', right to stable public housing following the completion of a criminal sentence, than it is about the minimum conditions in which other citizens can expect to live. That said, it detrimentally limits a past offender's right to stable accommodation and, in doing so, is likely to have an overall negative impact on the goal of reducing child sexual abuse. There are a number of reasons for questioning the status of the *2009 Act* as just and responsible law: the manner in which the 2009 Bill was passed; the potential it establishes for summary eviction; the chance that such evictions could become a regular occurrence for notorious offenders; the lack of clarity about what justifies the use of the Director-General and the Commissioner's powers; and the discriminatory division the *2009 Act* establishes regarding economic status. This is especially the case where similar powers exist in the *Tenancies Act*, albeit tempered by recourse to appeal and a minimum notice of eviction period. While this power has only been used on one occasion thus far, and while it is likely that, in the future, offenders comparable to Ferguson will (for better or worse) be housed in the new Community Offender Support Program centres run by the NSW Department of Corrective Services (see Weelands 2009), it is imperative that the amendments to the *Housing Act* established by the *2009 Act* be repealed.

Liam Grealy

Teaching Fellow, Department of Gender and Cultural Studies,
Faculty of Arts and Social Sciences, University of Sydney

Legislation

Child Protection (Offenders Registration) Act 2000 (NSW)

Community Protection Act 1994 (NSW)

Crimes (Serious Sex Offenders) Act 2006 (NSW)

Dangerous Prisoners (Sex Offenders) Act 2003 (Qld)

Housing Act 2001 (NSW)

Housing Amendment (Registrable Persons) Act 2009 (NSW)

Housing Amendment (Registrable Persons) Bill 2009 (NSW)

Residential Tenancies Act 1987 (NSW)

Residential Tenancies Act 2010 (NSW)

References

- Agamben G (1998) *Homo Sacer: Sovereign power and bare life*, Stanford University Press, Stanford
- Agamben G (2005) *State of Exception*, The University of Chicago Press, Chicago
- Ahmed S (2000) *Strange Encounters: Embodied others in post-coloniality*, Routledge, London
- Australian Associated Press (AAP) (2009) 'Pedophile Dennis Ferguson must be forced out for childrens' sake, says Rees', *The Australian* (online), 23 September 2009 <<http://www.theaustralian.com.au/news/nation/pedophile-dennis-ferguson-must-be-forced-out-for-childrens-sake-says-rees/story-e6frg6nf-1225778446468>>
- Australian Broadcasting Corporation (ABC) (2009) 'Facing Dennis Ferguson', *Four Corners*, 2 November 2009 <<http://www.abc.net.au/4corners/content/2009/s2728975.htm>>
- Baldry E, McDonnell D, Maplestone P and Peeters M (2003) 'Australian Prisoners' Post release Housing', *Current Issues in Criminal Justice* 15(2), 155–69
- Baldry E, McDonnell D, Maplestone P and Peeters M (2006) 'Ex-prisoners, accommodation and the state: post-release in Australia', *Australian and New Zealand Journal of Criminology* 39(1), 20–33
- Besseling P (2009) New South Wales, *Parliamentary Debates*, Legislative Assembly, 23 September 2009, 18024 <<http://www.parliament.nsw.gov.au/prod/parlment/hansart.nsf/V3Key/LA20090923011?open&refNavID=undefined>>
- Borger D (2009) New South Wales, *Parliamentary Debates*, Legislative Assembly, 23 September 2009, 18012 <<http://www.parliament.nsw.gov.au/prod/parlment/hansart.nsf/V3Key/LA20090923009?open&refNavID=undefined>>
- Bravehearts (2009) *Facts and Stats* <http://www.bravehearts.org.au/docs/facts_and_stats.pdf>
- Clennell A (2009) 'Rees finds way to evict pedophile', *The Sydney Morning Herald*, 23 September 2009 <<http://www.smh.com.au/national/rees-finds-way-to-evict-pedophile-20090922-g0m7.html>>
- Commonwealth of Australia (2011) *Child Protection Services*, CRIMTRAC, <http://www.crimtrac.gov.au/our_services/ChildProtectionServices.html>
- Cowan D, Pantazis C and Gilroy R (2001) 'Social Housing as Crime Control: An examination of the role of housing management in policing sex offenders', *Social and Legal Studies* 10(4), 435–57
- Cross S (2005) 'Paedophiles in the Community: Inter-agency conflict, news leaks and the local press', *Crime Media Culture* 1(3), 284–300
- Doyle D, Ogloff J and Thomas S (2011) 'Designated as Dangerous: Characteristics of sex offenders subject to post-sentence orders in Australia', *Australian Psychologist* 46(1), 41–8
- Edgely M (2007) 'Preventing Crime or Punishing Propensities? A purposive examination of the preventive detention of sex offenders in Queensland and Western Australia', *University of Western Australia Law Review* 33, 351–86

Freckleton I and Keyzer P (2010) 'Indefinite Detention of Sex Offenders and Human Rights: The intervention of the human rights committee of the United Nations', *Psychology, Psychiatry and Law* 17(3), 345–54

Hale S (2009) New South Wales, *Parliamentary Debates*, Legislative Council, 23 September 2009, 17972 <<http://www.parliament.nsw.gov.au/prod/parlament/hansart.nsf/V3Key/LC20090923044?open&refNavID=undefined>>

Jerga J, Cranston B and Drummond A (2009) 'Paedophile Ferguson vows to stay put', *The Age* (online), 16 September 2009 <<http://news.theage.com.au/breaking-news-national/pedophile-ferguson-vows-to-stay-put-20090916-fq1o.html>>

Keyzer P (2009) 'The "Preventive Detention" of Serious Sex Offenders: Further consideration of the international human rights dimensions', *Psychiatry, Psychology and Law* 16(2), 262–70

Kitzinger J (1999) 'The Ultimate Neighbour from Hell? Stranger danger and the media framing of paedophiles' in Franklin B (ed) *Social Policy, the Media and Misrepresentation*, Routledge, London, 207–21

Legislation Review Committee, Parliament of NSW, Legislative Assembly (2009) *Legislation Review Digest*, No 13 of 2009, 19 October 2009

McSherry B (2010) 'Preventive Detention of Sex Offenders: Recent trends', *Professional Legal Education Seminar*, Victoria Legal Aid, 14 July 2010, Melbourne, Victoria

McSherry B and Keyzer P (2009) *Sex Offenders and Preventive Detention: Politics, policy and practice*, The Federation Press, Sydney

O'Leary J (2008) 'Understanding the Dennis Ferguson debate: Part 1', *The National Legal Eagle* 14(2), 9–11

Penberthy D (2009) 'Monsters and enraged mobs', *The Daily Telegraph*, 15 September 2009 <http://blogs.news.com.au/dailytelegraph/yoursay/index.php/dailytelegraph/comments/monsters_and_enraged_mobs/>

Richards K (2011) 'Misperceptions about Child Sex Offenders', *Trends and Issues in Crime and Criminal Justice* No 429, Australian Institute of Criminology, 1–8

Roberts A (2009) New South Wales, *Parliamentary Debates*, Legislative Assembly, 23 September 2009, 18024 <<http://www.parliament.nsw.gov.au/prod/parlament/hansart.nsf/V3Key/LA20090923011?open&refNavID=undefined>>

Sharpe P (2009) New South Wales, *Parliamentary Debates*, Legislative Council, 23 September 2009, 17972 <<http://www.parliament.nsw.gov.au/prod/parlament/hansart.nsf/V3Key/LC20090923044?open&refNavID=undefined>>

Smith A (2009) 'Pedophile ordered to move', *The Sydney Morning Herald* (online), 14 September 2009 <<http://www.smh.com.au/national/pedophileordered-to-move-20090914-fn43.html>>

Weelands D (2009) 'Residential Centre or Day Prison? The case of COSP', *Current Issues in Criminal Justice* 20(3), 485–9

Wright G (2009) 'Paedophiles and civil liberties', *Eureka Street* (online), 28 September 2009 <<http://www.eurekastreet.com.au/article.aspx?aeid=16688>>