



Speech by

Hon. TOM BARTON

MEMBER FOR WATERFORD

Hansard 26 May 1999

CONVICTED CHILD SEX OFFENDERS; NOTIFICATION ORDERS

Hon. T. A. BARTON (Waterford—ALP) (Minister for Police and Corrective Services) (5.53 p.m.): I rise to support the amendment moved by the Attorney-General and to oppose the motion moved by the member for Warwick. This amendment demonstrates very clearly that this Government does support the law—not just the specific ones that a few Opposition members like and want to interfere with, but every aspect of the criminal law of this State and every aspect of the criminal justice system of this State. It should not be up to the Attorney-General to be out there trying to tell his officers what to do on every occasion, any more than I should be directing specific police officers to book specific people for speeding. The officers of the department know what the law is, and it is up to those officers to make sure that they are applying the laws of this State. And they should be able to apply the laws of this State free from direct political interference from either the Attorney-General or, in my case, the Minister for Police.

The second paragraph of the Opposition's motion states that it wants the Attorney to interfere directly. Opposition members have forgotten all the lessons. We now have an Opposition Leader and a shadow Attorney-General who know as much about the separation of powers as Johannes Bjelke-Petersen knew when he was Premier and as Russell Cooper knew when he was Premier. They want to return to those days of direct political interference and ignore the separation of powers.

As has been pointed out by my colleague, the Crime Commission is due to bring down its report in July. It has been working for virtually 12 months under a standing reference—under legislation that was put through by the Opposition when in Government and supported by the then Opposition to some degree—on paedophilia, which partly came out of a private member's Bill introduced by Lorraine Bird.

We want to make sure that we do not shoot from the hip with this legislation. Not only do we need to enforce the current legislation—and that is what the Government's motion says—but we also need to make sure that we look very closely at the report from Tim Carmody and the Crime Commission which is due within two months. As the relevant Minister responsible for the Crime Commission, I do not want to start bringing forward proposed law changes any more than the Attorney does without having the benefit of what the Crime Commission has been doing in its standing reference on paedophilia.

I want to make it very clear for the Leader of the Opposition, who insists that I promoted Megan's law. It is clear that he cannot understand English, either. What was said on my behalf by my spokesman, in response to a query from the media, was that nothing was ruled in but nothing was ruled out. I am not saying what direction we should necessarily take, because we want to see that report from the Crime Commission about this very issue that members are debating tonight. The Opposition should be indicating that it is prepared to have a good look at precisely what is proposed, what are the weaknesses and what are the strengths.

I want to raise one other question for consideration by this Parliament. It is a very important question: should the power to give out this information be in the hands of a politician—whether it be the Attorney-General or the Minister for Police—or should it be a matter for someone like the Police Commissioner or, potentially, a court itself if we are dealing with such sensitive information? The Government is supportive of the existing laws—sections 19 and 20 of the Criminal Law Amendment Act and the Criminal Law (Rehabilitation of Offenders) Act.

I also want to stress what my colleague the Attorney-General pointed out. Another provision was introduced in 1990 by Terry Mackenroth when he was the Minister for Police—section 10(2) of the Police Service Administration Act—which does see the Police Commissioner and his delegates, the assistant commissioners, on a regular basis providing information that needs to be circulated. There was an instance earlier this year when they approached me, as their Minister, and I approached the Attorney, because the Criminal Law (Rehabilitation of Offenders) Act also applied. An organisation that did need to know that it had a convicted paedophile in its midst was provided with that information.

It is not a question of us ignoring our responsibilities. We are enforcing the existing laws. However, we also have open minds about what might need to be done to improve them. That is why we are very anxiously awaiting the Crime Commission report. That is also why I have not been out there specifically saying that we are going to do this or that.

Time expired.
