



Speech by

Hon. TOM BARTON

MEMBER FOR WATERFORD

Hansard 8 June 1999

MINISTERIAL STATEMENT

Criminal Law Amendment Act

Hon. T. A. BARTON (Waterford—ALP) (Minister for Police and Corrective Services) (9.54 a.m.), by leave: As my colleague the Minister for Justice and Attorney-General has previously informed Parliament, there have been only 13 people who have been the subject of court orders under section 19 of the Criminal Law Amendment Act 1945. The coalition has made great claims about the effectiveness of section 19 as some sort of de facto Megan's law which it enacted. What we have now discovered is how seriously flawed this legislation is and that there is a great divide between the coalition's claims and the effectiveness of their legislation.

Under section 19 of the Criminal Law Amendment Act, a person is required to report to police within 48 hours of release, providing their proposed address and any subsequent change of address. There is no requirement for Corrective Services or police to ensure that the offender obeys the court order. The onus is purely on the offender to report as required. Recently, the first person subject to an order under section 19 was released from prison after being required to serve his entire sentence without parole or remission, and he failed to report to police as required under the order.

Unfortunately, the total absence of procedures has meant that police were unaware of the requirement for this person to report to them. After this person was released in March of this year, he has been charged and convicted of simple offences dealt with summarily. If police had been aware of his obligation to report, they may have been able to proceed against him for failing to do so at an earlier stage.

As soon as police were aware of the offender's obligation under section 19 and his presence in the community, they alerted the Education Department. This person has now been located and proceedings are being brought against him for several offences, including the breach of his failure to report. This incident has exposed a major flaw in the implementation of this legislation. When it was passed in 1989, no administrative measures were put into place to ensure its effective operation. In 1997, when the member for Indooroopilly claimed to have "reinvented" this little used provision, effective procedures to activate it were again not introduced.

When I became aware of the absence of any procedures to enforce the section 19 reporting provisions, I immediately instructed the Department of Corrective Services to develop an effective system, which is now being put into place in cooperation with the Department of Justice and Attorney-General. The true value of any legislation lies in its ability to operate effectively and to fulfil the intention of Parliament. Section 19 has not passed its first test. The real challenge for this Government is to overcome the inherent flaws and to make the legislation work as it was intended to by providing the necessary administrative framework. This is being done.

It is obvious that more work has to be done in tracking these types of offenders in our community, and section 19 has comprehensively failed in this regard. That is why the Government is awaiting the report by the Queensland Crime Commission, which is due very shortly. Following the Queensland Crime Commission's recommendations, the Government will be putting further steps in place to make the community safer.