

JUSTICE GAIL ARCHER

536. Hon CHARLES SMITH to the Leader of the House representing the Attorney General:

I refer to today's media report on Judge Gail Archer rescinding an indefinite detention order and releasing a convicted child sex offender into the community, 400 metres from a primary school.

- (1) Can the Attorney General outline the skills and experience of Judge Archer?
- (2) Can the Attorney General advise how long he has known Judge Archer on a professional and a personal level?
- (3) Can the Attorney General advise what previous legal capacity and employment the judge had prior to being appointed to the bench?
- (4) Was the man who was released classified as a "dangerous sex offender" under current legislation?
- (5) Is the Attorney General going to stand down Judge Archer; and, if not, why not?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question.

- (1) Prior to her appointment, Justice Archer had nearly 30 years' legal experience in Western Australia. Justice Archer commenced at the Crown Solicitor's Office in 1989 where Her Honour gained experience in a range of criminal and civil matters. In 1993, Ms Archer joined the Office of the Director of Public Prosecutions where she was a prosecutor for almost 10 years. During that time, she conducted well over 150 jury trials. Between 2002 to 2004 she was principal counsel at Legal Aid WA. In 2004 Justice Archer joined Francis Burt Chambers and practised as a barrister in a wide criminal and civil practice. She was appointed Senior Counsel in 2007. Justice Archer sat as a commissioner in the District Court for periods in 2005 and 2006, and was appointed in 2007 to conduct a statutory review of the Corruption and Crime Commission Act. From April 2008 to February 2011 Justice Archer was an acting commissioner of the Corruption and Crime Commission. Justice Archer has taught forensic advocacy nationally and internationally, and is a coach in the Australian Bar Association advanced advocacy course.
- (2) The Attorney General knew Justice Archer professionally when she was a prosecutor with the DPP up to the time the Attorney General was elected to Parliament in 2001. The Attorney General does not have a personal relationship with Justice Archer.
- (3) See answer to (1).
- (4) The man the subject of the supervision order was a person to whom the Dangerous Sexual Offenders Act applied. That was not in dispute before Justice Archer. The only issue to be determined by Justice Archer was whether the person could be released into the community subject to a supervision order in accordance with the current test under the Dangerous Sexual Offenders Act.
- (5) The Attorney General is not going to stand down Justice Archer. There is no such thing in our constitutional system, which includes the separation of powers, of a power of a minister to stand down a member of the Supreme Court. Any attempt by a minister to do so would be unconstitutional. If it is considered that the judge made an error of law in applying the Dangerous Sexual Offenders Act, that may be corrected by the Court of Appeal on an appeal by the DPP.