

SEX OFFENDER REGISTER

788. Mr J.M. FRANCIS to the Attorney General:

I refer the Attorney General to the joint announcement he made on the weekend with the Minister for Police on the register for paedophiles. In particular I would like to ask the Attorney General to inform the house of the impact of the tier 3 register disclosures and what protections it will provide for the community.

Mr C.C. PORTER replied:

I thank the member for his question. It is a process that the Minister for Police and my office and I have now worked on for three years. It has been no easy task to try to strike the right balance between absolutely minimising risks and providing parents with appropriate levels of information so that they can engage in protective behaviours for their children. The Community Protection (Offender Reporting) Amendment Bill (No. 2) 2011 that has come before us today strikes a very good balance. Perhaps one of the most important parts of the legislation is tier 3, as the member described. Tier 3 allows a parent or guardian to determine whether a person who has direct access to their child is a reportable offender—that is, an offender who has committed a serious child sexual offence and is on the relevant register. Under tier 3 in the legislation introduced by the Minister for Police today, a parent or guardian can apply to the Commissioner of Police to be informed of whether a person who has contact with their child is a reportable offender.

The application is required to be made in a manner approved by the commissioner. It must be accompanied by information required by the commissioner to be satisfied that the person who is the subject of the application has regular unsupervised contact with the child of whom the applicant is a parent or guardian. “Regular unsupervised contact” is defined as any unsupervised contact with a child for at least three days whether consecutive or not in any period of 12 months. If the commissioner is satisfied that the person has regular unsupervised contact with a child, he may advise the applicant whether the person is a reportable offender.

The applicant, parent or guardian makes an application through the website, the commissioner maintains a discretion. But it is assumed that, if the person who is the subject of the application has regular contact and is a reportable offender, the parent knows. This is a system that we have borrowed extensively from the United Kingdom. For all members present, there is a very useful research report entitled “Child Sex Offender Review (CSOR) Public Disclosure Pilots: a process evaluation” commissioned by the Home Office in the United Kingdom as an independent review into the UK public register, which very much mirrors what we seek to do in tier 3 of the public register we announced recently. In the United Kingdom there was a process of evaluation after pilot programs had been undertaken of public disclosure in four policing areas. What occurred in those four areas was this: 585 inquiries were made and 315 of those inquiries proceeded to the point of a formal application. In 21 instances out of those 315—seven per cent of all the applications—there was a positive response. In 21 applications out of the 315, the answer to the parent who had a concern about the de facto partner, the new boyfriend or the piano teacher, the information that went back to that parent was, “Yes, your suspicions are well founded; this person appears on the sex offender register.” I would have thought that that was information that could be incredibly useful, if not invaluable, for any parent to have and that parents have a right to responsibly seek and use that information. It is even more interesting that 11 applications resulted in what they call non-pilot disclosure, so there was other information they could give to help the parent. Forty-three applications resulted in other child safeguarding actions, so, 43 other pieces of information went out beyond sex offenders in their registration designed to help the parent. In 21 instances, the parent found out that the person who had regular close contact with their child was in fact a sex offender. That is the legislation we have introduced.

I will make one other point about this: there will no doubt be robust debate and many things said on both sides of that debate. In a recent radio interview, the journalist, Mr Paul Murray, put the following question to the member for Girrawheen —

In terms of his vigilantism, the minister says in his press release yesterday that the trial in the UK, which lead to it being employed right over the UK, the trial in two police jurisdictions, found no examples of vigilante action and that is why it was expanded to cover all UK police districts.

The member for Girrawheen, straight out of the blocks, responded as follows —

Well, certainly there were examples in the UK. I think the minister’s wrong.

I think the member for Girrawheen is wrong.

Page 18 of that report on the very successful system that operates in the UK to protect children and to enhance the ability of parents to protect children reads —

It should be noted that no examples of vigilante action were reported to the research team during this evaluation.

The question for this house becomes—I invite any responses from members opposite—is it appropriate, proper and fair that parents in this state of Western Australia should, as do those 21 parents in the United Kingdom, have access to that information and be able to receive it for their responsible use and the protection of their children?

Mr E.S. Ripper: Perhaps you can clear up something that has been concerning me, and that is the advice from the police commissioner that we will not get information about interstate paedophiles for this regime, which would lead me to worry that there might be interstate paedophiles who will be less supervised under this regime when they come to Western Australia than they would under previous arrangements.

Mr C.C. PORTER: Leader of the Opposition, I can answer that question. We can share the information that we own; that is our information, which, in effect, is information about, if we like, our home-grown sex offenders here.

Mr E.S. Ripper: It is the information we get.

Mr C.C. PORTER: The concept that paedophiles will want to race into this jurisdiction because our reporting requirements are higher and because parents can access information here —

Mr E.S. Ripper: No; Attorney General, listen to the question.

Mr C.C. PORTER: I did listen to the question.

Mr E.S. Ripper: Is it the case that interstate police forces will not provide us the same information as we are getting now on interstate paedophiles moving to Western Australia?

Mr C.C. PORTER: Absolutely.

Mr E.S. Ripper: That is the advice the police commissioner has given the opposition.

Mr C.C. PORTER: No; it is not. I will tell the Leader of the Opposition what: just like the statement from the member for Girrawheen that there had been vigilante attacks based on the UK system, which is simply wrong, the other statement the member for Girrawheen made and which the Leader of the Opposition has now repeated is also incorrect.

Mr E.S. Ripper: I am asking you to clear it up. You have assurances from interstate police forces that all of that information will come over?

Mr C.C. PORTER: What the member for Girrawheen said —

Mr E.S. Ripper: Do you have that information or not?

Mr C.C. PORTER: I have answered the question. It is wrong, wrong, wrong.

Mr E.S. Ripper: No; it's just your assertion that it's wrong.

Mr C.C. PORTER: It is not an assertion that it is wrong; it is wrong. I will ask the Leader of the Opposition a question: do the counterparts in Western Australia of those 21 parents in the UK deserve to have this information?

Mr E.S. Ripper: You gave us —

Mr C.C. PORTER: Do they deserve to have the information?

Mr E.S. Ripper: Wait a minute; wait a minute.

Mr C.C. PORTER: I answered your question.

Mr E.S. Ripper: I will answer your question.

Mr P.C. Tinley interjected.

The SPEAKER: Members, I want to move question time along. I consider this question closed. You will sit down and seek another call.