

PUBLIC TRANSPORT — BAN ON PEOPLE WHO HAVE COMMITTED CRIMES

85. Mr P. PAPALIA to the Minister for Planning and Infrastructure:

Will the minister explain how the new banning orders on public transport will work and how they will give a very clear message to the community about law and order on our public transport system?

Ms A.J.G. MacTIERNAN replied:

I thank the member for the question. We find in the opposition a lack of ability and diligence, which the opposition seeks to then substitute with a lot of purple prose. Last week, after the Premier gave a very cogent reply to the member for Murray on this issue, the member and the opposition spoke absolute nonsense about it. Hon Simon O'Brien said that someone would have to be more recidivist than Jack the Ripper to be penalised under our legislation and, what is more, the offender would have to agree to it. He said that an offender would need to give permission to get this penalty! Clearly there has been a complete misunderstanding on the part of opposition members, so let us just take them through this. The first point to note is that this provision is not a substitute for the existing penalties. A person who behaves as a villain on our trains will be brought before a court and will be given a penalty, whether it is a fine, a work order or imprisonment. We have introduced an additional penalty so that if a person contravenes the law twice in a particular time and is found guilty of offences such as assault or causing criminal damage, the person will be liable to an additional penalty over and above the penalties that apply for each crime. An offender will not have to commit 12 murders like Jack the Ripper. The laws of natural justice, of course, require that at any time before a person is sentenced, he is given an opportunity to comment on the penalty that is being proposed and on or whether the offender should receive an additional penalty. We are doing precisely that so an offender will receive a notice saying it is our intention that he be banned. He has 14 days to respond. For instance, Mr Speaker, if you committed murder, you would go to court—not that you would ever do that, although you must often be tempted by those opposite to do just that. Mr Speaker, if you lost your head one day and knocked one of them off and was charged with murder, you would be given an opportunity to comment before you were sentenced. The principal rule of natural justice—the right to be heard—is being applied here. This ban is an additional penalty, one that the opposition never developed when it was in government. It sends a clear message to the villains on the trains that we will clean up the system and be in advance of the rest of Australia.