

PAROLED PRISONER, RELEASE INTO CUSTODY OF UNITING CHURCH MINISTER

336. Mr R.F. JOHNSON to the Attorney General:

I commend the Attorney General for his decision to deny parole to prisoner Robert Excell, as reported in today's *The West Australian*.

- (1) In the light of this decision, will the Attorney General explain why he released another Governor's pleasure prisoner, claiming that children would not be at risk because, as the Attorney General claimed in this House on 17 October 2001, the prisoner would be released into the custody of a Uniting Church minister, when the Attorney General is aware the man is not a Uniting Church minister?
- (2) Why did the Attorney General not alert the media, the Parliament or the community to the fact that this paroled prisoner was not in the custody of a minister, when that was the supposed reason he was released?
- (3) Will the Attorney General apologise to the House and the community for his misleading comments?

Mr J.A. McGINTY replied:

- (1)-(3) I must say first of all that one of the hardest decisions that any Attorney General ever has to make is whether people who have offended in quite serious ways against the people and the State should have their term in prison come to an end and be released into the community. That decision requires an Attorney General to make an assessment of all the matters that are placed before him by prison officers, psychologists and the Parole Board, but ultimately the buck stops with the person who has to make that decision, in this case the Attorney General. The decision in the case of Mr Excell was, in my view, not a hard one to make. He had been released on three occasions previously, and on each of those occasions, sometimes very quickly, he had gone out and raped young boys yet again. To my mind, that person had been given three chances, and that was arguably three chances too many and three chances more than he deserved. In that case, I wanted to have all the facts before me; I wanted to look at everything. I spent some considerable time weighing it up, and I came to the conclusion that, notwithstanding Mr Excell's ill health and age, he represented a threat to the children of this State, and not one that we were prepared to tolerate.

The other person - unfortunately I cannot mention his name, because he was a juvenile offender, but I think everyone in this House knows to whom we are referring - has not been released from prison. He is still a prisoner, and I will take a lot of convincing before I will approve his release. Even though he was a juvenile when he committed the offence, the offence that he committed was one that, frankly, turned my stomach. He raped and murdered a four-year-old girl. He then strung that young four-year-old girl up on a coathanger on the back of a door and murdered her. He then comforted the mother of that girl. I have no sympathy whatsoever for that person, and I assure the member that he has not been released. What was recommended to me in that case was that he be allowed to participate in a program that would allow him to leave prison for limited periods of time. In that case, he was placed into the supervision of two people who are very prominent in the Uniting Church. They are lay preachers, very senior figures -

Mr R.F. Johnson: You said it was a church minister. There is a difference.

Mr J.A. McGINTY: They are lay preachers. If the member wants to draw a great distinction from that, I apologise. They had the backing of the Uniting Church, which is a great organisation for taking up, when nobody else in the community wants to know, some of the worst and most pathetic criminals in this State. They are prepared, as true Christians, to lend a helping hand to those people and offer them the one glimmer of hope they have in life. Mr Larner and Mr Revell are fine Western Australian citizens. They are lay preachers in the Uniting Church and have over many years offered a helping hand to some of the worst criminals in the State when no-one else has wanted to know them. I was prepared, without prejudicing the issue, to say I was willing to let this offender go on home leave to these two Uniting Church lay preachers in order that he could be assessed properly. Then, when the time comes to make a decision as to whether he should be released, I will have all of the information before me and I can make that decision. I assure the House that he has not been released. He will, no doubt, later this year or early next year, come up for consideration for release. Certainly my current way of thinking is that, given the horrendous nature of his criminal behaviour, it is highly unlikely that I would consider him an appropriate person for release. This matter is not without its difficulties. I want all the information in front of me. I then want to be able to sit back and ask if he is someone whom we as a community can appropriately say has spent his time in prison and now deserves a chance to be more freely in the community. In my view, there are some offenders who, because of the extreme nature of the criminality involved, should never be released. The hard decision to make is whether this is one of those cases. If I can give

an answer as best I can, recommendations come to me from time to time. There are other people to whom I am currently giving consideration but think that the nature of their offending is such that the Western Australian community would not like these people to be released into the community; and that is a factor that we need to take into account.

Mr R.F. Johnson: How often is he allowed out of prison?

Mr J.A. McGINTY: I do not remember the details of every prerelease or other program of every prisoner in the State. I can get the specific answer this afternoon, but, generally speaking, home leave means one day a week or a fortnight, under the strict supervision of the people to whom they are released. A lot of attention is given to the nature of the person to whom the prisoner is to be released. Particularly when we dealing with the more serious criminals, I will take a more favourable view if the people to whom they are to be released are people like Mr Larner and Mr Revell, who are fine, upstanding, religious, moral citizens who have shown a long-term commitment to extending a Christian hand to these people, than I would to most other people in the community who might be there as a matter of convenience for home release. Home leave is for a very limited time. The prisoner is still in jail and spends the overwhelming bulk of his time in prison.