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The Committee Chair,
Senate Standing Committee on Legal and Constitutional Affairs,
Parliament House,
Canberra ACT.

30 May 2007

Dear Sir,

Estimates Committee 23 May 2007.

On 23 May 2007 Senator Heffernan made some comments about me to the Estimates Committee concerning submissions by me to the Local Court in the Power case. His comments included the following (Hansard 23 May 2007) –

Page 14: Ian Barker QC said in the court that the community owed this person a debt of gratitude - that is, the person who had all this stuff on his computer - and that in fact it was a victimless crime.

There has been no criticism of the remark by a senior QC that this is a victimless crime, for God's sake. Hands up all those in the room who think it is a victimless crime.

Page 15: But shouldn't it be challenged when a senior QC steps up to the plate and says that the most graphic of child pornography - including all sorts of torture et cetera, which is too graphic to describe here - is a victimless crime to finance the industry that makes that stuff? Shouldn't that be challenged in some place in Australia's legal system?

I will return later but I am absolutely disgusted.

The allegations that I referred to the offence of possessing child pornography as victimless were entirely false; indeed, I said quite the opposite.

Senator Heffernan told the Estimates Committee that he was reading from a Sunday Telegraph clipping of 6 May 2007. I can find no such report in the Sunday Telegraph of 6 May, nor in any other edition of the Telegraph. Senator Heffernan's comments about me were without foundation and should not have been made.

I respectfully request the committee to publish this letter, including publication on the committee's website.

Yours sincerely,

Ian Barker