

SENTENCING MATRIX BILL 1999

Third Reading

HON PETER FOSS (East Metropolitan - Attorney General) [4.44 pm]: I move -

That the Bill be now read a third time.

HON HELEN HODGSON (North Metropolitan) [4.45 pm]: I understand the purpose of the third reading, particularly when a Bill has been amended in committee, is that the House evaluate the committee's report and decide whether the report is acceptable. The Australian Democrats have opposed this Bill since it was introduced in this place and at all subsequent stages. We have read the reports from the Standing Committee on Legislation and from the Committee of the Whole last week. These reports have not changed our view about the fundamental flaws in this legislation. Although the most objectionable part of the legislation, the matrix itself, has been removed, we think that the remainder is unnecessary. There are other ways of dealing with this matter administratively, and we believe that the remaining division 2 of the matrix has serious flaws and will cause problems in the sentencing system. Although the Bill has been severely amended and improved by these amendments, the Australian Democrats still do not think the Bill in its current form is acceptable. We will vote against the Bill at the third reading.

HON N.D. GRIFFITHS (East Metropolitan) [4.46 pm]: The amendments made in committee have improved the Bill significantly. The principles of the Bill, as set out in the Attorney General's second reading speech, have always had the support of the Australian Labor Party. The Bill is almost suitable. Unfortunately, the committee did not agree to all the proposed amendments. The Bill as it currently stands, is unsatisfactory for the reasons set out in the report of the Standing Committee on Legislation and as summarised in the minority report.

HON GIZ WATSON (North Metropolitan) [4.47 pm]: I will oppose this Bill at the third reading. The Greens (WA) have consistently opposed it and, as is obvious from my comments in committee and in the minority report, we believe the Bill is fundamentally flawed. Therefore, even though amendments have been made in this Chamber, we will oppose the Bill.

HON B.K. DONALDSON (Agricultural) [4.48 pm]: I am very sorry about the way in which this Bill has been amended. However, it was better to pass two divisions of the legislation than lose it completely. I think it is quite an insult to the judiciary. I encourage members to speak to the Attorney General, and go to the courts to see a demonstration of the sentencing information system and the reporting requirements. It seems odd that New South Wales has been utilising for 10 years a system that the WA judiciary is not capable of using! Perhaps we should change members of the judiciary if they are not capable of understanding how to tick a box on a piece of paper as they go through the process in their minds.

I am very pleased that the Chief Judge is leading the way by showing his colleagues what can be done in Western Australian courts. It is absolutely outrageous that the member thinks our judiciary is not capable of getting this information together. The public are sick and tired of the present system. Most members have not seen the sentencing information system that has been developed. It is an excellent system quite capable of assisting the judges, and it does not remove any judicial discretion whatsoever. It appears that many members of this House are hung-up about this aspect because many of them do not understand what the Bill is about. I find that disappointing, and I am getting close to saying something that I should not say.

The PRESIDENT: Order! I am glad that Hon Bruce Donaldson realises that he is getting close to doing that. He cannot reflect on the vote of the House. That has occurred and members are entitled to speak on the Bill as it emerged from the Committee of the Whole.

Hon B.K. DONALDSON: No doubt the committee understood from the first day that the Bill would not be passed because of people's apprehension about the matrix. I regret that I did not bring in the sentencing grid I have from Tennessee. It would have shocked a few people. Compared to the Tennessee grid, the Attorney General's proposed matrix was as easy to understand as a kindergarten matrix would be. It is unfortunate that the committee and other members did not see the Tennessee model.

Hon Peter Foss: We may introduce it.

Hon B.K. DONALDSON: That would be a good idea. It could greatly assist with sentencing decisions in Western Australia. After being on the Standing Committee on Legislation and examining the whole issue, I could not see that the matrix would remove judicial discretion, as members opposite have repeatedly argued it would. In supporting the Bill, I am disappointed that only part of it will be passed. I am disappointed that the Labor Party has taken this approach despite its saying that it would support all the Government's law and order

Hon Peter Foss; Hon Helen Hodgson; Hon Nick Griffiths; Hon Giz Watson; Hon Bruce Donaldson; Hon Mark Nevill

initiatives of which the matrix is a very important part. However, at the end of the day, at least part of the Bill will be retrieved from the debate on this issue.

HON MARK NEVILL (Mining and Pastoral) [4.52 pm]: I support the Bill as it has emerged from the Committee of the Whole. One of the problems with this Parliament is that opposition members look only for the negative aspect of issues. During debate on this Bill, members were so focused on the matrix that they did not see its merits.

I do not support the adoption of a matrix. However, the Opposition has thrown out the baby with the bath water. Members must look perhaps not so much for what is bad in Bills but for what is good in them. This Bill would have contributed to developing a better justice system. The reporting provisions in the Bill have been retained, but we should be able to gather statistics more effectively for that reporting process.

On this issue, the follow-the-leader brigade has been active. One party refused to support the Bill; therefore, other parties said that they would not support it at the third reading. I compliment the Greens (WA) because they have shown that they are progressive on law and order issues. However, I am disappointed that Hon Giz Watson has not differentiated the Greens from the Australian Democrats and the Labor Party on this issue and at least seen some merit in the reporting provisions. People on this side of the House seem to want to gather in a huddle rather than differentiate themselves.

I am critical of the bleating hypocrisy of the Democrats. They have mouthed on about mandatory sentencing and Aboriginal disadvantage; yet they supported the building of a prison to add 25 per cent to the prison capacity in Western Australia, which will incarcerate Aboriginal people. They should not preach again in this House about Aboriginal people. They are bleating hypocrites.

The PRESIDENT: Order! If Hon Mark Nevill were to address his comments to me, I would not have a problem.

Question put and a division taken with the following result -

Ayes (16)

Hon M.J. Criddle	Hon Peter Foss	Hon N.F. Moore	Hon B.M. Scott
Hon Dexter Davies	Hon Ray Halligan	Hon Mark Nevill	Hon Greg Smith
Hon B.K. Donaldson	Hon Barry House	Hon M.D. Nixon	Hon W.N. Stretch
Hon Max Evans	Hon Murray Montgomery	Hon Simon O'Brien	Hon Muriel Patterson (<i>Teller</i>)

Noes (15)

Hon Kim Chance	Hon G.T. Giffard	Hon Norm Kelly	Hon Ken Travers
Hon J.A. Cowdell	Hon N.D. Griffiths	Hon Ljiljanna Ravlich	Hon Giz Watson
Hon Cheryl Davenport	Hon Tom Helm	Hon Christine Sharp	Hon Bob Thomas (<i>Teller</i>)
Hon E.R.J. Dermer	Hon Helen Hodgson	Hon Tom Stephens	

Pair

Hon Derrick Tomlinson

Hon J.A. Scott

Question thus passed.

Bill read a third time and transmitted to the Assembly.