

**COMMUNITY SAFETY, GOVERNMENT ELECTION PROMISE**

*Motion*

**MR MARSHALL** (Dawesville) [5.44 pm]: I move -

That this House expresses its serious concern over the Gallop Labor Government's failure to fulfil its election promise to make Western Australians safe and secure in their homes and in their community.

I am not the lead speaker on this motion, but I have an important appointment at the Western Australian Institute of Sport tonight for an awards dinner and must leave in a few minutes. The motion refers to "Western Australians", but I would like to talk about the elderly. Talking about the safety of the elderly is a passionate part of my life. When I go doorknocking - which all members did last March - it still surprises me that I almost know that an elderly person is inside when that person asks who is knocking. I tell them that I am the local member and he or she immediately says, "Please come in Mr Marshall." The door is not latched. It is the age of trust. Most members are too young to know about the age of trust or about the handgrip bond, which means that a deal is a deal when two people have shaken hands. The values of life have changed. I do not believe that is a good thing, but it is something we cannot beat. Unfortunately, those changing values are evident in many of the youth of today.

I remember that Labor Party members made graphic speeches about people who had been bashed and who were shown on television with blackened eyes. Labor members were compassionate and said what they would do about that problem. However, the Labor Party has been in government for six months and has not moved an eyelid. I do not believe that is good for our community. The two things the average Australian works hard to own are a car and a house. The coalition Government did something about cars. Cars were being stolen. It was easy to do. The coalition Government helped members of the public buy immobilisers for their cars. I thought it was fantastic when the Labor Party promised to make our homes safer. It certainly won me.

Several members interjected.

**Mr MARSHALL:** I trusted the Labor Party, which is one reason it and not the Liberal Party is sitting over there. The Labor Party bluffed the community into trusting it. I now feel uncertain about this motion knowing that the public and I were conned. As a person who is a bit older than some members and who has morals, I say that the Government should admit that it made an error and should now jump and solve this important problem. The Labor Party promised to make homes safer. I said that everyone loves to own a home and a car. The previous Government fixed the problem of car theft by helping people install immobilisers. I am waiting for this Government to fix the safety of homes.

It is important that the Government do that because elderly people cannot recover from a burglary. A burglary costs more than the monetary value taken. An elderly person's heirlooms or a 50-year-old wedding ring could be stolen in a burglary. Young people of today do not want to wear wedding rings. They do not want to be committed to anybody. Members may notice that I am not wearing my wedding ring, but that is only because of the arthritis that has developed as I have got a bit older. I have known people whose wedding rings have been stolen and it has destroyed them. They need to seek help about losing a wedding ring. Heirlooms, wedding rings and scrapbooks filled with family photos are irreplaceable. The loss of these items disturbs people emotionally. Other items that could be stolen and which have monetary value are lawnmowers or whipper snippers. The average person cannot afford the high things of life. They are shattered when they lose those items. They know that their limited wages or pension will not cover what has been stolen. They might not have insurance. This is a problem. In the five or six minutes in which I will speak tonight I hope to challenge the resources, consciences and initiative of Labor Party members, so that they will start to do something about the important promise they made. The Government has broken many promises, but this issue is important.

I will give members an idea how well a scheme is working. I belong to a group called the Waterside Residents Group. Four years ago burglary in my area was rife with up to three burglaries a week. However, the residents paid collectively for a security group to patrol, I think, twice a night. Unfortunately, of the 150 residents, only 70 pay for it. Eighty people are coming "off the cash" for the people who are keen to support their area. However, because of those 70 people, burglaries rarely occur in the area now. One morning a couple of weeks ago, I found a note on my car from one of the security patrols asking whether I knew that the garage door had been left open. The guards had found the light switch, closed the door and gone on their way. I wrote a very special letter of appreciation to the security company. Our garage houses two cars and various tools.

**Mr Logan:** Any trophies?

**Mr MARSHALL:** No, I do not keep my trophies there. I used to sell the trophies. The member opposite was an amateur; we were professionals.

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Mrs Roberts: I was proud to win two trophies from the Arthur Marshall sports camp - one for fencing and one for table tennis.

Mr MARSHALL: I remember the minister when she was much younger receiving her trophies. She was very proud when she was awarded her first trophy. I thought to myself, "Here is a person destined to go places." She looked so coy and well mannered that I thought she was a Liberal! Once again she fooled us all.

Security is very important. I am concerned because a recent report from the director of community services in Mandurah states -

There is a clear perception that crime and anti-social behaviour in Mandurah are on the increase, and some consider it to be reaching alarming proportions. Attitudes range from mild concern to polemic. Break-ins, drugs, alcohol, vandalism, graffiti and shoplifting are among the major areas of concern. Direct costs to the City of vandalism and graffiti are in the order of \$200 000 in 2000/2001.

That sums up the reason for people's concern. All those matters blend to reflect the plight of offenders, whether they be young or not so young. Generally, they are seen as youths. During school holidays when the number of break-ins and burglaries increase and the incidence of graffiti increases, there is a sense that the offenders are young.

In our young days we stood up for elderly people on the bus. That does not happen today. We respected elders for their wisdom. Respect is not shown today. We have a problem on our hands. If we do not look after people and make them safe in the houses that they work all their lives to own, we are not a Government of any mettle.

In his report, the director of community services refers to the pre-election publication "Working for Peel" in which the State Government committed to undertake certain initiatives. There are a number of dot points. I will not embarrass the Government by reading them all out, but two points indicated that a police presence would be provided at Falcon. Falcon is full of holiday homes that are continually being broken into. That suburb is seeking a police station. In 10 months we have not heard a whisper, a murmur or a wrinkle in the waterways about it.

Another dot point refers to providing funding for youth diversion programs. The youths members opposite were talking about from single-parent families and who lacked family support were going their own way without anyone to guide them -

Ms Sue Walker: The Government built a new police station at Albany.

Mr MARSHALL: I would be happy about that.

Ms Sue Walker: It is a Labor seat.

Mr MARSHALL: That does not matter if it helps the community. I want a police station to be built at Falcon. In addition, our community needs funding for youth diversion programs. We are chasing the minister for funding for a skating rink at Falcon. The minister said that money was short but she would try to find a bit of money for it.

Mrs Roberts: I think you are making this up.

Mr MARSHALL: If it happens, I will be incredibly proud of the minister for trying to help meet that commitment.

I remind members that this motion is about a broken promise by the Gallop Labor Government and its failure to fulfil its election promise to make Western Australians feel safe and secure in their homes. I sleep with a 4-wood golf stick next to my pillow and I have a 5-wood in the changing rooms in case I miss when I am chasing an offender. I wish I did not have to keep those woods there. I prefer to use them on the golf course. I know people who sleep with cricket bats and baseball bats alongside them.

Several members interjected.

Mr MARSHALL: Members opposite are shouting. Their consciences are pricking them. They are roaring because they are ashamed. I want Hansard to note that they are going berserk because they are ashamed of another broken promise and that the elderly people in this State do not feel secure in their homes as the Government promised they would. I want the Government to act sooner rather than later.

Mrs Roberts: We have increased funding for that.

**MRS EDWARDES** (Kingsley) [5.56 pm]: I do not think the minister should raise that issue; we have been through that debate in this Parliament. I support the motion. A headline in *The West Australian* of Monday, 5 November said "Crime fight goes backwards". It heads an article analysing a great many statistics on crime in

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Western Australia and, of course, the clearance rates and the like. That information is in the Police Services annual report for the year 2000-01. Some of those statistics and actions occurred when the coalition Government was in office.

Mrs Roberts: Like most of it.

Mrs EDWARDES: There are seven months out of 12. The Government has been in power for eight months. Somewhere along the line it must accept that the issue of crime is the responsibility of the Government of the day.

Mrs Roberts: It is not responsible for your failure?

Mrs EDWARDES: The minister must tell this Parliament what strategies are in place to deal with these issues. The bottom line is that at the end of the day they are the Government of the day's responsibility. It has been in government for eight months and was in government on 30 June.

Mrs Roberts: Where was the miracle?

Mrs EDWARDES: The minister cannot continue to blame Noah and the ark; it will eventually pass too far into history. At some point the Government must accept responsibility. The Opposition is giving the Government an opportunity tonight to tell the Parliament what strategies it will implement to ensure that the "backwards" trend is reversed.

Mrs Roberts: We will fix up the State.

Mrs EDWARDES: I thought the minister might have read a ministerial statement on the statistics. However, as she did not do that, we have moved this motion so that the statistics can be read out to the Parliament.

The total number of offences in Western Australia was 276 746. It was the highest number for the past five years - an increase of 20 710 offences, which is a rate of 8.1 per cent. That translates to approximately 400 extra crimes every week. The figures for the total number of offences were fairly static over the previous four years: 242 000, 254 000, 256 000 and 256 000. There was a big jump in the year 2000-01 to 276 000 offences. The minister would no doubt like to comment on the types of offences involved. A disturbing statistic for women is the 10.8 per cent drop in the clearance rate for sexual assaults. The sexual assault unit of the Police Service was disbanded two years ago during the time of the previous Government. I am not dealing with this issue in a partisan way. The minister can deal with it in that way if she wants to. It is now November 2001; let us move on. We have some fairly disturbing figures. We want to know what the Government will do to move forward, instead of going backwards.

Mrs Roberts: I was contemplating having a few dorothy dixers about that.

Mrs EDWARDES: The minister might do so after the federal election, given that has been the main issue this week. The sexual assault unit was closed two years ago. Is the low clearance rate for such crimes a consequence of that? There may be other reasons for the low clearance rate. The minister has the ability to research those issues. During 1999-2000, the clearance rate was 99.7 per cent. There is always a time lag between an offence being committed and when the offender is caught and the matter is cleared. There is either a satisfactory result through the court process, the offender dies or the matter is dropped because the offender is in prison as a result of a more serious offence. I do not know whether those circumstances apply in this instance; most people regard sexual assault as quite serious and cases would have proceeded in any event. It is the second worst result in five years. Why is that? Is it purely the result of no longer having the sexual assault unit or are other factors responsible?

The statistics for deterring motor vehicle theft due to the previous Government's car immobiliser scheme are phenomenal. Western Australia has the best figures in Australia.

Mrs Roberts: The figures are not the best.

Mrs EDWARDES: The results are still pretty good.

Mrs Roberts: It is a good trend and it is heading in the right direction.

Mrs EDWARDES: The clearance rate was up 1.7 per cent on last year to 21.4 per cent, which represents 2 644 vehicles. It is a pretty impressive result in respect of motor vehicle theft. The immobiliser scheme was initiated to deter thieves; it is a specific program for a specific offence. That is what I was talking about with regard to sexual assault. If the figures start to increase as a result of this Government's decision not to continue subsidising the installation of immobilisers, the Government may have to reflect on that. I do not know how many vehicles are still without an immobiliser and whether any statistics were compiled prior to the cessation of the scheme.

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Mrs Roberts: The Government has retained the compulsory element of fitting immobilisers. There is no reduction in the number of immobilisers being fitted. Only the subsidy has been removed.

Mrs EDWARDES: Even though the subsidy may be small to the minister and me, it is considerable to young people who may have hotted-up motor vehicles. It is a very important scheme. I am raising the link between specific schemes and specific effects on offences. If schemes are removed and the number of offences increases or the clearance rate decreases, what is the reason for that? The clearance rate for crimes against people including murder, sexual assault and robbery dropped 2.1 per cent to 82.7 per cent during that period. It is the worst result for five years. The clearance rate for crimes against property including arson, burglary, stealing, damage and graffiti was not even 20 per cent. It was a drop of 1.7 per cent on the previous year. Of 61 950 burglary offences, little more than 8 000 or 13.1 per cent were cleared. By comparison with 1998-99, the burglary clearance rate peaked at 16.2 per cent. The offences and clearance rates obviously show that there is an increase in the number of offences and a lowering of the clearance rates. That leads to concern.

The clearance rate for the third major category of offences, including stalking, breaches of restraining orders and drugs, fell by 1.5 per cent to 30.7 per cent. The issue of all the concerns raised by those disturbing figures is, what do we do about them? Is there a need for legislation? Two pieces of legislation were introduced yesterday to deal specifically with bikie gangs. In terms of clearance rates, does more legislation catch more people?

DNA legislation will be introduced in the Parliament tomorrow. I remember when the Labor Party was previously in government. During that time, everything we got from that Government on law and order was gimmicky and based on cheap media attention. A Government has to earn media attention by producing results. It cannot just put up a sign like the one we had for so many years showing where the Joondalup Police Station was to be constructed. It was in place for so long that the sign faded. There have been lots of those stunts and gimmicks. The Premier second read the two pieces of legislation introduced yesterday. He may have done so because they cut across two portfolios: those of the Attorney General and the Minister for Police. However one reads it, an announcement was made before the legislation came into the Parliament that the Premier would introduce the Bills. He told the media that he would second read the Bills before Parliament had the opportunity to consider their introduction. I hope it is not a sign that the Labor Government will return to what it used to do in the 1980s and early 1990s, by dealing with law and order issues through stunts, gimmicks and cheap media events.

The statistics were obviously of concern to the minister as far back as May, because she made a ministerial statement on 30 May. She said, in part -

Unfortunately, the victimisation rate for armed robbery has increased, and Western Australia continues to have the unenviable status of burglary capital of Australia, . . .

She went on to say that the rates for armed robbery and burglary remained high. The figures started to show a trend and were of concern to the minister. She continued -

The burglary and armed robbery figures are particularly alarming, and I will be taking up these issues with the Commissioner of Police so that we can develop strategies to combat these crimes.

That was in May. I do not know when the next quarterly Australian Bureau of Statistics figures will be released. They must be due fairly soon.

Mrs Roberts: I do not think the Australian Bureau of Statistics provides quarterly figures. The Police Service provides quarterly figures, which I anticipate tabling in the next few weeks.

Mrs EDWARDES: It might be the police figures I am talking about. That will then give an indication of the trend. The figures I am referring to are to 30 June this year, and I want to see whether there is a trend up or down in clearance rates. The issue will then be: what strategies has the Government put in place. We are raising this issue because of the concerns in the community. The Government obviously picked up this issue leading into the election. The policy commitment of the Gallop Labor Government clearly stated that making Western Australians safe and secure in their homes and in the community was a key priority. The Government went to great lengths and spoke about the record of the Court Government on crime and said that Western Australia continued to be the crime capital of Australia. If strategies are not put in place, that statistic will remain a matter of concern.

I will now speak briefly about the legislation. There were some delays with the legislation, and yesterday we spoke briefly about DNA, and the Minister for Police responded, "Well, hang on, we got it only in the last two weeks of the Parliament." I do not think it was the last two weeks; I think it was a few weeks earlier than that, because I know that some of the debate occurred in November of last year. I am happy to say that it was in the last weeks of the Parliament of last year, and this Parliament can move legislation through both Houses of

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Parliament very quickly when it is needed. In the beginning of this year when HIH Insurance fell over and a levy was needed urgently by 1 July, the Labor Government moved that legislation through both Houses of Parliament in a matter of weeks. Therefore, if the Labor Party had a strong commitment to DNA legislation we could have implemented that legislation very quickly. It will be interesting to see what the changes are when the legislation is introduced.

I was watching a program on television the other night on how DNA legislation operates in Queensland. It indicated that the legislation was a significant scientific advance to help resolve some crimes, particularly some of the old crimes. If a family member had lost someone it would be nice to have the offender brought to trial.

I know the bikie gang issue is of concern to the Government. I am raising this issue tonight because it is affecting the community. Once upon a time bikies rode their bikes down the freeway and from time to time we saw them at pubs and passing in and out of country regions. We are now seeing bombing of houses in Duncraig, bombing of businesses in Northbridge, and the blowing up of a man's face at eight o'clock on a Saturday night in Woodvale in my electorate, just around the corner from where I live, merely because he apparently owed money to the bikies. The bikies are thumbing their noses at the law. They do not believe they will get caught; they believe themselves to be totally immune from being brought to account. This is a major issue for the people in the community, because they are not used to houses in their streets being blown up, or being shot at close range in the driveway of their garages, particularly in front of their grandchildren.

I do not know whether the legislation introduced this week will have an impact on those bikie gangs. It appears to the people in the street that the bikie gangs are not concerned about being in court. I do not know whether the legislation seeks to break the code of silence. We also had the tragic circumstance of Hancock and Lewis, which was probably the reason for the legislation's introduction this week. The legislation was announced on 24 September. The shooting of the man in Woodvale occurred in the beginning of October. It appears that what was being planned by this Government did not concern the bikies; they were going to continue on their merry way, dealing with people as they saw fit.

This Government has a strong policy commitment to ensure that Western Australians are safe and secure in their homes. The figures are trending in the wrong direction. It is the responsibility of the Government of the day to come up with a strategy to ensure that Western Australians can feel safe and secure in their homes and that they know that strategies are being put in place to ensure that the trend, which is definitely going the wrong way, is being reversed.

**MR MASTERS** (Vasse) [6.16 pm]: I rise with some reluctance to support this motion. I had hoped that nine months after the election this Government would have kept its promises. I can certainly vouch that in my electorate promises were made by the Australian Labor Party candidate to, in effect, provide safety and security for Western Australians in their homes and communities. That has not happened in my electorate. My comments will be reasonably brief and pertain particularly to Vasse. I will leave it to other members to paint a broad picture.

We have been fortunate in Vasse to get a new police station. It was opened in April this year and replaced a very old, dilapidated, poorly designed building that dated from the 1970s. The new police station is a wonderful building and it has enormous room for expansion. As Busselton grows and more police are appointed in line with population increases, the police station will be able to cope for, presumably, 20 or 30 or maybe even 50 years. No additional police have been allocated to the Busselton Police Station as a result of the new complex. I do not have a problem with that, except in one respect that I will mention shortly. A review is under way throughout rural Western Australia, specifically in the south west, that is looking at the policing needs of all local communities, including Busselton. I have no doubt that when that report is complete, assuming of course that sufficient funding is provided in the last budget and in future budgets to allow the Police Service to fulfil its proper role, recommendations will be made that will make sense from the point of view of the Busselton community. I am also not overly concerned, except with one exception that I will talk about in a moment, that no new police will be allocated to Busselton, because I am aware that whenever there is a problem in Busselton, be it a spate of burglaries, which happened last year, or schoolies week, which happens every year and which is only about two or three weeks away from being forced on us again, the south west superintendent, John Watson, arranges for a team of police and/or detectives to be moved from his direct control in Bunbury to wherever the hot spot happens to be. Whenever there is a problem a team is sent down to overcome it. To date that system has worked very effectively.

Last year, when there was a spate of burglaries, certain people got very hot under the collar about the lack of police presence in the Busselton area, and the perceived lack of police activities in catching the burglars. A team of police had been moved down from Bunbury, but that had not been announced to the local community. If an announcement had been made to the community that a team of police was in the area, it would have alerted the

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burglars and the other people who might be the focus of attention of the police team. This team came down last year and caught the offenders, and Busselton went back to its relatively low level of criminal activity. That system works pretty well and I am happy to commend both the Busselton police and Superintendent John Watson for the system that works pretty well.

I have one concern, and that relates to the decision - I am not sure whether it was made by someone in the Bunbury Police Station or someone in the Busselton Police Station - to withdraw the community policing officer from Busselton at the beginning of the year. It is important to point out that the problem occurred - if my memory serves me correctly - in the final days of the previous Government. I am not trying to raise this as a political issue, otherwise some of the mud will be thrown in my direction and, quite understandably, will stick. During the election campaign the Australian Labor Party candidate in the Vasse electorate promised that the ALP would provide full and proper policing services in Busselton. The reality is that nine months after the election -

Mr Watson interjected.

Mr MASTERS: The Labor Party won the election, and its ministers have stood in this place and said that it does not matter whether the ALP candidate won the seat, because the promise was made on behalf of the new Government. A promise was made in good faith and in all sincerity, and it has not been met. The result is that Busselton does not have a community policing officer. The decision, firstly, to withdraw the community policing officer from Busselton; and, secondly, after strong representation, to not send a officer back into the community, has devastated the Safer WA Busselton committee. In particular it has done significant damage to the confidence of two people, Paul and Julie Rawlings, who were the president and secretary respectively of the Safer WA Busselton committee. I take my hat off to those two people. They got involved in community policing activities two or three years ago. There were good reasons in their backgrounds for their concern and preparedness to be involved. It was not a political reason, but they had good justification to provide benefit to the local community. Those two people put their hearts and souls into the Safer WA Busselton committee and were genuinely devastated. I offer my regret at their disappointment at what has happened since. They started a number of very good initiatives. Virtually all of them have now stopped or slowed down to the point at which their effectiveness is very much reduced. In particular, they started what is called the seniors register.

I am pleased to say that of all the projects they started, this is one that probably is still going at a reasonable rate, although it is not operating at the full rate that they and the Safer WA Busselton committee originally hoped. It is an excellent concept. The idea was to get senior citizens to put their names on a register. They would fill out certain forms indicating where they lived, their next of kin, their concerns, and whether they wanted a visit from a community policing officer or a serving policeman wearing another hat to provide advice on security or any other policing-related issue. As things happened, because they were on a database, information that could be useful to them would be sent out. Today the register comprises between 300 and 400 seniors. Last year the Safer WA Busselton committee did a deal with the supplier of a small alarm that is about shoe size and that people can wedge under the door. If someone tries to force that door open, it pushes a lever down and contained within the small object is a very loud piercing alarm. Because a large number of these burglar intruder devices were purchased by the Safer WA Busselton committee, the final cost to seniors was much lower than the commercial price. There was even a small profit margin in the \$20 a unit price, which obviously went to Safer WA to cover the cost of running and operating the seniors register. It has been a really good project.

The community policing officer, who was virtually full time last year and the year before, was First Class Constable Phil Gould. He has done an enormous amount of work to get the register and various other projects associated with the Safer WA Busselton committee up and running. This project in particular is working well. Today, because of the failure of the Government to honour its promise to meet the regional policing needs of people in the Busselton community, our community policing officer is at best part time. It is my understanding that Constable Phil Gould is not doing anywhere near as much community policing work as before, and he is part time at best. Not only the seniors register, but also the whole of the Safer WA Busselton committee's safety activities are not operating as well as they have in the past.

It is nine months since the election and seven months since the new police station was opened, and we still do not have a dedicated community policing officer in Busselton. All that is required to allow a community policing officer to be allocated to the Busselton community is one extra police officer to be provided to the Busselton Police Station. It is my understanding that the sergeant in charge has said that he will then reconsider whatever decisions into which he has input relating to the allocation of a community policing officer.

It is disappointing that I have to support this motion. As I said at the beginning, I would be far happier if the promises that were made by the Labor candidate in Vasse had been met. I would be far happier if the promises that were made by the ALP during the election campaign, which undoubtedly in my mind convinced people

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there was a need to vote for the ALP rather than the Liberal and National Parties at the last election, had been put into effect. Had that been the case, I would not be in a position today to stand and criticise the way in which the Government has failed to honour its promises. I am pleased to support this motion.

**MS QUIRK** (Girrawheen) [6.28 pm]: I will speak briefly on this motion. I disagree strongly with it. In the months since the Gallop Labor Government was elected it has achieved a lot in the area of law enforcement. I strongly disagree with the member for Kingsley, although I am the first to say that she is a diligent, hardworking and sensible local member. We share a police station, and we both agree that it is under-resourced and needs some facilities in the cell area to comply with the recommendations of the Royal Commission into Aboriginal Deaths in Custody, even at this late time. I strenuously disagree with her contention that the Gallop Labor Government has been dilatory in relation to legislation that addresses serious issues of crime. It is a situation of do as we say and not do as we do. I give as an example, the Surveillance Devices Act, which is an incredibly useful tool for law enforcement in this State.

In 1994, the then Listening Devices Act, which was the relevant legislation, was held by the High Court of Australia to be invalid. It took the previous Government over five years to bring in substitute legislation, despite the fact that the law enforcement authorities said that they needed the powers conferred under that Act to be able to continue to use this very necessary tool in law enforcement. Therefore, although I agree with much of what the member for Kingsley says on a number of occasions, I cannot agree with her in this instance. It is clear that the previous Government was dilatory in many areas, and this Government is cleaning up the previous Government's mess.

The DNA legislation that was introduced over a year ago was spurned by the member for Kingsley's federal colleagues as unsatisfactory and unacceptable to the federal Government. This Government has had to modify that legislation to get it into an acceptable state.

I am also pleased that the new legislation dealing with organised crime, which will shortly be debated in this place, is targeted, and will make a real difference in the area in which it needs to make an impact, without necessarily impinging on the civil liberties of innocent individuals. I note too that the National Crime Authority (State Provisions) Act was amended. Those amendments resulted from the findings in the High Court in Wakim and Hughes. That legislation took some 18 months to go through. For the past 18 months, the National Crime Authority has been in some jurisdictional difficulty because the previous Government failed to do anything about the legislation, despite being asked to do so on numerous occasions. Labor has also met its commitment regarding the Criminal Code. The amendments relating to crimes against seniors were introduced very promptly by the Attorney General earlier this year. In my respectful view, this Government has done more in the past six months, certainly with legislation and infrastructure, than has been done in the past five years.

Part of the issue about security is knowing that the Government will do something. Under the previous regime, one could not have had any confidence that the Government would respond promptly to any of the law enforcement concerns.

Mr Day: I thought you of all people would be aware of the legislation that was passed in the past five years.

Ms QUIRK: The confiscation of criminal assets legislation was passed at the eleventh hour, with an election looming and with perhaps an eye to the fact that the electorate needed to be convinced that the previous Government had done something. However, no infrastructure was in place. It took five years to get surveillance devices legislation. For five years, police in this State could not legally use a listening device.

Mr Day: Yes, and that was not helped by the then Opposition.

Ms QUIRK: It is nice that the then Government was more concerned about what private security agents thought than what the police thought. That says a lot about who is the constituency of those opposite.

Mr Day: The surveillance devices are used by police, NCA officers and others.

Ms QUIRK: They are now, but for five years, since the case of *Coco v R* in the High Court, there was no power for police to use listening devices. In fact, they had to rely on commonwealth powers under the Customs Act, and the circumstances in which those powers were available were much more limited.

Mr Day: There were many complexities in it. I understand what you are saying. That is why, when I was Minister for Police, I was keen to get that legislation through. I started it; Kevin Prince finished it.

Ms QUIRK: The things that the Gallop Labor Government is doing are considered, and they are not stunts. For example, the confiscation of criminal assets legislation is far reaching. I commend the previous Government for the legislation, which generally is considered by law enforcement authorities throughout Australia to be broad and extensive in its application. However, there was no infrastructure within the Police Service to adequately service that legislation. Actions speak louder than words. This Government is putting the infrastructure in place

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at the same time as introducing the legislation. It has been prompt in meeting the concerns of the people of Western Australia, and it is targeting that legislation. The Government is not going into a panic. It is not taking a scattergun approach. The Government is asking what things need to be addressed, what are the areas in which there are major community concerns, and where are people needed on the ground.

On that note, I should say that it is all very well building police stations for millions of dollars and saying that the police budget has been increased, but it is no good doing that if there are no police to put in those police stations. I heard of a stunt last year at Clarkson Police Station. On the day that Clarkson Police Station was opened, detectives were shipped up from Warwick. They were put in an office so that the Press had policemen to look at. As soon as the media left, those police were shipped back to Warwick. We were faced with an empty shell of an impressive-looking police station. No police were in it. This Government is about putting the resources where they are needed.

Mr Day: Where was the Warwick Police Station built? I think that was one of your former Government's decisions.

Ms QUIRK: I was talking about Clarkson, member for Darling Range.

Mr Carpenter: Member for Girrawheen, today the Minister for Police officially announced the reopening of the Hilton Police Station, which was closed by the previous Government. It was the only police station in my electorate, and it was reopened today.

Ms QUIRK: I congratulate the minister for that.

Mr Day: I hope you have police in cars to operate in the suburbs around that station.

Ms QUIRK: One hopes that they have petrol to put in those cars, which I understand was also a problem under the previous Government.

Mrs Edwardes: That was an issue when we came into government, so I would not raise that one. We have story after story that we can tell you.

Ms QUIRK: I apologise to the member for Kingsley that I have not got that long a memory.

Mrs Roberts: While the member for Darling Range was Minister for Police, a can was put on the front counter, and people were asked to put in money for fuel for the car.

Ms QUIRK: It is all about targeted, sensible, strategic mechanisms. In the past few months, the Gallop Labor Government has been diligent and prompt in responding to concerns in a strategic and measured way. I believe that in the next few years we will reap the benefits of that considered approach and of having a Minister for Police who cooperates and consults with police and does not have a bidding war with them in the media. It is all about strategic partnerships and about getting together to make sure that our community is catered for adequately, so that people feel secure, and resources are used in the most efficient and appropriate way.

*Acting Speaker's Ruling*

The ACTING SPEAKER (Mr Dean): At the outset of this debate, the member for Dawesville moved the motion on behalf of the member for Kingsley. He could not have moved it in his own right. He was speaking for the member for Kingsley. Subsequently, the member for Kingsley spoke. That should not have occurred.

When a member moves a motion on behalf of another member, both members are held to have spoken to the motion. To do otherwise would allow a member to have three contributions to a debate, rather than one at the commencement and one at the end.

As this has occurred in error, I think it is in the interests of the House to do no more on this occasion than to draw it to the attention of members.

*Debate Resumed*

**MR BIRNEY** (Kalgoorlie) [6.38 pm]: I note that most members have cleared out of the House. I am sure that that is not necessarily a reflection on my good self or of members' expectations of my speech.

Mr Pandal interjected.

Mr BIRNEY: I thank the member for South Perth. Law and order continues to be one of the hottest election issues. It certainly was a hot election issue at the last state election. The Labor Party ran hard on the issue of law and order, and made all sorts of promises around Western Australia, including in my electorate of Kalgoorlie. The problem is that it is now finding it rather difficult to deliver. I know that some people have an unreasonable expectation of exactly what Governments can and cannot deliver. Some people would like to see a police officer on every corner. Clearly, that is not an option, given that we have budgetary constraints.



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However, there are some things that Governments can do. I am disappointed to stand before members today to support this motion on the Labor Party's failure to implement any conclusive plan for law and order. First, I will address the motion directly and then I will refer to a couple of issues that I hold dear to my heart on the subject of law and order. Just a few moments ago, the Minister for Police was babbling, not unlike the way she is now. However, she said something about the legislation passed by the Labor Party that dealt with perpetrators who had committed crimes against people over 60 years of age. The Labor Party said that it would get tough on those offenders, and its rhetoric went down pretty well during the election campaign. The previous speaker referred to the poor elderly people who appeared on the seven o'clock news with black eyes, who had obviously been assaulted. The Labor Party's rhetoric resonated with the electors.

Earlier, the Minister for Police corrected me when I said that the Labor Party had not passed any laws since it formed government, and she was right. It has passed this law for crimes against seniors. As I said to the minister earlier, the Government might as well have not passed it. The Government increased the maximum penalties that could apply to a perpetrator who committed a crime against an elderly person. Although it may sound good to have increased the maximum penalties from 18 to 21 years, or whatever the case may be, the reality is that the maximum penalty hardly ever gets handed out. It is a piece of Clayton's legislation. I am pleased that the Minister for Police brought the matter to my attention when I made a somewhat flippant statement about the Labor Party having not passed any laws. This is a piece of Clayton's legislation that will have zero effect on crimes perpetrated against the elderly. If the minister were serious, she would have increased the minimum penalties for those offences.

During the debate, the Opposition suggested to the Labor Party that it would have been good to increase the minimum penalties, as opposed to the maximum penalties. However, that rubbed the Labor Party up the wrong way because that would mean more people would end up in jail; that is, those who committed crimes against elderly people. That was the Labor Party's policy during the election, yet when we tell the Government that it must increase the minimum penalties for those types of crimes, it turns the other way.

In 1998-99, the maximum penalty for the offence of home burglary was 18 years. In 1998-99, the highest penalty handed out was five years. The maximum penalty could be increased from eight years to 36 years, and members opposite could tell people in their electorates that they were doing something about crime. However, the reality is that the maximum penalty is not handed down. In 1998-99, the maximum penalty that the court could sentence somebody who had been convicted of robbery was 14 years in jail. In 1998-99, the highest penalty handed out for robbery was four years. The Labor Party told people that it would increase the penalty for robbery from 14 years to 20 years and that it was doing something about crime, when in fact the highest penalty handed out was only four years. It is almost funny when one thinks about it. How can the minister sit there and say that she has addressed the situation for the elderly people in our community? If the issue were not so serious, people would probably find it humorous.

Mrs Roberts interjected.

Mr BIRNEY: I notice that the Minister for Police has set aside this special time to humiliate herself, and she is doing a very good job of it. Apart from the crimes at the top end of the scale, including rape and murder, people find two other crimes particularly annoying, one more so than the other. I refer to home burglary and physical assault. I will deal with the issue of physical assaults first because that does not fit into the annoying category; it is a serious issue. Anybody who commits an unprovoked physical assault upon another person has some serious criminal tendencies.

When I talk about an unprovoked physical assault, I am not referring to the man in a pub who has an argument because somebody has insulted his wife and a physical assault occurs. I am talking about people who bash others just for kicks, and who seek to commit a completely unprovoked physical assault on another person. In my book, those people are criminals because they thought about the crime; it was premeditated rather than the result of an argument. Those people should go to jail and they should not be given many chances. They should not be given a fine of \$500 for the first offence and a fine for \$1 000 for a second offence, and go to jail only after they have committed three or four offences. If those fines for the first or second offence were replaced with a jail sentence, I would not like a lengthy jail sentence to be imposed. For a long time I have had a concept that I accept would be fairly difficult to implement because of budgetary constraints. That concept involves sentencing offenders to jail for between one and four weeks. The idea behind the mini-jail sentence regime is that people who would otherwise have received a fine of \$500 or \$1 000 for committing an unprovoked physical assault would spend one or four weeks in jail. That would be enough to scare the life out of some people and get them back on the straight and narrow. I would not like the first offence to be recorded as a criminal offence. I would like offenders to spend perhaps a week or two in jail as punishment for their crime. In some cases, that time spent in jail would scare people so much that they would refrain from further criminal activities.

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The other issue to which I referred was home burglary. Once again, this crime is a premeditated act. The offender has walked down the street, looked over the fence and seen a window slightly ajar, and has made a conscious and rational decision to enter a property and steal whatever is inside. Those people should also receive mini-jail terms. I accept that to impose mini-jail terms would add quite a burden to an already suffering prison system. In a perfect world it could be done. However, in the not so perfect world in which we live in today, I accept and understand that it would be difficult to do that. Nonetheless, the idea has some merit.

That brings me to the issue of mandatory sentencing. The Labor Party was funny on the issue of mandatory sentencing. We are aware that two or three years ago - I am sure the Minister for Police could tell me - the Labor Party state conference passed a motion to ban mandatory sentencing. That was a very good reflection of how the people in the Labor Party think.

The Labor Party's federal policy document says in no uncertain terms that mandatory sentencing should be done away with. The new Labor Government has made a few statements to the effect that it will keep mandatory sentencing. It has worked out that that is what the community wants. However, that position is in direct contrast to a resolution of its state conference and the federal party policy.

Mrs Roberts: The issue has never been on the agenda of our state conference. Yet again you do not know what you are talking about.

Mr BIRNEY: About three or four years ago the issue was raised at the state conference and a resolution was passed. The member should look at the minutes. It is a fact.

Mrs Roberts: I am the state president. I go to all the state conferences. It has not been discussed.

Mr BIRNEY: Was the minister the president four years ago?

Mrs Roberts: I was the vice-president.

Mr Day: The Labor Party does not have many state conferences.

Mr BIRNEY: No-one would go.

Mr Day: Yes; also, some of the troops might express a few points of view that are in conflict with the leadership. Labor Party state conferences are rare events.

Mr BIRNEY: That is timely advice, because that is what happened in this case. The state conference passed a motion calling for mandatory sentencing to be banned, and its leader ran for cover. He realises that it would not be desirable to ban mandatory sentencing, so he makes strong statements that the Government wants to keep it. The truth is that he would ban it if he could get away with it.

I talk about another issue dear to my heart. Significant injustices are committed on almost a daily basis. It involves the system -

Mr D'Orazio: Is that the injustice whereby you have only 9 000 people in your electorate?

Mr BIRNEY: It appears that one no longer needs a long neck to be a goose. The member for Ballajura is a shining example of that.

Mr D'Orazio interjected.

Mr BIRNEY: I take that back. It was very nasty, and I did not mean it.

I am talking about the fact that the media is allowed to print and broadcast the name of someone who has been charged with an offence. In Australia, a person is entitled to be presumed innocent until found guilty. The situation in Australia today is that the media is allowed to print someone's name in connection with a particular offence in a newspaper article. We as legislators must take into account the court of public opinion. Like it or not, when some people read a name in connection with a particular offence in a newspaper, they automatically assume that the person must be guilty of that offence, or at least of a lesser offence. That is the court of public opinion, and we as legislators must recognise that we could ruin someone's life by allowing his name to be printed in a newspaper in connection with an offence that he may or may not have committed. My strong suggestion is that names should be suppressed until people are found guilty. If a person is found guilty, it should be open slather - let us print the name in the newspaper and broadcast it on the seven o'clock news. In my view, when someone is found guilty, he loses a number of rights to privacy. However, we should not print someone's name in the local, state or national media in connection with an offence if he has not been found guilty or defended himself in court.

This injustice is committed on a daily basis. If we were to change the law so that a media organisation were able to print someone's name only after he has been found guilty, the net result would be the protection of the

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innocent. If a person is found guilty, his name can be printed in the media and he can become the subject of public opinion and ridicule. However, we must protect people not yet found guilty and assume they are innocent.

I have been on this bandwagon for some time. However, as recently as a month ago this affected one of my political opponents. This person stood against me at the last election; indeed, he is somewhat a serial candidate and stands for most elections. He found himself in some hot water. His name was printed in the newspaper about three weeks ago in connection with a rape charge. I am not very close to that person. I do not know the exact circumstances of the case, but as I understand it, the person was going through a few marital problems.

The ACTING SPEAKER (Mr Dean): I draw your attention to the standing orders regarding court cases.

Mr BIRNEY: He was going through some marital problems.

Mrs Roberts: Didn't you understand it? You cannot talk about it. That is what sub judice means.

Mr BIRNEY: It is not going to court. The charge has been dropped.

Mrs Roberts: I hope you are right.

Mr BIRNEY: That charge was subsequently dropped. There was an issue, and it blew up and the man's name was printed in the newspaper in connection with that charge. He is standing for the federal election. How do members think he will go? How many votes do they think he will get? He is an opponent of mine. He is not a friend, and I do not know him particularly well. However, I recognise that an injustice has been committed. This person is standing for the federal election. His name has been printed in the newspaper in connection with a rape charge, which has subsequently been dropped.

Mrs Roberts: I think he gave you preferences. Did he direct preferences to you at the state election?

Mr BIRNEY: He will battle to get a handful of votes at the federal election.

Instead of yapping away, the minister might like to consider this real issue.

Mrs Roberts: Why are you too embarrassed to answer the question? Did he give you preferences?

Mr BIRNEY: She is the Minister for Police. Is she concerned that such injustices are committed against people on a daily basis? Does she want to achieve anything while she is a minister or does she want only to enjoy the trappings of power? She is a typical chardonnay-set Labor Party minister who simply wants to ride out her time. She does not want to tackle the difficult issues. This is a difficult issue. If she tackled it, the media would tackle her. She does not want to run into any strife; she just wants to coast along.

Mrs Roberts: Were you asked to fill in time? You haven't made one sensible point.

Mr BIRNEY: There is a community expectation that this Government will do something about crime. The Labor Party went to the election and told the voters that it would solve the problem. It said it would reduce the incidence of crime against the elderly, and crime in general. To date, it has done nothing. The engine is revving at about 8 000 revolutions per minute, but the car is in neutral.

**MR BOWLER** (Eyre) [6.57 pm]: The person who led this debate, the member for Dawesville, said he slept next to a 5-iron. I have met his wife, and I think that was a very unkind thing to say. I am sure he did not mean it; although I have heard wives called many things.

We are talking about law and order. Many people told me during the last election campaign that health, education and then law and order were the major issues on which we should campaign. My predecessor, Julian Grill, and I came to the conclusion that that advice was wrong, and that law and order was the number one issue in the goldfields. We focused on that issue, and then on health and education. We were vindicated, because late polling by the Labor Party and the general public proved that law and order was a vital issue, particularly in our area. The member for Kalgoorlie confirmed after the election that his polling had indicated that law and order -

Mr Bradshaw: The campaign worked.

Mr BOWLER: Yes, we were both elected. We identified law and order as a vital issue. The issue first arose during the campaign when the Labor Party announced it would provide an extra 250 police officers in Western Australia over its first term of government. I was rapt with that. I cast my mind back about two years when as a journalist I interviewed the officer in charge of the Kalgoorlie Police Station. On his wall was a list of black names, and nine red spots. I asked him what the nine red spots were, and he replied that they were the nine vacancies he could not fill. He said that there had been between eight and 11 vacancies for months, and that the usual situation was for the police station to be under strength by five to 12 officers.

Debate adjourned, pursuant to standing orders.

*House adjourned at 7.00 pm*

**Extract from *Hansard***

[ASSEMBLY - Wednesday, 7 November 2001]

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