

CRIMINAL CODE (ROCK THROWING AND LASER POINTING) AMENDMENT BILL 2009

Second Reading

MR J.R. QUIGLEY (Mindarie) [4.02 pm]: I move —

That the bill be now read a second time.

The Criminal Code (Rock Throwing and Laser Pointing) Amendment Bill 2009 amends the Western Australian Criminal Code by making it an offence to endanger, or likely endanger, the safe use of a vehicle, vessel or aircraft by throwing, dropping or placing an object or by using a laser pointer and/or endanger, or likely endanger the life, health or safety of any person by throwing, dropping or placing an object or by using a laser pointer to interfere with a vehicle, vessel or aircraft.

It is intended to address the particular deficiencies that have been identified in the Western Australian Criminal Code by specifically excluding the intention to cause criminal damage or to harm a person. It will ensure that we have tough new penalties to punish those who engage in these activities and endanger the lives of ordinary Western Australians. The legislation is based on similar legislation recently passed in Queensland whilst also including elements of the New South Wales legislation passed in 2008, thus ensuring that Western Australia has the strongest elements of the legislation from those jurisdictions. The penalties should act as a strong deterrent to people who engage in these evil activities and send a clear message to the community that the actual act of throwing a rock or pointing a laser at a vehicle, vessel or plane is, in itself, a dangerous act.

Currently, offenders may be prosecuted under a variety of provisions, including sections 304 and 444 of the Western Australian Criminal Code. However, the need to prove the intention of the offender as required by these provisions has resulted in many perpetrators not even being charged. This bill will make it an offence to endanger the safe operation of a vehicle with a penalty of up to two years' imprisonment. If a person's safety is endangered, offenders will face up to five years' imprisonment. All types of vehicles, including cars, taxis, buses and trains along with boats, ships, helicopters and aircraft are protected by this bill.

In April 2008 the then Labor government introduced regulations to classify laser pointers as controlled weapons that required people to demonstrate a lawful reason for their possession or suffer strong penalties. The federal government also followed up by banning the importation of these devices. Unfortunately, despite these measures the dangerous use of laser pointers continues to be a problem from time to time.

As early as January this year the current government identified the need to bring in specific laws, similar to this bill, to deal with this serious problem in our community. Around the middle of this year the community became aware that there was a massive 37 per cent increase in the incidence of rocks being thrown at buses compared with the previous year. In the 2008-09 financial year, there were over 1 300 rock attack incidents on buses and over 100 train windows were broken.

In June 2009 an operator of approximately one-third of the bus fleet, comprising nearly 360 buses, identified that rock attacks on buses that it operated escalated from five to seven attacks a month to a staggering 20 to 25 attacks a month. Damage as a result of these attacks has cost the operator over \$200 000 in repairs for the previous 12 months. Even more importantly, they highlighted that these rock attacks seriously endangered the safety of drivers, passengers and other road users. In a letter to the Attorney General the operations manager of this bus operator advised, and I quote from my notes —

An object thrown at a bus has the potential to cause a fatal injury. This could occur in several ways: broken glass spraying a bus driver or passenger, a projectile hitting a bus driver or passenger, or the incident could distract the bus driver and this could result in a 12 to 16 tonne bus veering into the path of an oncoming vehicle or running off the road into pedestrians.

Bus security officers have told of their frustrations at seeing people caught throwing rocks walking away without being charged because of the current inadequate laws.

This bill will also provide much-needed protection for taxis, which play an important role in the public transport system. Taxis have also been subject to an increase in senseless rock attacks in recent years. It is therefore appropriate that this bill is introduced into Parliament on "WA Cabbie Day".

This bill is one part of a package of necessary measures to ensure safety for drivers and passengers on our public transport system. The Labor opposition recognises that this bill alone will not address the dramatic increase in antisocial incidents on our buses that we witnessed earlier this year.

In August this year the opposition released a comprehensive five-point plan to address the increase in antisocial behaviour on Western Australia's public transport system. This plan recognised the need to provide: greater protection to drivers through more security cages; the ability to seek urgent assistance when passengers or

drivers are subject to antisocial behaviour by ensuring duress alarms on all buses; an increase in security officers and a zero-tolerance blitz to ensure offenders know that their behaviour is unacceptable and realise that there is a very real risk of being caught; urgent legislation that provides strong penalties to punish offenders and act as a deterrent; and the establishment of a parliamentary inquiry to examine the underlying causes of these crimes and what other measures could be taken to improve safety on our public transport. We welcome the action, to date, taken by the current government on the first three points and urge it to support the final two points, including the passage of this bill.

Summer and holiday periods are often times when we see a spike in antisocial behaviour like rock throwing or the pointing of lasers. It is important that we no longer delay the passage of legislation that will send a strong message to the idiots who throw rocks or point lasers at a vehicle, vessel or plane that their actions are dangerous and they will be punished.

Labor has introduced this legislation at this time to ensure that there is sufficient time for Parliament to consider and pass this legislation before we break for the summer recess. We recognise that the passage of this bill over the coming weeks will require cooperation from the government and other parties but we are willing to work with them and consider any amendments they seek so that we can ensure the speedy passage of this bill through the Parliament. In this way, the Parliament can ensure that the public has the necessary protections that it deserves over the coming summer months and beyond. All public transport staff and users have the right to feel safe at all times.

I commend the bill to the house.

Debate adjourned, on motion by **Mr C.J. Barnett (Premier)**.