

CRIMINAL CODE AMENDMENT BILL 2024

Second Reading

Resumed from 22 February.

MR R.S. LOVE (Moore — Leader of the Opposition) [12.48 pm]: I would like to make a contribution to the second reading of the Criminal Code Amendment Bill 2024. The opposition will be supporting the legislation.

As we have seen in recent years—it has often been raised in this place—there has been a concerning rise of violent crime in Western Australia. The devastating rise in domestic violence during the COVID-19 pandemic has been well demonstrated. Many people in public-facing roles found themselves at the blunt end of people’s frustrations. I am sure we all remember when supermarkets were systematically stripped of essentials. For some bizarre reason, toilet paper became more of an economic commodity than perhaps precious metals; it was more sought after anyway. I wonder whether garages or storage sheds are still stacked to the roof with toilet rolls, which are no longer as valuable as they perhaps were two or three years ago. We know that the people who often funded that behaviour were retail workers.

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I am sure that many people in this place have seen instances in which people have been abused. We saw incidences in which people fought over scarce goods. If there were limits on the amount that they could take, they shouted at staff. I think that highlighted that there was a level of disregard for the rights of those workers, which was being exhibited. Since that time things have perhaps calmed down a little; however, I do not think that we can say that people’s behaviour towards retail workers is as polite and respectful as it could be. There are circumstances in which people feel unsafe and they have been assaulted.

I want to send a clear message that violence is not acceptable, no matter who it is levelled against, whether it is a retail worker or somebody else captured under these enhanced provisions, under section 318 of the Criminal Code. I note that there are a number of other workers who are already captured under that code. Under section 318, a serious assault includes anyone who assaults a public officer; a person who is performing a function of a public nature; any person who is acting in aid of a public officer; or assaults a driver or person operating a vehicle travelling on the railway, a ferry or a passenger transport vehicle. It includes someone who assaults an ambulance officer or a member of an FESA or SES unit or VRMS group or a member or officer of a private fire brigade or volunteer fire brigade. It includes the assault of someone who is working in a hospital or is in the course of providing a health service to the public. It also includes assaults on workers contracted to the court or prison systems. Those people are already captured; however, this will add to the definition of people captured here. This will include retail workers who are operating in a shop or other premises selling retail goods.

The definitions of some of these matters are interesting and we will talk a little bit about the definitions. When the opposition had the opportunity for a briefing, it became apparent, to me at least, that sole traders were not covered by this bill. There is an amendment, which has been opposed by the government, to capture that matter. When that comes up the Attorney General can explain how that works. It seems that everyone has been considered except the person who owns the shop. As we know, many shops are operated by the owner—sole traders et cetera who are not employees; they are not employees of a company that owns the shop. They are a partner or a sole trader who is working in the business.

The bill will provide for a rise in penalties for assaults on workers, for common assault through to serious assault. The penalty will rise from 18 months’ imprisonment and a fine of \$18 000, or, if it is committed in circumstances of aggravation, three years and a fine of \$36 000, to a maximum penalty of seven years’ imprisonment. There will be a penalty of three years and a fine of \$36 000 if dealt with summarily, or 10 years if in company or armed with a weapon. I note that there is no minimum sentence. This is perhaps a signal to the judiciary that this is to be treated more seriously. It will be interesting to see whether the Attorney General could, in consideration or in response, perhaps provide an indication of whether is any statistical analysis on these measures that have been implied by increasing the maximum penalty. Have they led to any significant differentiation between the penalties, which are applied to those officeholders under section 318 and to the general community? If a bus driver is assaulted, is the penalty more than if it was a person in a park somewhere? That will be interesting to know, because then we will know whether or not this legislation will be effective and achieve what we hope it will.

We know that there is a rising tendency for violence in the community. If we look at figures in 2017–18 in regional WA, for instance, there were 14 537 offences against a person. That is a wide range of offences with everything from homicide, at the very worst, to threatening behaviour and assault and all things in between. If we contrast this with 2023, the number is 24 672. That is a very significant uplift in offences. Perhaps there is an increase in reporting, but I imagine there is an increase in the figures themselves. That is a nearly 70 per cent increase in violent crime in regional WA. In the seven years that Labor has been in office we have seen a staggering rise.

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In the metro area in that same year, 2017–18, there were 29 476 offences, and that has grown to 37 691 in 2022–23. That is a nearly 28 per cent increase in the metropolitan area. The rise of violent crime in regional Western Australia is particularly damning. Although it is good to see that all the staff who work in shops will be protected, there are some interesting exceptions, including contractors who may not be public facing but may still be on the premises. We will talk about that in consideration, perhaps. There are a few nuances in this bill that I think will be quite interesting to delve into.

Another area that I think has escaped attention so far from this government is the matter of another group of essential workers. Police and nurses are protected or mentioned under section 318, but we know there is a rising tendency to violence in the education system and yet teachers are not specifically mentioned in the proposed legislation. It could be argued that they are public officers and I am interested to hear the Attorney General's views on that; however, they are not specifically mentioned under the legislation. Perhaps that is an omission that could be looked at in the future. The other matter addressed in this bill is around the repeat offending for shoplifting and theft of goods under \$1 000 in value. There are interesting bits in there as well. If the person is a repeat offender, then it will remove the simple fine option as a punishment for that activity. It also says that offences that occur on the same day are treated as one offence. Someone could have a mini spree with a number of offences occurring on a particular day; however, only one offence is recorded for the purposes of this legislation. Can the Attorney General explain why that provision is there because that is something that I think would be of interest to the public? I find it a bit hard to understand because I would have thought they are separate offences.

I am interested to know whether there is statistical analysis on the rise of thefts under \$1 000, as we know the cost-of-living crisis is affecting many people in Western Australia. We know that that will be feeding into the decisions of some people to break the law and take something if they think there is little penalty.

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That may be feeding into the rise in shoplifting. We need to keep a tab on trying to understand how that has been moving in recent years. We have seen over the last three years, especially, rising inflation and its compression of people's household capacity to make ends meet, whether or not that makes a material difference to the number of shoplifting offences that are occurring.

I spoke earlier about the general rise in violence in regional WA. It is proposed that the Criminal Code Amendment Bill 2024 will address violence against a particular sector of the community, but it will not necessarily do anything to address violence in the community more generally. I refer to an article from a recent edition of the Western Australian Police Union's *Police News*, about road trip taken through the Kimberley by the police union president and a communications officer who works for the police. It states —

As soon as we arrived at Fitzroy Crossing Police Station, all three officers were dispatched. And just like that, the station was empty. Not a person in sight to field calls from the public. Scary right?

Like Fitzroy Crossing, was Halls Creek. Not only were a majority of the existing staff Regional Shield deployments, but the station had many vacancies. Vacancies leading to existing officers working overtime and inevitably leading to burnout and fatigue. Which begs the question, is WAPOL and the State Government providing our officers enough incentives to relocate to bush? And is Regional Shield a short-term solution to a long-term problem?

...

At this point I figured how could coppers lives get any worse. It can! We end on Kununurra. Another beautiful tourist town, with issues similar to those prevalent in Broome. As I looked up at the surveillance in the station, I saw that every holding cell was full, and I am fairly certain had we not locked our car we would have definitely lost our travel gear.

Everyone told us, "lock your doors...not only at night, but at all times". It's unfortunate to have that unsettling distrust within your own community. To heavily rely on the higher powers to keep you protected. What's worse, is that the higher powers are being assaulted daily by those offenders. One of the foremost issues in the Kimberley is the alarming rate of police assaults. Assaults against police in the Kimberley were the highest for any regional WA Police district in the 2022–23 financial year, increasing 53.3 per cent from the year before.

That just goes to show what is taking place in regional areas. I am not picking on one particular area; I do not want to do that. I am highlighting that this has become an issue right across the state; it is an issue in the midwest and right around Western Australia. That staggering increase in the level of assaults on police—53.3 per cent over the last financial year—when they are protected under section 318 of the Criminal Code points to the fact that, on its own, this legislation is not a panacea and will not deliver safety for the people involved. We all need to be conscious of the need to do everything possible to bring down the rates of violence in our communities generally.

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That points to the failure of this government to make good on some of its promises around police numbers and ensuring that police officers feel supported and safe. The Minister for Police conceded, after many months of defiantly denying there would be any problem fulfilling the Labor government's promise of boosting the force by 950 officers over four years, that he is, in fact, unable to fulfil that promise. That is a very big problem that is affecting the police, but no doubt other people in those communities are also affected.

Many people will have witnessed shoplifting incidents, for instance, and the reaction from the shop owner is often that there is nothing they can do and that if they go to the police, nothing will happen because it will not be treated seriously. Shop owners have often said that to me—that there is no response, or if there is a response, it is so slow that it is unrealistic to expect any action to be taken. There also often does not seem to be any willingness to take those matters much further.

While that is happening, I am concerned about the efficacy of the second part of this bill, around penalties for shoplifting and theft of amounts under \$1 000. If no-one is going to actively arrest offenders, no offences will be recorded and no history will be built up, so we need to strengthen community policing to be able to take action and take these matters seriously because the ability of small businesses to keep going and remain viable is materially affected.

On behalf of the very many small business owners I know who are desperately affected by increasing levels of shoplifting, my plea to the government is to enact legislation that takes this issue seriously and to ensure that there are sufficient resources in the community for active prosecutions when these offences occur, so that shop owners are not left in a very serious predicament. They feel that if they take action themselves, they might expose themselves to danger or claims of assault or other matters. That leaves them feeling very vulnerable, especially in very small workforce situations of only one or two people in the shop, as opposed to a large department store where there might be security and other measures to assist.

For those people, I think it is very important for signals to be sent that violence and theft are not acceptable and will not be tolerated. I hope the government is listening and will put in place measures to ensure that there is both legislative change and boots on the ground to carry out the necessary investigations, arrests, prosecutions and so forth.

In conclusion, I will wind up by saying that the opposition will support this legislation, but I point out that violence is not an issue in just retail circumstances; it is an issue everywhere in the community, and we know from the increase in domestic violence that there is a lack of safety in our community generally. We should be doing everything we can to make our communities safer places for all.

MS K.E. GIDDENS (Bateman) [1.08 pm]: I am really pleased to make a contribution to debate on the Criminal Code Amendment Bill 2024. Many of the amendments we bring into this house for debate are administrative in nature, and although they are important changes to bring bills into line with modern and current standards, I know that this bill in particular is going to make a real and meaningful difference to the everyday lives of retail workers in Western Australia.

The bill addresses two key areas. The first is to amend the available penalties for repeat offenders who steal and the second introduces a new offence of assaulting retail workers. Both aspects of this bill will contribute to increased community and retail worker safety. The bill will also make Western Australia one of the leaders in Australia in moving to better protect retail workers, with only New South Wales and South Australia having similar legislation.

The retail sector in Australia is diverse and comprises anything from small family-owned businesses up to large, international retailers.

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But it is an important sector of our economy and makes an important contribution to Western Australia's employment and economic viability. Australia wide, it makes up just under 11 per cent of employment. In 2021, there were over \$341 billion of total retail sales in Australia.

I want to address first the part of this bill that increases the penalty for repeat offenders who steal. This is a really important part of this bill. It brings in line the opportunity for penalties that are consistent with community expectations around perpetrators who consistently steal with the knowledge that the penalties meted out to them are not severe. Spend any time on a community Facebook group, and members will find examples of people who report offenders just walking out of a retail store—that is, brazenly walking out maybe with a trolley of food—or, as happened with me standing in a Bunnings line waiting to check out, somebody just walking out with a box under their arms. Examples like this across the community exist. Not that Facebook is my go-to place to get my feedback on community expectations, but I think it is fairly accurate in this instance. A comment often seen is, "Oh; nothing happens to these people. They just do it and there is no consequence." The amendment in the bill

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will enable magistrates and the judiciary to impose far more significant penalties for those who regularly and repeatedly steal from shops. This is very important. My brother-in-law and my sister come from a family of small business owners. In this case, my brother-in-law owns a Toyworld store. It is a hardworking business. They turn up and put their own money on the line to run and operate these businesses. He reports that people often just walk out stealing scooters or other expensive parts. It is a real cost to those small businesses, often family businesses. The opportunity to impose up to two years' imprisonment or \$24 000 will act as a significant deterrent, and I think it is important to bring those penalties in line with community expectations.

This bill will introduce a new—sorry I do not know what the word is—crime —

Ms J.L. Hanns: Offence.

Ms K.E. GIDDENS: Thank you. This bill introduces a new offence for assaulting retail workers. Now, of course, assault is already a crime across the community, but, as we have heard, this bill will make it a particular offence to assault retail workers. It is important that we recognise the vulnerability of retail workers. They often work alone —

The ACTING SPEAKER: Ministers! You can do your fashion chat outside the chamber. It is disturbing the member for Bateman.

Ms K.E. GIDDENS: Nice ties, though, ministers!

Retail workers very often work alone and often young people in their first jobs, which makes them a particularly vulnerable group. Of course, they are just going about their duty in their workplace. It is very important that we recognise that they have the right to be safe in that workplace, just as every other worker has a right to be safe in their respective workplaces. The penalty for assaulting retail workers will increase to seven years' imprisonment or three years' imprisonment and a fine of \$36 000. This will create a new provision to apply these higher penalties, as I said. This already exists for other key workers under Western Australia legislation. In fact, the Criminal Code—for lawyers or members interested in particular sections—section 318, already includes assaults on public officers, passenger transport service drivers, ambulance officers, firefighters, medical staff, court security staff and prison officers.

What has brought about this amendment to the code? A 2023 national survey by the Shop, Distributive and Allied Employees' Association that attracted over 4 600 responses showed that 87 per cent of those respondents experienced some form of abuse from customers in the last 12 months. Of those, 12 per cent had experienced physical violence; nine per cent had been spat on; and 15 per cent reported abuse being sexual in nature. Disturbingly, there was a 56 per cent increase of reported physical violence when compared with 2021 figures. I have already alluded to some of the vulnerabilities that some retail workers may have. This survey demonstrated that women are disproportionately affected by the verbal and physical abuse by customers in their retail work. Young women in particular, probably not surprisingly, are the demographic most likely to experience verbal and physical abuse in their retail work. This is closely followed by young male workers. My first job that supported me through university was working at Sunglass Hut. That abuse is a very common experience. I think most of us have a retail worker in our families. Either you started there yourself or you are still working in that field.

I now outline some of the stories reported under this SDA national survey from real retail workers —

Punched and threatened to have a knife pulled.

That was from an 18 to 25-year-old male —

Verbal, physical, knives shown, things thrown at you, exposure of inappropriate body parts

That was a report from a female retail worker aged between 46 and 55 years. Another young female worker reported —

A man tried to sexually and physically assault me in the cool room. He had a knife on him. He went to jail and is now out on parole.

These are horrific stories. We like to think that they are rare, but, as that survey demonstrated, a significant number of our retail workers are experiencing abuse and assault in their jobs. It is unacceptable.

Support for these reforms is wide across the community. Last November, Hon Kate Doust, MLC, who is a former SDA organiser and a very staunch advocate for the rights of all workers, in particular retail workers, last November tabled two petitions in the upper house with over 9 000 signatures from members of the Western Australian community supporting the amendments in this bill. I acknowledge Hon Kate Doust's role in particular for bringing this to the awareness of the Parliament of Western Australia. These reforms have support among our major retailers as well—namely, Woolworths, Coles, Hungry Jacks, Bunnings, BWS Liquor, Big W, Officeworks and Dan

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Murphy's. The CEO of Australia's peak retail body, the Australian Retail Association, welcomed these plans. CEO Paul Zahra said —

“Actions speak louder than words, and we're extremely pleased that Premier Roger Cook has responded to our views, our member's views and the SDA, and, more importantly, the needs of retail workers by taking strong action to deter these violent incidents and keep our retail staff safe.

He went on to say —

“Recognition and thanks must also go to SDA secretary Ben Harris for his significant work and collaboration on this issue.”

It is on that note that I would like to talk a little bit more about the important role of the SDA and secretary Ben Harris in helping to shape this legislation. The SDA—Shop, Distributive and Allied Employees' Association—is one of the largest organisations in Western Australia with nearly 20 000 members representing workers in the retail, fast-food and warehouse industries. This large membership base speaks volumes to the hard work that the SDA does on a daily basis to improve and advocate for the working conditions of retail workers in Western Australia; that includes safe wages, but, importantly in this case, safety.

Worker safety is everyone's business and it is a fundamental right of all workers. That is the belief of the SDA, and it is the belief of the WA Labor Party. The Cook Labor government believes in doing what is right for Western Australia.

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We are doing what is right for retailers and small business owners by cracking down on repeat stealing offenders and the costs to those businesses. We are doing what is right for the community, reducing the costs of stealing and assaults across our community. We are doing what is right for the police, giving them the tools to respond to stealing and assault offences. We are doing what is right for our judicial system, giving magistrates more sentencing choices in line with community expectations. Most importantly, we are doing what is right for retail workers, ensuring that they enjoy the right to go to work and be safe. There is no excuse for abuse. I congratulate Attorney General John Quigley and Premier Roger Cook for bringing this bill to the house and stand here to give it my full support.

MS C.M. ROWE (Belmont) [1.20 pm]: I rise today to make a contribution to the debate on this critical piece of legislation, the Criminal Code Amendment Bill 2024, which seeks to address two really pressing issues that especially affect people in my community—assaults on retail workers and penalties for stealing offences, especially continual and repeat stealing offences. I am incredibly proud to be speaking on this bill today because I think this is such important legislation that has come before us. I acknowledge the work of the Attorney General in bringing this bill to our house. Our party has a really strong and proud history of supporting retail workers, and I think that this bill reflects this commitment to protecting workers' rights and safety in the workplace. I also take this opportunity to acknowledge the work of the Shop, Distributive and Allied Employees Association of WA—the SDA—the union that represents retail workers. We especially acknowledge its secretary Ben Harris for his and the union's tireless work each and every day to make sure that workplaces are safe for its members, and for advocating for these important changes to the Criminal Code that we are debating here today, because the union was very instrumental in working collaboratively with the government to bring this legislation to fruition. I acknowledge its work on this bill.

Within my electorate, retail is a really important trade. It is the second largest employer in the City of Belmont. I have the Belmont Forum shopping centre, Crown casino and also DFO Perth in my electorate, so it is a significant employer. All those venues are well attended by certainly me and others across the whole state. They are large centres for not only retail workers, but also a lot of small businesses operate in those areas, as well. Retail workers and owners of retail shops are affected by both elements contained within this bill.

I will begin by talking a bit about the impact this legislation will have for retail workers. Obviously, they play a critical role in our everyday lives. That was really obvious during the pandemic. Retail workers were opening up their shops each and every day and facing what was a really hostile community, as everyone seemed to be panicking about getting their normal day-to-day goods, especially for some reason toilet paper. We saw an increase in hostilities towards retail workers, but they, like all workers, fundamentally have a right to feel safe in their workplace. That is something that we in the Labor Party philosophically feel very strongly about.

The SDA conducted a survey right across its membership. I think it had over 4 600 respondents. Respondents to this survey reported that they had seen an increase in the level of abuse. From 2021 through to 2023, there was a major jump of 56 per cent in instances of abuse. That is completely unacceptable. Again, this is not just a small number of survey respondents; 4 600 is a lot of people saying that they had experienced abuse. The numbers do not lie. That tells a really bleak story in terms of the challenges that retail workers face. I note that women are

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over-represented in these workplaces, and, as a previous member outlined, a lot of young people also work in retail. But regardless of gender or age, the prevalence of this experience of retail workers is shocking. As I said, 87 per cent of retail staff have experienced some form of abuse. That is completely unacceptable. It should not be tolerated.

I want to highlight what abuse can be. It can be anything from verbal abuse through to physical abuse, the threat of sexual assault, being threatened with a knife or being spat on. As I mentioned, women are disproportionately represented in these workplaces, so I think that these measures are very much welcome, but it is completely unacceptable that this is occurring in the first instance. I think it is fantastic that we are introducing this legislation because the penalties associated with the new offence defined under this bill mean that there will be appropriate deterrents to this abuse occurring to the same extent. That is certainly what we anticipate and are hoping will be the outcome.

The higher penalties are significant. This legislation will basically bring assault on retail workers in line with other forms of assault that are already in place under law. The maximum penalty will match what is in place for serious assault. That will be seven years' imprisonment or three years' imprisonment with a fine of \$36 000, and, if the offender is armed or in company with another, it will be 10 years' imprisonment. I think that these proposed amendments send a really clear message that violence will not be tolerated and those who perpetrate it will face serious consequences. This is also in line with what other jurisdictions have done to protect their retail workers. New South Wales and South Australia have already introduced similar consequences; I think that is important.

This legislation will insert the new offence so that an assault against a retail worker will have the same penalty as serious assault, but it also defines what constitutes assault. The definition captures the direct and indirect application of any kind of force to another person. Obviously, these changes are very much welcomed by many in my community.

Another element of this bill that I want to touch on is the enhancement of penalties for stealing offences, which aims to target repeat offenders. Stealing from retail establishments has become really commonplace in my electorate. Certainly that can be seen not only in the Belmont Forum, but also the service stations, small businesses, delis, pharmacies and so forth right across my electorate. They talk to me in despair at the fact that there is nothing they can do other than watch people on a regular basis come in and walk out with arms full of things from their shop. I think that implementing these stricter penalties for people who are repeat offenders with the possibility of imprisonment will hopefully mean that they are no longer able to evade consequences, and this will act as a real deterrent. I think that will be especially impactful for those retail businesses in my community, but I was also pleased to see that the courts will have a greater flexibility to provide tailored approaches in situations in which the underlying problem for the person who is engaging in these behaviours is a drug, alcohol or some other substance dependency. There will be allowances and support provided in those instances. I am very happy to see that, too.

In conclusion, I think that by implementing these reforms, we will not only strengthen the rights and safety of retail workers but also address a scourge of theft, especially repeat offenders. I think it is a welcome thing that we are going to see justice served to those people. As I said, both those elements will be impactful for retail workers and business owners alike in my community. I once again thank the SDA for all its hard work and, especially, the Attorney General for bringing this important bill to the house.

<010> C/G

MS J.L. HANNS (Collie–Preston — Parliamentary Secretary) [1.29 pm] I rise to make a contribution to the debate on the Criminal Code Amendment Bill 2024. Previous speakers went through the specifics of the bill, so I will not replicate that in my contribution today. I acknowledge and commend the introduction of a new offence of assault on retail workers, and I will begin my contribution today by giving some context around why I feel so strongly about this issue.

As a teacher and vocational education and training coordinator for many years before entering this place, one of my main roles in schools was to find appropriate work placements for young people to gain often their very first step into the world of work while still being supported in their studies at school. Retail operators throughout my electorate were overwhelmingly very grateful to host work placement students in their businesses. I want to thank those businesses because they do an incredible job in supporting young people in their first steps into a workplace. I also outline that for many young people, this is their first experience of work. They learn new things, such as customer service skills and how to operate EFTPOS machines, that are sometimes tricky and take some time to learn. We have all had a first day on a job—all of us. There are a lot of things to take in, and particularly so for a young person on a work placement.

In that context, and as the member for Bateman spoke about, we are reflecting on the results of the surveys. Overwhelmingly, young people and women make up the retail sector workforce and they are very vulnerable to

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abuse in many forms, which, again, have been outlined today. We really need to make sure that the first experience for young people in their work placements, such as in the retail sector, is a really positive one. Young people were over-represented in the survey results. That means that some young workers, in their very early stage of gaining confidence in a workplace, have been absolutely devastated by an assault. I do not think we could find any young person who has not been intimidated by someone who has come into their workplace, such as a disgruntled customer. When a person is young, they do not have the experience to deflect and say that that person was clearly having a bad day. A lot of the young people I worked with took such things really personally and it had an impact on their feelings about work experience and work in general.

I note that the member for Moore took us back to the days of COVID, when all of us were guilty of driving around trying to find supermarkets that had toilet paper in stock. I think the member for Moore was right; there are potentially some garages, bunkers or something full of toilet paper. It does not expire, so that is a good thing, I guess. I, too, remember driving from Collie to all the Woolworths or Coles stores in Bunbury, Australind and Eaton that had displayed that they had toilet paper in stock, but when I got there it had clearly sold out in the first 10 minutes of the shop being opened. We reflect on that now and say that it was a really strange time, but it was a crunch point for retail workers. When I went in to try to find staples for my family's cupboards, whether it was the things that we were looking for or toilet paper in this instance, there was not a day when the retail workers would apologise and say that the store had run out of those things. I would say, "That's okay; no worries. I'll pop back tomorrow and see if you've got some then." They would say, "At least you're nice about it." That really struck me because, clearly, I was possibly the only person who had been reasonable to them that day. It was really disappointing that that was the experience of retail workers during COVID, but it is also really disappointing to see that that has continued and that we need to introduce this bill to support retail workers.

I want to highlight some of the amazing retail excellence that happens in my local community. I know that on Thursday nights, a number of members in this place will get in their cars and drive back to their respective homes. I use Forrest Highway on a regular basis. I have tried to time it so that my car is full of petrol by the time I leave Collie on Sunday night, but I sometimes have to stop on Forrest Highway and refuel before I get back to Collie. I stopped recently at Ampol Foodary in Baldivis. It was late at night, about eight o'clock, as I had been stuck in traffic on the freeway on the way home. Mick at Ampol Baldivis served me and was very polite. I could not remember my bowser number, but he knew what it was. Thank goodness your name or face is on the side of your car so they recognise you! He finished the transaction and then said to me as I was leaving, "Have a really safe trip, Mrs Hanns." That was the loveliest thing that anyone has ever said to me in terms of appreciating that what we do as members of Parliament requires us to be on the road a fair bit. Good on you, Mick, at Ampol Baldivis. If anyone calls in and sees him, please say hi; he is a great young man. Another place that I frequent, I have to say, is Shota Sushi in Eaton—try saying that quickly 10 times! I am a regular at Shota Sushi and Winnie is one of the amazing proprietors there. When I walk around the corner at Shota Sushi—jeez! I am going to keep messing that up when I say it—Winnie says to me, "Hi Jodie, how are you? Do you want your regular?" She knows that I order a tuna and avocado sushi roll with brown rice and a chicken and avocado nigiri. Before I even get to the counter, she will be packing up my order. That is incredible customer service from an amazing retailer in my electorate. It is the best sushi, I have to say. If members are ever at Eaton Fair, please drop in and say hi to Winnie.

I thought I would also touch on the fact that retail workers provide an important service to people in our community. A lot of retail workers I have spoken to have said that they are often the only person with whom somebody might have an interaction in their day. I am referring to lonely people or older people, who come out and have their weekly coffee in a particular coffee shop and form a really great relationship with the workers in those places. Retail workers provide an outstanding service that involves not just serving a person their regular sushi or coffee or whatever it is, but also looking after a lot of vulnerable community members. My daughter worked at McDonald's when she was going through high school and she had a regular customer who came in on Wednesdays. She did not know his actual name, but she called him "Mr Piccolo" because he would come in on Wednesdays, order a piccolo, sit down and have it, and then off he would go. That was his Wednesday routine. A lot of our retail workers develop those really lovely relationships with their customers and do an incredible job. I mentioned that my daughter worked at McDonald's. She now works at an amazing little cafe called Wassup Dog Cafe in East Perth and is one of the baristas. I walked in there yesterday to grab a coffee and say hello to her on my way to work here. Again, she has a regular clientele and she knows their orders when they walk in. That is incredible. My son works at Domino's; he has just started work. It is a pretty fast-paced environment in which pizzas are churned out at the best quality for people who are waiting for their food.

<011> H/3

In just the short time he has been working there, he has faced frustrated and angry customers. It is absolutely atrocious that people should think it is okay to respond to workers in that way about a perceived lack of service or

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if their food has not come out on time. There is absolutely no excuse for the abuse of retail workers. All of us should do our absolute best to call that out if and when we see that happening in our communities.

That brings me to another example from a recent trip to, shall I say, an outside-of-hours—no, it is an inside-of-hours liquor establishment. Sometimes you buy a bottle of wine on your way home from Parliament. I walked into this liquor outlet at about eight o'clock at night and a young retail worker was there on her own. She was about 19 or 20 years of age. A customer was being not particularly pleasant to her. He was not being physically abusive, but certainly his tone and what he was saying to her was not particularly nice, so I took longer than normal to select my bottle of wine because it did not feel or look right. When he left the shop, I went over to the counter, put the bottle of wine down and asked, "Are you okay?" She said, "Yes, but I do not like working here on my own at night-time. I get that sort of thing all the time and I have only just started here." I asked her if she had support and a plan if something went wrong. She said that her boss was really good and they had that all worked out, but she just did not feel comfortable. The next time I walked in there, surprise, surprise, she no longer worked at that location. The behaviour of those customers led her to decide that that kind of workplace was not for her. I do not think that is at all appropriate in any workplace, particularly, in this case, a retail outlet that is open in the evenings. I just wanted to make people aware that I understand and stand against the abuse of retail workers in any context.

I also want to quickly touch on another example. In January this year, some friends and I went to Busselton, in the member for Vasse's electorate, as many of us do over the summer holidays. We decided to go out for lunch, after which we left the venue and rode some scooters down the footpath. We then returned to the same location for an evening meal. The venue turns from a restaurant into a nightclub after a certain hour, so when we went back we found that it had opted into the voluntary scanning of identifications at the venue entrance. During the day a person could have a meal there, but by the time we got back there in the evening, we were required to show our IDs. As a 52-year-old woman, I do not generally carry my ID on me anymore. I generally have all my cards on my phone.

Ms M.J. Davies: That is when you get asked.

Ms J.L. HANNS: Yes, I know, member. I said very apologetically that I did not have my ID on me, that I had been out all day and that I just had my phone that had all my cards on it to pay for things with, but not the ID. They said, "Look, we are really sorry, but if you don't have photo ID, you can't come in." My friends were saying, "But she's a member of Parliament. She needs to be let in." To that I said, "No, that does not wash. If a person needs to show an ID, it applies to members of Parliament as well as members of the community." He very politely said that I was not able to come in, despite the fact that I was 52 years of age. I thanked him for doing his job. I can tell members that other people in the line were not so understanding of that policy. The door person said that they had been regularly abused for that policy, but for the venue, the policy had meant that not only are they able to track false IDs and people who have offended and been banned from that licensed premise, but also the photo ID provides them with the opportunity to check those things against a database. If there has been an assault or something, they can go back to the CCTV and look at the IDs of the people who were in the venue to help resolve some of these issues. He made the very sincere point that because of the policy at that licensed premise, the workers had been abused on a regular basis. This 52-year-old woman without an ID was not one of those people; I want to make sure that everyone understands that.

Those couple of examples certainly highlight the rights of retail workers, which are front and centre of this legislation. The other point I make is that with the tight market for workers at the moment, if we can support those retailers by supporting their workers, people are more likely to seek work in the retail sector because they know that they will be protected and backed by not just the customers who may be in the shop, by their employers, very definitely, but also by this legislation, which is incredibly important.

In closing, I want to say a big thankyou to the Shop, Distributive and Allied Employees' Association of WA for its advocacy around this on behalf of its workers. Ben Harris has been mentioned by a number of members today. I want to say a huge thankyou to Ben, his organisers and the union itself; to Hon Kate Doust, MLC, from the other place, for her role in advocating for this legislation; and to all those retail workers who work on Christmas Day, Boxing Day or all those other days of the year when some of us have time off. I will conclude by commending the Criminal Code Amendment Bill 2024 to the house.

MS M.M. QUIRK (Landsdale) [1.46 pm]: I will need to speak like a race caller because I have limited time in which to speak, so excuse my rapid delivery. Firstly, like other members here, I certainly want to congratulate the Shop, Distributive and Allied Employees' Association of WA for its fantastic advocacy on behalf of its members. Some of the ads in its campaign have been quite graphic and we should all be ashamed that especially young female workers have been exposed to violence and harassment in the way that they have. Likewise, I thank the Attorney General for responding to this need to change the legislation so expeditiously through the Criminal Code Amendment Bill 2024. It is important to note that this issue is not isolated to Western Australia. In fact, in 2021, the House of Commons Home Affairs Committee undertook a parliamentary inquiry that looked into the violence

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and abuse towards retail workers. Members can access those reports online. The issue is well summed up in the report of September 2021 by recommendation 35 that states —

Retail workers, by the very nature of their employment, are placed at an increased risk of violence and abuse compared to members of the general public. They are vulnerable to repeat offenders who are able to return time and again to stores, compounding abuse and leaving them feeling trapped and fearful in their place of work. The uniquely local nature of their employment means that retail workers face the terrifying prospect of offenders following them home or extending abuse into other parts of their lives in the local community.

Retail workers are responsible for enforcing laws with regard to age-restricted sales and restricted goods such as medicines or weapons. It is well established that conflict over these types of sales is a key trigger for violence and abuse. The Covid-19 pandemic has seen retail workers take on even more responsibility, enforcing Government legislation on social distancing and mask wearing, while putting their lives at risk working in public facing roles on the Covid frontline. Other categories of workers, such as emergency workers and customs officers, have rightly been afforded extra protection by the law in recognition of the service they provide to the public and the responsibility placed upon them by Parliament. We believe that retail workers must also be recognised, and that offences against them must be treated with additional seriousness, with extra protection from the law. We believe there is a strong case for extra protection in law for retail workers through a specific offence. The Government should consult urgently on the scope of the offence, recognising the particular pressure on those in different occupations who are asked to enforce the law.

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We can see, as I said, that it is an issue not just in Western Australia. Interestingly, despite this inquiry and the support for legislation, I read just this morning that the Tory government in England is only just now passing the law, so with any luck we might do it before the Sunak government in the UK.

Violence is not correlated just with shoplifting, which is the other thing to remember. As we have heard already, it also can relate to people with mental health or dependency issues, so to some extent the deterrent effect may well not work for those individuals.

One thing I want to stress—as it has turned out, I have coincidentally been working on some shop security and policy issues for government—is that it is a community issue. It is not the responsibility of just the shops, nor just the union or the shop assistants; we need to address this issue community-wide. In the course of that research, I wondered whether—I have asked some of the large shops—the cost of living has meant that theft has increased and, therefore, by definition, some violence has increased. They have said that there has been no correlation between the cost of living and theft, which is interesting. People are not going in there to steal a loaf of bread just because of cost-of-living pressures. Organised gangs are increasingly involved in shoplifting, and they should not be afforded any slack whatsoever.

The other thing that I think is worthwhile noting is that shops are insured, so any losses from theft are probably factored into the cost of goods for everyone who shops at the stores. In the present climate, I think that is worth remembering.

It will be great to have the new laws, but the laws will need to be enforced. It is all very well to say that we will have these new laws and a penalty will be attached that will act as a sufficient deterrent, but, at the end of the day, police will need to attend. If there is an assault, I expect that that would occur, as it would be a high priority. I suspect that at the moment, shoplifting, even if it is by a recidivist, is given a lower priority. We need to change that, and there is one way I think we can change it. As part of my research, when I was in New Zealand, I talked to the retail crime intelligence group Auror, which had all the major stores as clients. It processes all the CCTV from stores, does really sophisticated analysis and gives reports to police on patterns and particular intelligence issues that the stores need to be aware of. Some jurisdictions, such as Victoria, use that information to target recidivists, who are the very people we want to target, and real-time information can be sent to police, which of course assists in prosecution and apprehending the respondents. The Western Australia Police Force has said that it does not want full access to Auror because there will be too many reports and it will not be able to service it all, which is not the point of it. The point is to identify recidivists and recommend security measures for other stores. One thing I will say in the context of this legislation is that the WA Police Force needs to lift its game and sign on fully to Auror, which will enable it to more efficiently use its resources.

It is also worth noting that in my inquiries about the review, I found that some jurisdictions have banning notices. That means that with this intelligence from CCTV, certain individuals can be banned from the shopping centre. Again, how is that enforced? In New Zealand, for example, the big shopping centres also have car parks and there is numberplate recognition, so they are able to pick up very early that an individual is going to a store.

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The other issue that I quickly want to raise in this context is young shop assistants. We have heard from numerous speakers that many shop assistants are young and female. There is an issue with those shop assistants having to be witnesses at criminal trials, which is quite confronting for most people. I would say in that regard that we need to be mindful of that in the course of a prosecution. In relation to banning notices, for example, the shop manager can give evidence about the need to ban a particular individual who has persistently been a nuisance. Although this legislation will send a message and is in response to a real need identified by the union, there is still more we can do logistically to ensure that shop assistants who may be victims of assault are supported through any prosecution process if they have to give evidence. That also goes to the issue of post-traumatic stress disorder that may arise from the offence. Poor old Woolies, Coles and ALDI are under the pump at the moment, as they should be, but I hope that there is some recognition of that in the industrial relations context and that those workers get a level of support. I am told that that is not readily happening at the moment. Shop assistants are now told that, if they can, they are supposed to ignore theft, as opposed to violence. That creates more problems for them because they feel very frustrated when they can see wrongdoing going on and they just have to ignore it.

Finally, in recent days, there have obviously been some discussions about shopping centre security. I am mindful that there have been some suggestions about stop-and-search powers or the use of metal detectors. I look at the Bondi incident and I wonder whether, if we had those laws, it would solve the problem that we are talking about. The reason I say that is that the offender in that case could have gone through a metal detector and then gone to half a dozen stores to purchase a knife. I cannot see that we would be better off. However, if the person had repeatedly entered the shopping centre, it may well be that technological systems such as Auror, which I briefly mentioned, could assist in the early identification of people who are staking out premises. I am not sure that stopping and searching the general public would be effective. It would certainly increase the cost to centre owners and would not necessarily achieve the outcome we are after. Some might say that the cost involved in that might be better invested in greater access for everyone to mental health services.

MR W.J. JOHNSTON (Cannington) [1.58 pm]: I think I have about 60 seconds.

The DEPUTY SPEAKER: Ninety seconds.

Mr W.J. JOHNSTON: Excellent! I might have to continue after question time.

I will begin by acknowledging the hard work that was put in by the Shop, Distributive and Allied Employees' Association of Western Australia on behalf of its members and its secretary, Ben Harris, in bringing this issue to the community and lobbying government to respond. I want to congratulate the Premier, who is in the chamber now, for his strong response to that lobbying, which has led to this legislation coming forward from the Attorney General.

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As a Parliament, we are responding to a genuine need. I look forward to explaining in more detail my views on this important legislation and some of the background issues. As I say, it is an example of where the union has properly represented its members and brought an important issue to the community's attention, Madam Speaker.

The SPEAKER: Yes, member for Cannington.

Debate interrupted, pursuant to standing orders.

[Continued on page 28.]