

ACTS AMENDMENT (ASSAULTS ON POLICE OFFICERS) BILL 2008

Second Reading

MR R.F. JOHNSON (Hillarys) [4.00 pm]: I move —

That the bill be now read a second time.

In speaking on this bill, I first want to acknowledge our great serving police officers who are in the public gallery today. There are not many police officers in the gallery today, because I have said specifically that I will be the only speaker on this bill today, and I want our police officers to be here to listen to what the minister has to say on this bill when he has the opportunity to do so. I also want as many of my colleagues as possible to have their say on this bill, because I can tell the minister that they feel very strongly about the vicious and violent attacks that are being inflicted upon our serving police officers, and they support this bill 100 per cent.

I also want to thank the Police Union and the many police officers who have had input into this bill. Their input has been tremendous. This bill would not be possible without their submissions about the changes that need to be made to the legislation to protect their members. I am sure they will be very interested in the outcome and, hopefully, the successful passage of this bill.

I will give a brief outline of the bill. The explanatory memorandum states —

Synopsis: The Purpose of this Bill is to amend two Acts in a number of respects such that minimum mandatory sentences are introduced for offenders that seriously assault police and other public officers. Furthermore, anyone found guilty of seriously assaulting a public officer will not be able to have the offence recorded as a spent conviction.

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Clause 3 Indicates the amendments in Part 2 are to *The Criminal Code*.

Clauses 4 and 5 It is proposed to amend *The Criminal Code* to:

- Provide that a minimum mandatory term of imprisonment of not less than 9 months be imposed in circumstances where a public officer is assaulted and as a result of that assault bodily harm is inflicted upon the public officer.
- Provide that a minimum mandatory term of imprisonment of not less than 12 months be imposed in circumstances where a public officer is assaulted and as a result of that assault grievous bodily harm is inflicted upon the public officer.
- The summary conviction penalty for serious assaults on public officers establishes a minimum mandatory term of imprisonment of not less than 3 months.

Clause 6 Indicates the amendment in Part 3 is to the *Sentencing Act 1995*.

Clause 7 It is proposed to amend the *Sentencing Act 1995* to:

- Provide that an offender that is guilty of seriously assaulting a public officer will not be able to have the offence recorded as a spent conviction.

I have placed on the notice paper some amendments to this bill, because since I gave notice of motion to introduce this bill, some amendments have been made to the sentencing legislation to increase from 10 to 14 years the maximum penalty for a serious assault on a public officer.

I want to talk in particular today about assaults on police. Over the past few years I have met with many police officers in my role as shadow Minister for Police. These police officers have said to me that they want justice to be meted out in Western Australia to violent thugs who viciously assault them or their colleagues. They want appropriate sentences to be imposed for these offences. They are sick to the back teeth—as am I, and as are all members on this side of the house—of the judiciary handing down ridiculous sentences for these serious offences. Members of the judiciary are handing down ridiculous sentences that bear no relation to the gravity of the offences that have been committed. It is, therefore, no wonder that the incidence of violent crimes has increased by 20 per cent over the past two years.

Some horrific assaults on our police officers have occurred recently. We all know what has happened to Matthew Butcher, who was violently and viciously assaulted by thugs, and the effect that has had on his family. I will not go into detail here and mention the name of the person who has been charged with that offence, because I do not want to offend against the law of sub judice, but I hope the perpetrator of that offence is dealt with in the most severe terms. However, I hope that this bill, and the publicity that surrounds the serious assaults that have been committed against police officers in this state, will have some effect on those magistrates and judges who

have handed down sentences that are far too lenient to reflect the gravity of the offence. When we see the graphic pictures of the damage and the violence that has been inflicted upon police officers like Shane Markham, we can only hope that the offender will be given the maximum penalty. This government has increased the maximum penalty from 10 years' imprisonment to 14 years' imprisonment. I guarantee that offender will not get even the 10-year penalty, let alone 14 years. It is for that reason that the purpose of this bill is to ensure that magistrates and judges impose a minimum mandatory sentence on people who commit these offences for their own amusement, or because of their drunkenness or violent tendencies.

The minimum mandatory sentences that are outlined in the bill are in my view a bit on the weak side. I would go much further than that. I would probably double the minimum mandatory sentences that are proposed in the bill. However, the police officers and the Police Union tell me that at least if these sorts of sentences are imposed as a minimum, some justice will be done to our hardworking and brave police officers who put their lives on the line every day to protect people like the minister and me, and our families, throughout the whole of Western Australia. Our police officers deserve every bit of support that this Parliament can give them. They will certainly get it from this side of the house. I am sure that one or two members on the other side of the house will in their heart of hearts also want to support this bill. I am sure that the member for Yokine, as a former high-ranking police officer, would be hard pressed not to support this bill, because he still has a lot of colleagues in the police service. I am sure he would want to ensure that justice is done for his former colleagues who are still in the police service and are putting their lives on the line every day.

The Minister for Police and Emergency Services said recently that people who had assaulted a police officer had been given a prison sentence. That is what the minister said.

Mr J.C. Kobelke: No, I did not.

Mr R.F. JOHNSON: Yes, he did. What did the minister say, then?

Mr J.C. Kobelke: I said that people who had committed assaults that had resulted in grievous bodily harm had been given a jail sentence.

Mr R.F. JOHNSON: He actually got a jail sentence?

Mr J.C. Kobelke: That was the actual conviction.

Mr R.F. JOHNSON: I think the minister is wrong.

Mr J.C. Kobelke: I simply asked whether people could give me any examples of where that has happened, because it should not happen. No-one has been able to give me any examples.

Mr R.F. JOHNSON: I give the example of First Class Constable Michelle Ball in Derby.

Mr J.C. Kobelke: I think you will find that a jail sentence was imposed, but it was suspended, which is a different issue.

Mr R.F. JOHNSON: It is not a different issue, my friend. That thug who beat up that policewoman did not spend one day in jail.

Mr J.C. Kobelke: He should have.

Mr R.F. JOHNSON: Of course he should have, but he will not under the government's legislation. He will go to prison under the legislation I have introduced. I can assure the minister of that. He should serve a lot more than 12 months. Anybody who attacks any of our police officers and inflicts injury should go to jail.

Mr J.C. Kobelke: A top criminal lawyer is saying that under your legislation these thugs will get less, and that causes me concern.

Mr R.F. JOHNSON: Is that Tom Percy?

Mr J.C. Kobelke: Yes.

Mr R.F. JOHNSON: The difference between Tom Percy and me is that my job is to try to ensure that laws are in place to protect the victims of violent crimes. Tom Percy's job is to try to get those accused people off. That is how he earns his living. Tom Percy can go to hell as far as I am concerned. I will have a debate with him any day. If the minister wants to take any notice of Tom Percy, who is a criminal lawyer who defends the thugs—the people charged with rape and all the other serious violent crimes—and if the minister wants to side with him, he may do so.

Mr J.C. Kobelke: He is a member of the Liberal Party, not the Labor Party.

Mr R.F. JOHNSON: I do not want him on this side of politics.

Mr J.C. Kobelke: He is a member of the Liberal Party.

Mr R.F. JOHNSON: Is he? How does the minister know that?

Mr J.C. Kobelke: He is claiming that he is.

Mr R.F. JOHNSON: I would not know whether he is or not. He is certainly not a member of any of my branches. I would not particularly want him in any of my branches. I prefer to look after the victims in this state, not the perpetrators of the crimes. It is one classic case where the person who committed this very violent attack on this young policewoman was sentenced to 12 months' imprisonment by the magistrate, but the magistrate suspended the sentence for 18 months. That person did not spend one day in jail. That person can go out and commit more crime, and move to another district or another state. He can keep on committing crimes, and nothing will happen. The minister knows that, and I know that. He knows the number of assaults against our police officers on a daily basis. On average, four police officers are assaulted every day. I accept that some of them are not serious assaults. Those people who contravene the Criminal Code are dealt with in the normal way. They may get fined, but they probably will not pay the fine. That is why \$200 million worth of fines and infringement notices are outstanding under this government. When we were in government, the figure was about \$30 million. This government will not do anything about it. It will not send anybody to jail, because it does not have any room in the jails. They are overflowing. The government also has not spent any money on one extra cell in the eight years it has been in office—not one extra cell.

The ACTING SPEAKER (Mrs J. Hughes): Member, please direct your comments through the Chair.

Mr R.F. JOHNSON: I am doing so, Madam Acting Speaker; I am just facing the other way.

Ms M.M. Quirk: We have built a whole jail, thank you very much.

Mr R.F. JOHNSON: Which one was that?

Ms M.M. Quirk: Boronia.

Mr R.F. JOHNSON: The government has revamped one jail. The Boronia Pre-release Centre for Women is a facility for women who are deemed ready to return to the outside world. It is not a jail. The minister knows that as well as I do. The planning and funding for that facility was done by the previous government anyway, and it only replaced a jail we already have in place. This government has not added one extra prison cell, because it does not believe that is important. This government does not want to send people to jail even if they seriously assault our police officers. The government is letting them out of jail. The Minister for Corrective Services should hang her head in shame for interjecting in this debate. She has let 1 740 offenders go onto the streets in Perth and elsewhere in Western Australia completely unsupervised. Many are on parole.

Ms M.M. Quirk: They are not unsupervised.

Mr R.F. JOHNSON: Yes they are. I will have more to say about that on another occasion. I am only mentioning this in this part of the debate because I want to highlight the fact that the government has not provided one extra prison cell, even though the population has risen exponentially and crime has risen exponentially as well. Violent crime is just getting out of control. However, today I want to talk about the violent crimes against our police officers. I want to make sure that any person who breaks a bone or draws blood and causes a police officer to be hospitalised will go to jail. People on this side of the house are sick to death of our hard-working, brave police officers being used as punching bags for the worst scum in our society—the thugs in our society. Sometimes the minister and her government seem to come across as being more worried about the perpetrators than the victims. In this case the victims are our hard-working police officers. I know that they will wait with great interest for the Minister for Police and Emergency Services to respond when this debate resumes in three weeks.

Four officers a day on average are being assaulted by the thugs in our society. I have already mentioned a couple. It even makes the *Police News* now.

Ms M.M. Quirk: That is a great publication.

Mr R.F. JOHNSON: I wish the Minister for Corrective Services would pay some attention to it.

Mr D.A. Templeman: I read it all the time.

Mr R.F. JOHNSON: Why then does the Minister for the Environment not get the Minister for Police and Emergency Services to do something about the attacks on our police officers? All the government has done is to increase the maximum penalty from 10 to 14 years. People are not interested in the maximum sentence, because they know that the courts will never hand it out. They want to know what the minimum sentence will be. They know what the minimum is at the moment. It is either a fine that will not be paid or a community-based order that the offender will not observe and will not be supervised on. Offenders know that they will not go to jail, so what will happen? What options are there? Under the present government there are none whatsoever. Police officers are not stupid, and they will vote with their feet at the next election.

Mr M.J. Cowper: So will their parents.

Mr R.F. JOHNSON: Their parents and their families will do so too, because they see the government as being weak on crime and failing to support our police officers. Plenty of rhetoric comes out along with all the fluff and bubble about how wonderful the government is and what it will do for our police officers, but it has done very little at all. The government had to be dragged kicking and screaming to the negotiating table to try to get a decent wage for our police officers. It is the first time I have ever seen so many police officers come to Parliament House to protest over the disgraceful way the government has treated them.

Dr G.G. Jacobs: When they get injured, do they get compensation?

Mr R.F. JOHNSON: No, they do not, but that is another initiative of my good friend and colleague and super-dooper former police officer, the member for Murray.

I will quote something from the *Police News* that I found very interesting. It is not just me who is saying these things; the *Police News* is also saying it. The article states —

The following is a case of a serious assault against police officers where the penalty issued was nothing short of a joke! Regardless of issues raised by the offender, imprisonment should have been the only outcome!

Two officers were attacked by a 43-year-old male who charged one then tackled the other to the ground, then placed the other into a headlock, dragged the officer along the ground before removing a taser from the officer and using it on the officer between 6 and 8 times.

Here we have some thug using the police officer's Taser on the police officer between six and eight times. The article continues —

He then attacked the other officer again and attempted to remove the officer's firearm —

Thank God he did not get it, otherwise we might have had one of our police officers killed —

while being sprayed with OC. The offender has wiped the OC from his own face and gouged it into the officer's eyes, all the time yelling that he would kill the police. The offender was eventually subdued and arrested.

The officers both suffered severe bruising, grazes, scratches to face and body and OC spray affects. One officer suffered nerve damage to a wrist, over 12 taser burns and is still on sick leave more than three months since the incident.

A police officer cannot do his job for three months because of some violent thug, and yet I am sure the government would not agree to legislation that would ensure that such people went to prison for at least three months for the lower summary offence.

Dr G.G. Jacobs: What happened to the thug?

Mr R.F. JOHNSON: I will tell the member what happened to the thug; this is the crunch bit. The article continues —

The offender appeared in Perth Magistrates Court on 19 November 2007 charged with Threats to injure, Endanger or harm any person, Assault public officer x 2 and Obstruct public officer.

Do members want to know what the penalty was? It would be thought that for that sort of violent attack he would have gone to jail for some period. The article continues —

The penalty, "12-month Conditional Based Order".

He got a 12-month CBO. I guarantee that that offender has never completed that CBO and the chances are that he has never even started it.

Mr P.D. Omodei: What about the fine?

Mr R.F. JOHNSON: No, it was not a fine. It is a waste of time fining these thugs because they never pay their fines, which is why there is \$200 million in outstanding fines. This thug laid up one of our police officers for at least three months; he might have been off work for longer than that. The officer was injured so badly that he could not work for three months, yet the offender was given a 12-month conditional-based order. Is that justice?

Mr J.C. Kobelke: Of course not.

Mr R.F. JOHNSON: The minister says, "Of course not", so what is he going to do about it?

Mr J.C. Kobelke: I've already done it.

Mr R.F. JOHNSON: He has already done it? The minister thinks that this bloke might have got 10 years, but now he will get 14 years. He got a CBO. He did not spend one day in jail.

Mr J.C. Kobelke: Under our legislation, it would not have been handled in the Magistrates Court; it will now have to go to a higher court.

Mr M.J. Cowper: And he could have got less.

Mr R.F. JOHNSON: He could well have got less; exactly. He could have been fined or he could have got a suspended sentence, but I guarantee that he would not have spent one day in jail. He did not spend one day in jail. This legislation will ensure that those thugs will spend time in jail. I think police officers deserve respite from the violent criminals, the violent thugs, who commit these sorts of offences against our hardworking, brave police officers. I am not the only one saying this; this is what our police officers are saying. This is what they have said in their input on this legislation. I would have been much harsher; I think our police officers have been a bit soft in this instance. They have said, "No; if we get that, we'll be satisfied." I do not think our police officers will get this provision, because this minister and the government will almost certainly vote against the bill. In fact, does the minister want to save us some time and tell us today that he will not be supporting this bill?

Mr J.C. Kobelke: We'll look very carefully at your legislation. It has some good points.

Mr R.F. JOHNSON: Is the minister saying that he might support it?

Mr J.C. Kobelke: I am saying that we'll look at it very carefully.

Mr R.F. JOHNSON: That is a very good political answer. From a minister, that means that there is absolutely no chance of that happening. When this legislation comes up for general debate and the minister has the opportunity to rise to his feet, I think he might need some more chairs in the public gallery. This is their legislation, not mine. This is what our police officers want. This is what they deserve and this is what they should get. If the minister does not support this legislation, he will have a big problem on his hands.

Those are a couple of cases. All these pieces of paper that I have in my hands are cases of other police officers who are sick to death of the meagre penalties that have been handed down to people who commit violent attacks on police officers. There are too many to read into *Hansard* today.

Mr J.C. Kobelke: Are you happy to provide me with a copy?

Mr R.F. JOHNSON: No, I am not. They have been given to me in confidence and I will not give them to the minister. The time will come when I am happy to quote from them so that I do not identify the police officers.

Mr J.C. Kobelke: You can black out their names and provide them to me.

Mr R.F. JOHNSON: I may do that, but I think it is unlikely. I will not break the confidentiality of the police officers who have told me of specific cases in which meagre penalties have been given for serious assaults on police officers; the punishment has not fitted the crime by any stretch of the imagination.

People wonder why we are losing police officers. There are three reasons for that. First, they are not earning the amount of money that they should be earning. They are worth more than they are earning now. It is very difficult to put a figure on it, because in my view police officers are priceless. Without the police upholding the law and protecting the community, there would be anarchy. I accept that police officers earn a bit more now, but they deserve more. Secondly, there is no compensation for injured officers, and that goes back in time a fair way. I am not blaming it all on this government. That is why I am very grateful to my good friend and colleague the member for Murray for bringing to this house his private member's bill, which I do not think the minister will support. Thirdly, some police officers and their families are sick to death of the fact that police officers are being used as punching bags and are not being given the respect they deserve. I am a little older than the minister by a couple of years, but he and I can recall that when we were boys, if we misbehaved, the local police officer would give us a clip around the ear and drag us back to our parents. If it was mum, it was not so bad, but if it was dad, we would get another clip around the ear. Police officers cannot do that now because of the stupid left-wing, pinko, commo laws brought in by this mob at both the federal and state level. They have taken away every avenue for police officers to do their job efficiently and properly and in the way it should be done. Because of these types of laws, a lot of young people have no respect for police officers. We do not have enough police officers; both the minister and I know that. One example of that was the brawl at Mullaloo Beach on Australia Day. I heard the recordings of the few coppers at the brawl who called for backup, and they were told that they had all the backup there was. There were not many officers there. In my electorate of Hillarys, the marina at Sorrento Quay is becoming another Northbridge because violent attacks occur there every week. A man was recently bashed over the head with an iron bar. His father spoke to me. Four thugs drove into the car park, jumped out of the car and bashed this bloke, all for his mobile phone and whatever money he had on him. There were quite a lot of police officers at the marina a week later because a big event was held there. It was good to see them there. I had a meal at the marina and it was good to see a lot of officers walking around. There was no

trouble that night. However, we need police officers there every night that there is a problem, but there are not enough officers in reserve. I am told that the officers at Wanneroo Police Station have been told that they must keep the front desk open 24 hours a day, but that means that they do not have an officer who can go out on patrol and respond to incidents; they have to call on other officers to do that. The government is letting them down in that respect. The minister is writing notes; he is going to find out about that.

Mr M.J. Cowper: Wanneroo or Joondalup?

Mr R.F. JOHNSON: The new police station that was opened in Wanneroo, a marginal Labor seat. The police station in Hillarys is open for fewer hours than shopping hours because it does not have enough police officers to do the job. The officers we do have do a fantastic job, but there just are not enough of them. The minister must take responsibility for this lack of police officers. If he took away the 350 predominantly UK police officers whom the commissioner had the foresight to attract to Western Australia, we would be in a dire situation. How could the police do the job they are doing today if we did not have those 350 officers? They would be in even more dire straits.

At the end of the day, we must ensure that we properly protect our police officers. This bill will go some little way towards that. It will not solve all the problems, but it will go some way towards it. It is not only my colleagues on this side of the house and I who support the bill; some members opposite support a lot of the provisions in the bill. This is not just what police officers want, and it is not just what their families want.

Mr M.J. Cowper interjected.

Mr R.F. JOHNSON: I said that without moving my lips!

This is what the people of Western Australia want. They want to know that the thugs who for no good reason assault police officers—who do a very hard and dangerous job to protect the community and our families, friends, mothers, fathers and children—will be dealt with in the severest terms. Where will the problem end if there is a breakdown in law and order and a breakdown in the respect for our police officers? The thought is mind-boggling. It is frightening to think where the problem will end. Gone are the days when people standing around a fight that involved two or three people would simply step out of the way to let police officers through to control the fight. In years gone by people would not dream of touching police officers, never mind hitting them with a weapon, kicking them or attacking them violently with a broken or full bottle. I would love for us to return to that sort of situation, but that would be almost impossible.

Mr P.D. Omodei: In my day a cop would give me a ticket and a good kick in the backside.

Mr R.F. JOHNSON: The member for Warren-Blackwood was not in the chamber when I mentioned that. That also happened in my day. They were the good old days when people had respect for the police. If this house supports the Acts Amendment (Assaults on Police Officers) Bill, we will go a little way towards ensuring that people have more respect for the police. The thugs in our society are only a minority, but they are a vicious and violent minority that do too much damage. Having seen the effects of violence against police officers—I refer to Shane Markham and Matthew Butcher—on not only those officers but also their families, we must do something. If we do not, we are as guilty as the thugs who dish out the vicious attacks. We are as guilty as they are.

I could go on for ages; however, I promised my colleague the member for Murray that I would conclude my second reading speech within 30 minutes to allow him the opportunity to bring on his motion. When this bill comes back on for debate during private members' business, it will be the sole item of business. We will have three hours to debate it. The Minister for Police and Emergency Services has an obligation and a duty to respond to the bill on behalf of the government. I know that other members will want to speak to it. Indeed, my good friend and colleague the member for Murray will want to speak to it. As an ex-serving police officer, he will be able to share some good examples with the house. I do not want the government to drag out the second reading stage so that the vote will not be taken. If the government does that, I promise that the bill will come back on again. We will keep debating the bill until a vote is taken, because I want the people of Western Australia and our police officers to know what type of commitment the minister will give to ensure the protection and wellbeing of our police officers. Their families will want to know also. I await with great interest. I know that the public gallery will be full on that day. I hope that by the end of the debate we will put the bill to a vote. If by a miracle the minister manages to convince his colleagues to support the bill on the basis that he will move some amendments—usually, the minister is not capable of performing miracles—we could deal with those amendments during the consideration in detail stage. I would be amenable to listening to amendments. I am not doing this for political reasons. I have friends who are police officers.

Ms M.M. Quirk: You have friends?

Mr R.F. JOHNSON: I have one or two, which is probably one or two more than the Minister for Corrective Services.

I want these provisions put in place for all Western Australian police officers. They deserve no less than the support of not only the opposition, which is what they will get, but also the minister's side of the house. If they do not get it, the government will rue the day that it votes against the bill. I hope that when the minister debates this bill he will view it with a positive mind and that he will say that, apart from wanting to move some amendments, the government will support the bill. The minister should remember the words that I have spoken today. I, my colleagues and the police officers who are in the public gallery will be hoping that the minister will say that the government will support police officers by supporting this bill. I am not averse to the government moving some amendments. I would be very happy if the government wanted to get tougher. I certainly would not want the government to move amendments that would weaken the bill, because I do not think that its current provisions are strong enough. I will be amenable to any amendments that the government wants to move, if we reach that stage. I do not think we will reach that stage, because the government will vote against the bill at the end of the second reading stage. I ask the minister to prove me wrong. If he does, I will be a happy man. I commend the bill to the house.

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