

PROHIBITIVE BEHAVIOUR ORDER REFORM

**600. Mrs L.M. HARVEY to the Attorney General:**

The Liberal-National government is in the process of overhauling law and order in this state with a range of measures to address issues of antisocial behaviour and crime that have been neglected over the past several years, especially in my electorate of Scarborough. Could the Attorney General please outline to the house the progress of the prohibitive behaviour order reform and the shape that it might take in the future?

**Mr C.C. PORTER replied:**

I thank the member for the question. It was interesting to listen to some of the debate last evening with respect to hoons and how each and every one of us in our electorates has difficulties with antisocial behaviour. I perceived that one of the differences between this side and that side of the house is that we actually think that there is a real problem. It is all very well and good to come in and complain and say that people complain to us. I found it absolutely fascinating that one of the facts and figures that I researched during this winter recess showed that in the past 10 years —

An opposition member interjected.

**Mr C.C. PORTER:** This affects all of us. It goes to the dimensions of the problem that we are dealing with. Ten years ago the number of “events”, as the department calls them—individuals going through the Magistrates Court in Western Australia—was 50 690. That was 10 years ago, in 1998. In 2008, last year, the number of individuals going through our Magistrates Court was 103 288. Somehow in this state we have managed to go from a situation where it took us from the birth of the colony to 1998 to reach 50 000, and 10 years to double that amount going through the Magistrates Court. As many opposite would know, the individuals going through —

**Mr A.J. Waddell:** I guess we were not so weak on crime then.

**Mr C.C. PORTER:** The member has raised a good point because this is not only about an expanding pool of criminality at some level. There was a point that occurred in about 1994 to 1998 where a range of investigative techniques came on board—CrimTrac, databases, DNA back-capture, the police TADIS system—and we are finding more criminality, which causes us problems in other areas. What is important about that Magistrates Court figure is that it encapsulates a range of people who are committing what we would call volume crime—antisocial behaviour.

There are four points to the prohibitive behaviour order policy. The first is that we will define antisocial behaviour as any act that causes harassment, alarm or intimidation to members of the public or impairs the use of private or public property. That will include such things as graffiti, inappropriate behaviour on public transport, rock attacks on vehicles, hooning and arson—a range of offences that go through the Magistrates Court.

**Mr E.S. Ripper:** What about protest demonstrations?

**Mr C.C. PORTER:** Protest demonstrations have a right to exist in this jurisdiction, as they do in other jurisdictions. If they are lawfully assembled, of course they will not be included.

The second point is that we will have civil orders that will flow from convictions for offences that have an element of antisocial conduct. Those civil orders will ban people from doing prescribed things. If a person breaks that ban, he or she will face a maximum penalty in the Magistrates Court of nine months’ imprisonment and/or a fine of \$6 000, or five years’ imprisonment and/or a fine of \$10 000 if the order is given in the District or Supreme Court. The media have become quite fascinated with this—there will also be a level of publication of these orders that will apply to both adults and juveniles. The types of details that the orders may or may not publish at the discretion of the courts will be the name of the person subject to the order, a photograph or description, the suburb the person resides in and the terms of the order. Publication will apply to both adults and juveniles. This is a system that has worked very successfully in the United Kingdom for many years —

**Ms M.M. Quirk:** It is not conviction-based then.

**Mr C.C. PORTER:** It is actually both. They started out with antisocial behaviour orders and then moved into what they eloquently called CRASBOs, which were the criminal-based orders, and that is the part of the system that we have adopted. That is the part of the system that works.

I think the big difference is that we on this side of the house acknowledge that there is a problem. Whilst we see that it is a difficult problem, we are trying to do something innovative to cope with it. For the first time ever, idiots who throw rocks at vehicles on highways can be banned from going near those roads. That is a big step forward in the way in which we manage antisocial behaviour.