

Mrs Michelle Roberts; Mr Bill Johnston; Ms Margaret Quirk; Mr Martin Whitely; Ms Rita Saffioti; Mr David Templeman; Dr Tony Buti; Acting Speaker; Mr Chris Tallentire; Mr Joe Francis; Mr Andrew Waddell; Ms Janine Freeman; Mr Paul Papalia; Speaker; Mr Peter Tinley; Mr Tom Stephens; Mrs Liza Harvey

CRIMINAL LAW AMENDMENT (OUT-OF-CONTROL GATHERINGS) BILL 2012

Second Reading

Resumed from 25 September.

MRS M.H. ROBERTS (Midland) [4.20 pm]: The Criminal Law Amendment (Out-of-Control Gatherings) Bill 2012 is legislation that is long overdue in this Parliament. Indeed, the problem of uncontrolled gatherings, as they are called—or out-of-control parties, as they are more colloquially described—has become more and more acute over the term of this government. The problem has become more acute for a variety of reasons, one of which is the proliferation of social media and another, of course, being this government’s failure to address this issue until now. The government has really dragged its feet on this issue; this legislation was promised last year by the former Minister for Police, and re-promised as a legislative priority in March this year. However, it has only now been brought before us, during the final sitting days of this Parliament in the lead-up to the state election.

The minister says that she has been consulting stakeholders. These conversations cannot have been too robust or complicated, and there cannot really have been much negotiation, since the final bill is a relatively brief and simple one; although I expect that will have some advantages for the minister, and hopefully she will be able to understand it.

The real problem that the government needs to address does not, however, lie in this belated legislation, but in how the government proposes to enforce it. Bringing a bill like this before the Parliament might give the government the opportunity to talk tough and enable the Premier and the minister to go before the press and say how concerned they are, but it will not necessarily solve the problem. The minister will no doubt say, “I finally have a bill before the Parliament and we can show how tough we are going to be.” However, passing this legislation will not solve all the problems we face with out-of-control parties. It will not necessarily stop the parties. I believe that strong and resolute police action would be a greater deterrent to the “Twitterati” entrepreneurs of these gatherings.

Every weekend we witness out-of-control parties; this has now been going on for several years. Just last Saturday, no fewer than 21 police cars had to be dispatched to a club in Mt Hawthorn, where gatecrashers at a birthday party had assaulted security staff with knives and bottles. On the same night, at another party in Balga, people were literally besieged until the police arrived, then left, then returned, then left again. These are not isolated incidents; there are far too many of them, night after night, week after week. I do not think this legislation, in and of itself, will stop these parties. I am very hopeful that there are measures included in this bill that will prove useful to police, but the laws have to be backed up with police resourcing and action.

The community has received a number of completely contradictory messages on this issue. The minister likes to come out with commitments that front-line policing has not been cut and will not be cut, but we see a lot of evidence to the contrary, and much of the evidence I have has been provided by police officers from dozens of stations and districts throughout this state. They tell me that they do not have a sufficient overtime budget and that they are not meeting their minimum tasking levels. Madam Acting Speaker (Ms L.L. Baker), I know that at the Bayswater Police Station in your electorate there is a shortage of tasking vehicles and that local residents are getting very frustrated with the lack and tardiness of police attendance when there are problems in that area. The member for Maylands has raised those issues with me on numerous occasions, and it is simply not acceptable. This legislation will not, in itself, sort out the kinds of issues that the member for Maylands has raised with me; the resourcing of our police officers needs to be significantly improved as well.

So far, we have not seen any additional commitment from the government to resourcing. The only commitment it has made is to increase funding for the dog squad; I think about \$1.2 million or \$1.4 million will be provided to get extra dogs. The problem is, of course, that this is something that the government should have embarked upon a couple of years ago at the very least because it will take a minimum of 18 months and potentially up to two years to recruit and train the dogs. We could be waiting another 18 months before we see the benefit of this supposed extra resourcing.

I hope that it really is extra resourcing, because this government has been very loose with the truth when it comes to talking about the resources it will provide to the police service. To cite an example, we were told by the previous minister about the \$3 million summer crime strategy, through which additional money would be provided for policing over the last summer to try to keep crime levels down. I note two things that were misleading about that: one, the minister said that crime levels had been reduced because of that strategy, but when we compared the crime figures for last summer with the same period in the previous year, we found that crime had actually gone up by not quite as much as they thought it might go up. But the real con was when the

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government portrayed the \$3 million as additional money for the police force; just recently, an upper house committee was advised that it was not all new money. Only \$2 million of it was new money and \$1 million had to be raised from internal sources. This is despite the fact that the government boasted over and over again that it had found an additional \$3 million to provide police officers over last year's summer period. It was no such thing; it was \$2 million, and police had to make cuts to other areas to provide an extra \$1 million for overtime.

The question I ask very clearly here is: where are the extra resources that are required? The resources we really require are police officers on patrol who are able to respond quickly. Very often, these parties get well and truly out of control by the time police arrive, and once they are out of control they are very hard to quell, and huge numbers of police and police vehicles then have to be deployed because they have something akin to a riot on their hands. It would be far better for these parties to be nipped in the bud at an early stage, and I believe that many more of them could be if we could have more prompt police attendance at the very first stages of these gatherings that become out of control.

It is not as though this government has shown the fiscal constraint that it attempts to portray on the so-called Bigger Picture items. There are some things this government has plenty of money for. It certainly has plenty of money to run an advertising campaign, which to the best of my knowledge is well in excess of \$1 million, to promote and advertise on television its so-called Bigger Picture. That is \$1 million that could have been spent on police overtime or bolstering the front line of police who have to attend out-of-control parties week in, week out and who have to respond to incidents at Scarborough Beach and a range of other hot spots. The bigger picture the government talks about does not include the false economies that are making this state a more perilous place to live. How can we depend upon the police to attend accidents, maintain order and prevent and solve crimes when they do not even have the resources to ensure their own security at Curtin House or when they have to run operations such as Operation Redirect to get truants back to school because the Department of Education has centralised or removed the school attendance officers? The people of Western Australia deserve to have a police force upon which they can rely and be certain of getting a timely response when they are in need and that can make their life safer and more secure. On this matter, the government has failed them. The bigger picture—the real picture—is of a community that is more fearful than it was four years ago and is far more focused on the security of their own homes and houses than it is on the completion of the “Premier’s Palace” on the hill, which may stand as the only monument to this Premier and his incompetent government.

The opposition does not oppose this bill. In doing so, we recognise and assert that the passage of this legislation will be an empty gesture unless it is backed up by proper police resourcing. When we go into consideration in detail, the opposition will focus on a number of areas. I will go through some of them now. Members will note that clause 4 of the Criminal Law Amendment (Out-of-Control Gatherings) Bill 2012 defines “out-of-control gathering” as a gathering of 12 or more persons. That seems to be quite a low number to most of us. Most of the out-of-control gatherings and parties we have seen have involved vastly more people than that. I question that figure and why it has been set so low. I am told that it is because 12 is the number of people involved in a riot under section 66 of the Criminal Code and that that is a very low number for the police to have to count in that type of situation. There has been plenty of talk in the media and socially amongst people about why the number is set as low as 12 and why it is not 20 or 30. Twelve people could include some very small, tame gatherings. I note, though, that it does not apply just because 12 people have gathered and that certain other criteria must be met. They are outlined in proposed section 75A(1)(b), which states —

2 or more persons associated with the gathering engage in conduct of any of the following kinds —

- (i) Trespassing ...;
- (ii) behaving in a disorderly manner ...;
- (iii) unlawfully destroying or damaging property or threatening to do so;

Threatening to do so is a relatively low threshold —

- (iv) assaulting or threatening to assault another person or taking part in a fight;
- (v) doing an obscene act or indecent act in a public place or in the sight of any person who is in a public place;
- (vi) emitting, or causing to be emitted, unreasonable noise ...;
- (vii) driving a motor vehicle so as to cause excessive noise or smoke ...;
- (viii) unlawfully lighting fires or unlawfully using fireworks;

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- (ix) throwing any object or releasing any material or thing in a manner that is likely to endanger the life, health or safety of any person;
- (x) causing an obstruction to traffic or to the movement of pedestrians;
- (xi) depositing litter or breaking glass or other material;

Some people may break glass accidentally but there does not seem to be any differentiation. The bill continues —

- (xii) contravening the Liquor Control Act 1988 or the Misuse of Drugs Act 1981;
- (xiii) being intoxicated by liquor or an intoxicant ... in a public place;
- (xiv) any other conduct prescribed by the regulations;

It is that final subparagraph—any other conduct prescribed by the regulations—that seems to me to be a way of adding other conduct that may not reach as high a threshold as some of the other criteria listed. That certainly is a catchall provision, and we will question the minister about why it is warranted and what kind of other conduct might be prescribed in the regulations. Perhaps the minister might think about that in advance of the consideration in detail stage.

Proposed section 75A(1) also states —

- (c) the gathering, or the conduct of persons associated with the gathering (taken together), causes or is likely to cause —
 - (i) fear or alarm to any person who is not associated with the gathering; or
 - (ii) a substantial interference with the lawful activities of any person; or
 - (iii) a substantial interference with the peaceful passage through, or enjoyment of, a place by any person who has lawful access to that place;
- and
- (d) the gathering is not excluded under subsection (3).

Paragraph (c)(i) would seem to be quite a low threshold. I am wondering why it has been set so low in that instance. A next-door neighbour may, for whatever reason, find something that is happening at a person's place to be fearful or alarming. Maybe the actions in and of themselves are not fearful actions and would not cause the average person to be fearful or alarmed, but under this legislation the test is just that fear or alarm is caused to any person who is not associated with the gathering. Potentially, someone walking down the street or someone living next door poking his head over the back fence might be fearful that a young child is doing bombies in a pool—I do not know. Some people have a much lower threshold for fear or alarm than others. I wonder whether that is the appropriate test to be in place in that clause.

Proposed section 75A(3) states—

For the purposes of subsection (1)(d), a gathering of any of the following kinds is excluded —

We are very pleased to see these exclusions and it would appear at first glance that they are appropriate. The first exclusion is a gathering on licensed premises. Other laws pertain to licensed premises. I saw some ill-informed commentary on this bill that suggested that someone need only hold a party at a licensed premises and there will be no problem. Of course, most of us know that licensed premises have their own set of restrictive laws; indeed, in many regards they are more restrictive than these laws. Proposed section 75A(3)(b) reads —

A public meeting or procession for which a permit under the *Public Order in Streets Act 1984* has been issued;

That gives me some reassurance that the legislation will not be used at an Anzac Day procession or something of that nature, because that is not what it is intended for. Another exemption is at proposed section 75A(3)(c), which reads —

A gathering that is primarily for the purposes of political advocacy, protest or industrial action;

That is an area about which the opposition is likely to ask further questions during the consideration in detail stage. At the end of that proposed section is the catchall phrase “a gathering of a kind prescribed by the regulations”. At this point the proposal is not to set out other kinds of gatherings, but to leave them to be prescribed in the regulations. That is a lower bar, and people may be rightly fearful about what may be prescribed by regulations in the future. Perhaps during the consideration in detail stage the Minister for Police

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can explain the need for that catchall phrase. This is new legislation in that these kinds of laws are not currently in place. There are often teething problems and issues with laws when new legislation is passed, most of which is generally unintentional. Perhaps these phrases are included so that some matters can be remedied. Equally strong is the argument that phrases such as this mean that more onerous provisions can be put in place without the same level of scrutiny that legislation receives when it is presented in a bill before the house. I highlight that as a concern.

The bill also contains power of entry provisions and so forth for police. I note that the minister's comments in the second reading speech are relatively flimsy in that regard. She said words to the effect that police may need to find the responsible adult at a particular location or the person responsible for the premises at which a party is being held. There are already powers of entry for police officers under other legislation. Normally police officers would get a search warrant if they had reasonable suspicion of a crime being committed. This legislation will give police much easier and quicker access. I am sure some of my colleagues will want to ask questions of the minister about why these all-encompassing powers are written in that specific way in the various clauses of this bill.

The bill sets out onerous penalties for those found guilty of an offence under this legislation. By and large those penalties are appropriate. The people who organise out-of-control parties have wreaked havoc in our suburbs and they need to be held responsible. I am hopeful that the penalties will act as a deterrent to those who think that they can organise these parties without consequence. Indeed, in a recent high-profile example, a party was held on a rural property. Effectively, the person who organised the party had trespassed. Most people in the community would believe that it is wrong that pretty much the only offence police could charge that individual with was the offence of trespass. The consequence of that is generally a warning or a minor fine, which is not acceptable.

I emphasise very strongly that those who organise completely out-of-control parties that wreak havoc—at which abuse and objects are hurled at police, people punch at and fight with police and innocent parties are injured and which cause whole neighbourhoods to be distressed and people to lose sleep—need to face very strong consequences. I emphasise quite strongly that we want a deterrent put in place. I am hopeful that elements of this bill will act as a deterrent. We also want appropriate punishments put in place for those who wreak havoc in our suburbs.

With any new legislation such as this, we must ensure that there is a balance; that innocent parties are not adversely affected by this legislation and that people are not inadvertently caught up in what I am sure will be seen by some civil libertarians and some in the legal profession as draconian legislation. I am hopeful that this legislation will be used appropriately and that it will not be used for the wrong purpose.

The title of this bill reads “Criminal Law Amendment”, but in brackets it reads “Out-of-Control Gatherings”. I make it clear that the opposition understands that to be the out-of-control parties of the sort we have seen all too routinely in our suburbs and regions. People have rung radio talkback and referred to softer and gentler parties, such as dinner parties of 12 people and children's birthday parties at which a fight might break out after someone tips a drink over someone else. We will examine to a greater extent whether those concerns have any foundation. Ultimately, as with all legislation, the proof of the pudding will be in the eating. Once this legislation becomes law, we will see how effectively it deals with out-of-control parties. I noted at the outset of my speech that this legislation was substantially delayed and that the previous Minister for Police had been promising to do something for a couple of years. He eventually promised legislation at the end of last year and in March he said the legislation would be a priority. The Legislative Assembly has only 12 sitting days left, and the legislation has essentially just come on for debate. I put on the record that the opposition will not delay the passage of this bill in any way. Indeed, it may pass through this house today—it is in the government's hands—but failing that, I am quite confident that it should pass through this house this week, largely due to the cooperation of the opposition.

Whilst I said a moment ago that the proof of the pudding is always in the eating, the legislation in and of itself will not be sufficient to deal with all of the issues pertaining to out-of-control parties. Police resourcing and police response will be a key component in getting these parties under control. I note that there was a complete failure on behalf of government to take any kind of bipartisan approach to this legislation. The opposition was not provided with any advance copy of the legislation, nor were we given advice of the key elements that would be contained in the legislation. Yes, if we gleaned a whole lot of media articles, we could probably see some elements that were talked about by government and by the Commissioner of Police at various steps along the way over the past couple of years. In doing that, we would also see elements that are not contained in this legislation. I note, for example, that earlier this year, the Commissioner of Police went on record—indeed, it was reported in *The West Australian* among other places—in respect of an out-of-control party that had occurred at the time that he wanted legislation to deal with the secondary supply of alcohol to minors. The commissioner

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advised at that time that he would find that to be helpful in his dealings with some out-of-control parties. Quite clearly that would not necessarily be a factor in every out-of-control party. But the article is there for everyone to look up and read.

The commissioner is on record on, I think, about March or April this year as saying that he wanted Parliament to give him legislation to deal with the secondary supply of alcohol to minors. If anyone does not understand what that means, it is when the person under 18 years of age does not purchase the alcohol from a hotel or bottle shop but a parent or other adult purchases the alcohol and then supplies it to a minor. Potentially, someone's older brother, friend, next-door neighbour or relative goes to a bottle shop, buys alcohol and gives it to someone who is potentially only 12, 13, 14, 15 or 16 years of age. Whilst a lot of people get distracted by a younger person having perhaps half a glass of wine in a family home, the reality is that, sadly, some adults within our community purchase slabs of beer, bottles of spirit and the like and provide copious amounts of alcohol to minors. It is what the secondary supply of legislation is about. The government appears to have balked at providing that legislation. We have no explanation for why it has balked at providing provisions relating to the secondary supply of alcohol to minors as part of this legislation, which deals with out-of-control gatherings at parties. I can only assume that the Commissioner of Police had good reason to put that on record earlier in the year and that he would have followed those actions or, indeed, preceded those actions by requesting government assist him with legislation in that regard.

I do not intend to use all the time available to me at this stage; I have made some opening remarks and I have certainly raised some concerns. I think once armed with this legislation—this is what the government says is required and what it needs to curtail out-of-control parties—we will see in the summer period how successful this government is once it is equipped with this legislation. I am referring to legislation that the government sat on and did not share with us, did not collaborate with us on and did not take a bipartisan approach on, but presented to us in the dying days of this government. We will not obstruct this legislation. There will be a limited number of speakers on this side of the house because we want to see this legislation make progress through the house today, if that is possible. I note the bill contains only nine clauses so the consideration in detail stage should not take an overly long time, but we will certainly raise questions about the detail of the legislation and seek some answers from the minister.

MR W.J. JOHNSTON (Cannington) [4.55 pm]: I would like to explore a few issues regarding the Criminal Law Amendment (Out-of-Control Gatherings) Bill 2012. Firstly, it is interesting that this bill seeks to end the idea that a man's home is his castle. This bill specifically seeks to deal with what we do in our own house that impacts on other people. The Liberal government wants to be able to intervene directly in the way we act and to hold us to account for the impact we are having on the community beyond our boundaries. It will overturn a long tradition of the Liberal Party that people's activities in their own home should not be interfered with by the state. It is a very interesting decision of this government to take a new approach to these issues by saying that we have great responsibility for our neighbours. That is something I do not have any problem with at all, but it is very interesting to note that this government is turning its back on the liberalist approach that the party was founded on; that is, that the state would not intervene in people's behaviour. It is a good thing in my view that the government wants to overturn its past.

The bill also reflects the idea that we can solve the problems of society by legislating. Again, that is a very interesting repudiation of the history of the Liberal Party because until now the Liberal Party has always held the view that laws do not change society; society exists regardless of the way Parliament passes legislation, and that legislation should be kept to a minimum. Over the past four years we have been constantly passing more and more legislation that clearly changes and defines the way people act. It is an interesting issue because it is something I highlighted in my inaugural speech in this place; that is, the community expects Parliament to have a much higher level of activity. Despite the years of the Liberal Party lecturing Australians that laws do not change anything, we now see a government that has gone in the other direction and said that we can solve problems by legislation. When we look at the debates around, for example, the equal opportunity laws, which the Liberal Party said would not have an effect on society, we can see that the Liberal Party has gone completely in the other direction to say that laws do, in fact, change society. That is an interesting change. We should probably welcome the Liberal Party changing its opinion about laws and their effect on society and that it is now strongly of the view that passing a law will change community behaviour.

As the member for Midland noted, it will be interesting to see how the government implements the law that it is bringing forward. This law clearly sets out that it contains the tools the government needs to overcome the problems of out-of-control parties. Rather than, as has been suggested by this side of the chamber, giving police additional resources to make sure they have enough staff, vehicles and equipment to ensure they can do their job, the government has decided the approach that needs to be taken is to introduce a new law.

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I appreciate that it may be easier for the minister to talk about this in consideration in detail, rather than simply in the second reading reply, but I want to examine the way in which proposed paragraphs 75A(1)(a), (b) and (c) fit together. The word “and” appears at the end of each of paragraphs (a), (b) and (c). As I understand it, that means that a gathering is an out-of-control gathering if it is a gathering of 12 or more persons, plus it meets one of the criteria listed in paragraph (a), it meets one of the criteria listed in paragraph (b), it meets one of the criteria listed in paragraph (c), and it meets the criterion listed in paragraph (d). I would be very glad if the minister could give some examples of how these paragraphs fit together. If a gathering is a gathering of 12 or more persons, and it meets one of the criteria listed in each of paragraphs (a), (b) and (d), but it does not meet the criteria listed in paragraph (c), does that mean that it is not an out-of-control party and therefore will not be covered by the bill? Paragraph (b) contains an extensive list of criteria. Paragraph (c) does not contain such an extensive list. It would probably be easier to deal with this matter during consideration in detail, but I would appreciate it if the minister could give me a clear understanding of how that will fit together. Perhaps the minister in her second reading reply could make it clear whether I am right and whether one of the criteria listed in each of proposed paragraphs 75A(1)(a), (b) and (c) will need to be in effect before a party is considered to be out of control and these provisions will come into play.

I also want to explore during consideration in detail proposed section 75B. I take it from proposed subsections (3) and (4) that if a person can demonstrate to the court that he or she has taken reasonable steps, the person will not be found guilty of an offence. Proposed subsection (4) provides some examples, but I would like to get a picture of what this is about. It seems to me that it would be a bit strange if a person who was a responsible party organiser but who had gatecrashers come to his party could be found to be guilty of an offence. I want to have it clearly identified what the defences will be and what protections people will have.

I also want to explore subsection (5) of proposed section 75B, which provides that a court may order the person to pay some or all of the reasonable expenses of or incidental to any action that was reasonably taken by police officers in responding to an out-of-control gathering. I would appreciate knowing whether there is any provision of a similar nature in any other legislation. I have not been in this place for very long, and I am not aware of any such legislation. This provision does seem a bit unusual, and I would appreciate some examples of where this type of arrangement has been applied. I understand that a court may order restitution for a person who has been adversely impacted by an out-of-control gathering. But it appears that what the minister is proposing in this bill is that the person will be held responsible for the cost of policing an out-of-control party. I am not saying that is necessarily wrong, but I would be interested to know why the decision was made to include this provision. For hundreds of years, we have had the view that the police should do the policing, because that is the responsibility of the state. I know that during the term of this government, we have passed legislation in this place to privatise police operations by requiring the organisers of certain events to be charged for policing services that are provided as part of the taxpayers’ benefits of living in Western Australia. I am not necessarily saying that is wrong. I would just like to get a picture of why this is being done and whether there are any examples of similar provisions.

I would also like the minister to clarify what is meant by proposed section 75A(3), which provides an exclusion for the following types of gatherings: a gathering on licensed premises, a public meeting or procession for which a permit has been issued, a gathering that is primarily for the purposes of political advocacy, protest or industrial action—that is the one that I would particularly like to explore—and a gathering prescribed by the regulations. I can understand why the minister would provide for a regulation-making power under that particular provision, because there might be some other type of gathering that was contemplated. However, I do question proposed section 75A(1)(b)(xiv), which provides “any other conduct prescribed by the regulations”. Normally, a citizen would expect to know what the laws of the state are by simply reading the statute. I would be interested to know whether the minister could give examples of any other legislation in which a criminal offence is created—with very serious consequences, as is proposed here—but that criminal activity is prescribed not by law, but by regulation. Again, I have not been here very long, and I am not a lawyer, so if we could be given some examples, that would be worthwhile. I note the number of times that the Standing Committee on Delegated Legislation has made comment in this chamber, on a bipartisan basis, that the government should not use regulation-making power with regard to a particular provision but should include the provision in the act. So I would be interested if the minister could tell me why she has not been able to achieve what she wants to achieve through this legislation and why we need this additional provision that will allow the executive to make regulations—potentially while Parliament is not in session, and, therefore, those regulations will not be subject to prompt parliamentary scrutiny—that will potentially create a criminal offence. The minister may come back to me with a list of similar provisions in other legislation—and that is fair enough; if that is done, I will understand the point the minister is making.

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I do not want to take up any more time. I will conclude by saying that many people in my community are concerned about community safety. This issue is raised with me regularly when I am doing my street corner meetings. What annoys people the most is that so little crime is being cleaned up. There is a lack of accountability for criminal behaviour. Although Parliament is creating laws to increase the penalties for criminal behaviour, the community is not seeing people being held to account and charged and brought before the courts to determine their guilt or innocence. I have people tell me regularly that their houses have been broken into, their cars have been vandalised or their property has been stolen, and they report the offence to the police, and the police take action, but they do not find the guilty party. That does seem to be a question of resourcing. It would be good to have some assurance from the minister that the problem with resourcing that we have in this state will be overcome.

I know that the government changed its mind about fulfilling its commitment to hire 500 extra police and decided that only 350 would be hired. That was a great disappointment to everybody in the community. It is very difficult to see how that commitment will be met. The community is very concerned about the problems with the lack of resources for police and the lack of effectiveness of law enforcement in the community. I am interested to know the answers to those questions. Minister, I think most of my questions can be answered in consideration in detail, but perhaps in her response to the second reading debate the minister could comment on the examples of other laws under which there are regulation-making powers similar to this so that we do not have to labour it in consideration in detail. I am sure that certainly some things will need to be discussed during consideration in detail.

MS M.M. QUIRK (Girrawheen) [5.10 pm]: I certainly agree with my colleagues who have expressed the feeling of the community, which has had a gutful of out-of-control parties disturbing the quiet enjoyment and amenity of our suburbs. I welcome these laws in the Criminal Law Amendment (Out-of-Control Gatherings) Bill 2012. I am sceptical about whether they will work, but we will wait and see.

I think the minister has said about these laws all the way along that out-of-control parties are a waste of police resources. Therefore, I believe that implicit in her comment is the assertion that these laws will reduce the number of police needed to attend these parties. I am not sure what the basis for that assertion is, other than the fact that she believes that these laws will act as a deterrent. I do not know whether that is the case or why the minister thinks this will reduce police presence. I note in the legislation that on page 7, under proposed section 75B(4), one of the grounds for inferring that the occupier of a premises took reasonable steps to ensure that a gathering did not become an out-of-control party is to give notice of the gathering to the Commissioner of Police or take steps to request the attendance of police. In a way it seems to me that that may well increase the drain on police resources, and not limit them.

The next issue that I have some problems with is that in 2010 we passed the Criminal Code Amendment (Infringement Notices) Bill. The whole rationale for doing that was to stop police having to go back to the station with someone who was under arrest to fill out all this paperwork, effectively taking them off the road for that time. The enhanced list of offences that could be dealt with by way of infringement notice was to mean that a police officer could issue an infringement notice and then stay out on the street maintaining order, as is his duty. Although sections 1 and 2 of the act were proclaimed in May 2011, the act has not been used. I am a bit perplexed about why that legislation is not now in force, because some of the difficulties that police have experienced with out-of-control parties may well have been able to be dealt with by issuing infringement notices. It may well have been easier to increase the number of offences for which police are permitted to issue an infringement notice under that legislation. I am curious to know why the rest of that act has not been proclaimed and if and when the minister expects it to be in force.

The next issue is the suggestion that buses would house the police at the site of an out-of-control party. I understand that the Commissioner of Police looked at two prisoner transport vans, I think, at Hakea Prison. These are relatively new vans that were part of the commitment to upgrade prisoner transport made by this government and the previous government. I wonder how police can be contemplating using those vans and purchasing them off the Department of Corrective Services. What is the purpose? Will the police convert them into operational vans so that they can deal with offenders on the spot? I would be very concerned if prisoner transport vehicles are taken out of service from the Department of Corrective Services and not used for the purpose for which they were designed, thereby leaving the department short.

The next issue relates to the imposition, presumably, of restitution or compensation order under the Sentencing Act 1995 when it is believed that an out-of-control party has placed undue expense on the police. There is a power under this legislation for such orders to be made against an organiser when police believe that they have expended time and money in quelling an out-of-control party. Last time a similar issue came up was when we

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discussed charging for police attendance at sporting and other events. I wonder what rate will be calculated for police time. I recall that when we discussed this previous legislation, it was about \$90 an hour for each officer. I seek clarification on the proposed rate at which police officers will be charged.

The next issue that I will go to relates to the power to enter, which is contained particularly at proposed sections 38A and 38B. I seek an assurance that this new arrangement enables police to enter without a warrant, but does not permit them to search. I want an assurance that that is the case. I am particularly intrigued by section 38A(2), which states —

If a senior officer reasonably suspects that —

...

(b) a gathering of persons occurring in a place or vehicle is likely to become an out-of-control gathering, ...

In other words, before such a gathering is out of control, the power to enter is conferred. I am a bit curious about the case of vehicles; unless it is a bus or a very large people carrier, how can people gather in a vehicle? Is there some cumulative effect? Would six vehicles with two people in each comprise a gathering? Does “gathering” referred to in that context under proposed section 38A(2)(b) refer to the defined meaning of “gathering” as 12 persons, or is it a more generic term? It seems to me that proposed subsection is somewhat unclear. I am also not quite sure of the rationale in those circumstances for entering. As a general proposition, the issue of out-of-control parties is that people usually flood out onto the streets rather than in the premises themselves. I would like to know what the rationale is for power of entry. Why are existing police powers not sufficient?

The next issue referred to in the minister’s second reading speech was the occupier taking all reasonable steps to ensure that the party did not get out of control. She mentioned engaging persons to provide security services at the gathering. One of the issues is that a lot of the time people do not know they have a problem and then suddenly an extra 50 or 100 people show up when it was anticipated to be a small, quiet private gathering. I think in a way that is an unfair criteria in that at a normal small gathering people would not necessarily have the foresight, or frankly the wherewithal, to engage security services. That is a specific one that the minister mentions in his second reading speech, but there are a couple of others. The bill states the following criteria —

organising the gathering in a manner that indicates that only persons invited to the gathering may attend;

I presume that means not putting out a general invitation through social media and putting up signs saying “private function”. I would like the minister to expand on what that actually means.

In subsections (c) and (d) of proposed section 75B(4) reference is made to the giving of notice to the Commissioner of Police. It states —

giving notice of the gathering to the Commissioner of Police in a manner approved by the Commissioner of Police;

I presume that is something in legislation and will be in the regulations. I presume there will need to be a time frame in which that notice is given. I would be grateful to have some sort of indication from the minister as to what is contemplated; what steps need to be taken to ensure that there will be the inference that the occupier did everything reasonable to ensure that the party did not get out of control?

Page 10 of the bill refers to orders given by police. A police officer may —

order any person or group of persons in or in the vicinity of the place or vehicle to leave the place or vehicle immediately;

I am interested in whether a particular form of words is required as a matter of law. I am told that it needs to be audible. Obviously in those sorts of situations that is going to be a very moot point. I would just like some further clarification as to whether it is expected under the legislation that a form of words will be required to be used. I also make the point that there may well be cases where those gathered may not necessarily understand English and whether any thought has been given as to how that order will be adequately communicated.

This legislation presumably applies to all people over 12 years of age because that is the age of criminal responsibility. But potentially we might have situations where adults and juveniles are at the same party. I request information from the minister about what protocols exist for how minors are treated as opposed to adults in the context of this legislation. Is it envisaged that protocols will be enshrined in the legislation so that people understand their rights, duties and responsibilities?

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Out-of-control parties are not a particularly new phenomenon. Some members will recall a fairly obnoxious young fellow from Victoria a few years ago called Corey Worthington. He made notoriety around the world for his fairly defiant and antisocial attitude to police and in fact to his parents. I am conscious that how the police handle these events may well give ratbags like Corey Worthington the kind of publicity that they want. I have to say I am not sure that some of these procedures will not in fact inflame or exacerbate these issues or give the organisers great footage to use on their social media. The lead speaker has said that we support the bill. I do so with reservations that I am not quite sure how it will work. I am not sure whether it will continue to be the drain on police resources that the minister is very anxious to eliminate. I am not sure that all of the measures that have been conferred on police are necessary.

MR M.P. WHITELY (Bassendean) [5.25 pm]: In the twilight of my parliamentary career I have come to the sad realisation that this Parliament passes too many laws. The Criminal Law Amendment (Out-of-Control Gatherings) Bill 2012 is a classic example of a law that we really should not be passing. It is a political response when the government has not got a real response to the problem. If we want to stop out-of-control parties—and of course we do—and if we want to stop the sort of rioting in the streets that we have seen, we need to do two things. The first is to build a better society, and the second is to put more police in place. The third option, the one that has been chosen here, is to pass more laws to create the veneer that it is actually going to do something.

I had not paid great attention to this legislation. In fact I only looked at the legislation about an hour ago, and I was immediately struck by how fundamentally flawed it appears. I noticed that the new Minister for Police—she has actually achieved something here; she is making the former Minister for Police not look quite as bad as we all thought he was at the time—was actually criticising Labor for not supporting this bill before we had actually seen it. It is a nonsense bill. In all probability it will have absolutely no effect. However, in the way that it is structured and the way that it is written, it leaves open the potential for significant abuse.

I will go through some of the things that became obvious when I read the bill. I am not a lawyer, but I do not have to be to understand some of the problems with this bill. This is the fundamental problem: proposed section 75A refers to the definition of an “out-of-control gathering”. It is an out-of-control gathering if —

- (a) the gathering is a gathering of 12 or more persons;

There are some obvious problems with the small size of the number, but I do not think that is necessarily the biggest problem. Proposed section 75A(1)(b) states that it is an out-of-control gathering if —

- (b) 2 or more persons associated with the gathering engage in conduct of any of the following kinds —

And I will go through each of them. This is redundant legislation because all of these things are already illegal. It is illegal to trespass on land. It is illegal to behave in a disorderly manner. It is illegal to unlawfully destroy or damage property or threaten to damage property. It is illegal to commit assault or threaten to assault another person. It is illegal to do an obscene act or an indecent act in a public place or in the sight of any person who is in a public place. It is not lawful to emit or cause to be emitted unreasonable noise. It is not lawful to drive a motor vehicle so as to cause excessive noise. It is illegal to unlawfully light fires. It is illegal to throw any objects or release any material or thing in a manner that is likely to endanger the life, health or safety of any other person. It is illegal to cause an obstruction to traffic or to the movement of pedestrians. It is illegal to deposit litter or break glass or any other material. It is illegal to contravene the Liquor Control Act 1988 or the Misuse of Drugs Act 1981. The last one; it is illegal to be intoxicated by liquor or an intoxicant in a public place. All of the things that are outlined in this bill are already illegal.

I invite interjection from the minister at any time. With this legislation, we are saying that if someone is involved in the organisation of a party or a gathering and two people at that gathering perform any of the illegal acts listed in the legislation, the organiser has a potential criminal responsibility and under certain circumstances could be jailed for one to three years. I do not think that a gathering of 30 people, 50 people, 100 people or 200 people at which two people litter is an out-of-control party. That is not what we are talking about here, but under this legislation that is defined as an out-of-control party.

Mrs L.M. Harvey: No, it's not.

Mr M.P. WHITELY: The bill reads at proposed section 75A —

- (b) 2 or more persons associated with the gathering engage in conduct of any of the following kinds —
 - ...
 - (xi) depositing litter or breaking glass or other material;

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That is how the legislation reads. So, if there is a party and two people attending drop some litter at the front of the house as they are leaving, the organiser of the party is subject to potential criminal sanctions.

Mr P.T. Miles: Oh, rubbish!

Mr M.P. WHITELY: That is what the legislation states, member for Wanneroo. Rather than just saying “rubbish”—indeed we are talking about rubbish, because we are talking about two people dropping rubbish outside a party —

Mr P. Papalia interjected.

Mr M.P. WHITELY: Well spotted; the member is right: this is rubbish, because if two or more people drop rubbish outside a party, the party organiser could be subject to a criminal sanction, even if that person did not know it had happened.

The fundamental point is that I went through all of the acts listed, and all of them are illegal and are subject to criminal sanctions or in some cases, such as driving a vehicle that emits too much noise or having a party with too much noise, are subject to minor sanctions. However, they are all illegal or unlawful. Therefore, if the government wants to crack down on illegal activity, it should crack down on what is currently illegal. I have seen footage on television of the parties that were out of control and people were rioting in the streets; this legislation is a response to those events. I think the party that made the telly may have been in the member for Armadale’s electorate.

Dr A.D. Buti interjected.

Mr M.P. WHITELY: I am sorry, member for Armadale! I think it may have been —

Dr A.D. Buti interjected.

Mr M.P. WHITELY: It was in somebody’s electorate, member for Armadale.

Dr A.D. Buti: It was in the member for Darling Range’s electorate, actually.

Mr M.P. WHITELY: It was in the member for Darling Range’s electorate, was it? It does not really matter where it was, but people were rioting in the streets. All those activities shown are illegal. People were violent, people were committing assault, and people were throwing objects—all those activities are illegal. Why not just do one of two things—either get more police on the job so that current laws can actually be enforced or try to build a better society? It is all too complex, is it not? This legislation is bumper-sticker politics. This is what is ignoble about our profession, which should be a noble profession. This legislation is crap; it is absolute crap.

Several members interjected.

Mr M.P. WHITELY: No, this legislation is not parliamentary; the member is quite right. My comment was unparliamentary, and this legislation is not parliamentary either. What is the point of making something illegal that is already illegal? This is political grandstanding. This was a promise that was made and now the government has to fulfil it because we are getting up to the next election and it has not done it yet. Labor is getting criticised for not supporting the legislation before it has even seen it. It is just rubbish. Somebody somewhere in the media needs to wake up to this legislation, because this is a nonsense.

I went through the 12 specific acts that were already illegal acts, but what particularly concerned me is in proposed section 75A(1)(b), which states —

2 or more persons associated with the gathering engage in conduct of any of the following kinds —

Proposed subparagraph (xiv) states —

any other conduct prescribed by the regulations;

Therefore, anything could be made illegal by regulation in the scope of this legislation. A regulation could make playing chess in a boisterous manner illegal. I am being absurd, I know, but the point is that we have a duty in this Parliament not to pass rubbish legislation and not to delegate that sort of authority, but that is what we are doing! Regulations are subject to parliamentary disallowance; nonetheless, what are we doing? Are we envisaging actually incorporating acts that are not currently illegal? The scope of this legislation worries me enormously.

I move to proposed section 75A(1)(c)(i) under clause 4 of the bill, which was mentioned by the member for Midland. It mentions —

the gathering, or the conduct of persons associated with the gathering ... causes or is likely to cause —

(i) fear or alarm to any person who is not associated with the gathering; ...

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I give an example. Mrs Smith has a feud with the neighbours, and the neighbours' 18-year-old son is having 20 of his mates around for a party. Mrs Smith does not like the neighbours or their child for some reason—perhaps they have had a dispute about the side fence—and suddenly says that the party is causing her alarm. Some people are just naturally timid and, frankly, there has to be some sort of reasonableness test in this case. Some people just panic and get upset because the neighbours are young people. What is it about us as we get older that makes us suddenly get scared of young people? I remember hearing all of this “young people are out of control” stuff when I was a young person, and I was probably more out of control than many of my children's generation.

Dr A.D. Buti: I would be interested in whether the minister could tell us whether there is an objective or subjective fear. What's the test for it?

Mr M.P. WHITELY: I would like to know what that means as well! That is a very good question and I am interested in the answer.

Nonetheless, it is an absurd measure to have “likely to cause alarm” in the legislation. I can understand “substantial interference with lawful activities of any person”—that is reasonable; but “likely to cause alarm” is not reasonable. We need to look at where the low bar is set here.

I read more of the bill. Proposed section 75B is headed “Organising out-of-control gathering”. I am not sure whether I understand this and I will certainly take it up, along with many other issues, in consideration in detail.

Mr D.A. Templeman: We are in for a long night tonight!

Mr M.P. WHITELY: We could be; if we do our job, we will be in this place for a long night tonight. When Parliament passes this sort of legislation, it needs to be —

Mr P. Papalia: What sort of legislation?

Mr M.P. WHITELY: I think I said what sort of legislation. When Parliament passes this sort of legislation, it needs to be subjected to proper scrutiny. It is bumper-sticker politics at its worst; it really is.

The bill refers to organising an out-of-control gathering. Proposed section 75B states —

organise ... means ... substantial involvement in arranging, managing, advertising or promoting the gathering (whether or not any other organisers of the gathering know of or consent to that involvement);

I am really confused about whether, if there are multiple organisers involved in the gathering or a party, they are responsible for what other people have done, even though they do not know about it. I do not know how to read that and that is something I want clarified.

Proposed section 75B(2) under clause 4 refers to a penalty for an offence of imprisonment for up to 12 months and a fine of \$12 000. That is one of the criminal sanctions, but the actions could be subject to a criminal sanction of three years' jail, which is outlined later in the bill. This is pretty serious stuff with potentially 12 months in jail.

The legislation outlines some defences. Proposed section 75B(4)(b) refers to —

organising the gathering in a manner that indicates that only persons invited to the gathering may attend;

What is so unreasonable about saying, “Bring a few of your friends along if you like”? My children organise those sorts of functions in my house; they are good kids and they behave themselves, but it could happen that one day somebody brings someone along and they leave the party and break a bottle on the driveway, so my kids could be subject to criminal sanction. That is not the target of this legislation, or I presume it is not. The target is those out-of-control parties, where we see people rioting in the street. This has been happening for ever and a day; this is how people meet other people. We are social creatures. Sometimes it is good to meet people we do not know. I want to put a radical concept out there: sometimes it is good to meet people we do not know, and to go to parties where we do not know everybody. I guess I am asking the question: is it potentially a criminal action to say to one's friends, “Oh, you can bring a couple of mates along if you like”? Is that a potentially criminal action?

I am also concerned about some of the authority that this legislation gives to the police. During my time in this chamber as member for Bassendean and member for Roleystone, I have been impressed by the behaviour of the police and the quality of the work they do. They do an incredible job under difficult circumstances and they need our support; they certainly need increased numbers. However, like any organisation, there can be bad apples, and there is the potential for abuse of power, as there is with any organisation, so we do need to be concerned about

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the powers that we give police. It may not take the form of improper activity; it may be just a not very high level of competence.

[Member's time extended.]

Mr M.P. WHITELEY: Under proposed section 38A, a senior officer—meaning anyone acting at the rank of sergeant or higher—may take action to prevent a gathering of persons. Proposed section 38A(2)(b) makes reference to —

a gathering of persons occurring in a place or vehicle is likely to become an out-of-control gathering,

So that can happen on suspicion. There are 300 people here, and a couple of them are potential litterers! Or maybe they are driving a motor vehicle so as to cause excessive noise or smoke. We think that some of them might have a hole in their muffler, so we are going to shut down this party! This is what the legislation says; this is what an out-of-control party is. That is the fundamental problem with this legislation. It does not talk about an out-of-control party being rioting in the streets and people committing assaults and the sorts of behaviour we see on the telly; it talks about littering, noisy vehicles and obstructing traffic, and it talks about two people doing so! The reference is to a gathering being “likely” to become an out-of-control gathering. So if there is a gathering of 300 people and we think there might be two litterers among them, that will give the police these special powers.

Proposed section 38B(1) provides for the police to enter a place or vehicle for various purposes. Under 38B(1)(c), the police can order any person or group of persons in or in the vicinity of the place or vehicle to leave the place or vehicle immediately. These are quite strong powers to wield on the suspicion that two people might litter.

I will not take up a lot more time; in fact, I will probably not even need much of my extension. The legislation also provides the capacity for police officers to order the organisers of the party to take reasonable actions. If someone has organised a party and nothing has happened at the party but the police come along and say, “We suspect there may be two litterers about to leave the party; shut down the party”, and the organiser says, “I’m not going to do that—that’s ridiculous”, what is the criminal sanction for that? What is the criminal sanction for failing to comply with an order given under this provision? It is imprisonment for up to three years.

What are we doing here? We are talking about a problem. Those out-of-control parties are a problem because they involve violent assaults, they are a problem because they involve criminal trespass, they are a problem because they involve damage to people’s property, and they are a problem because they involve criminal activities. How do we stop such things? What is the sensible way to do it? The best thing we could do is build a better society, but that is very complex and way beyond the comprehension of many members of the government. The second thing we could do at a practical level—everybody understands this—is provide more police and give them the necessary numbers to address these issues. Both of those things will have an effect. But the government is engaging in window dressing and saying, “Let’s pass legislation to enshrine this flawed notion that more laws make us better and safer”, when what we need to do is build a better society and apply the current, reasonable laws.

I despair of the state of politics when this sort of rubbish is brought before the Parliament. Our media needs to be switched on to this stuff, and should have been for some time. I can say this because I am ending my political career, but maybe it is because journalists are relatively inexperienced, or maybe it is because they have such tight deadlines that they do not have time to research these things properly. Maybe the days of investigative journalists who do their research are gone because the profit motive means that there are so few of them that they have to push stuff out quickly. Really, this is absurd stuff. This legislation will probably not do any harm; it will just pass and probably not do any harm because the police force is full of sensible people who will say, “This is rubbish and we’re not going to use it”. The government will get its cheap little headline, and because there is a lack of scrutiny people will accept it; but the potential for the legislation to be abused is real, and we have a responsibility to not pass dumb laws. This is an extraordinarily over-the-top response. There are a lot of problems with this legislation, but the fundamental problem I see is the definition of “out-of-control gathering”.

If the minister were honest she would probably admit that we have all been to parties that are slightly more out of control than some of the circumstances outlined in this legislation. It can be two or more persons associated with a gathering, and a gathering can be as few as 12 people, but I do not think the figure of 12 is the real issue here. The real issue is that it is two or more persons. Effectively, it means that a partygoer can even be suspected of intending to drive a motor vehicle to cause excessive noise or smoke. On my reading, the police might shut down a party because a car has a hole in its muffler. Some of the criteria are very serious, though, and I do not want to belittle them. Throwing an object, fighting or obstructing traffic are all serious criminal activities and

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people should be punished for doing that; they should be arrested. However, the potential or suspicion that two people may do some of these activities is an absurdly low bar to be setting. As I said, I invite interjections from the Minister for Police at any time. I do not know who drafted the bill, how much control the minister had over it or whether she ran the commonsense test over it, but it is over the top and unnecessary because it makes illegal things that are already illegal and puts an unreasonable burden on the party organisers. We need to address the issue of out-of-control parties by having greater police resources and helping the police use their existing powers. As I said, this legislation will probably not cause any harm because no-one will use it. It will be just another law that we have made that will sit on the statute book. The minister is from the Liberal Party, which is the party that is supposed to fundamentally believe in small government, yet it makes silly laws such as this that add nothing. We should take a systematic look at which existing laws we could repeal. I suggest that if a future Parliament does that, it will repeal this legislation.

Ms R. Saffioti: There will be a special repeal day.

Mr M.P. WHITELY: Yes; that was along with the Red Tape Reduction Group. The minister was on that committee. It was a committee to look at how many committees were redundant!

We have this bill before Parliament and it will pass. It is unnecessary and probably will not do any harm, although there is the potential that it will. This is an inappropriate response. If the minister were doing her job properly, she would be arguing for and ensuring there are more police resources. More than that, she would take on the complex job of building a better society because that is what prevents these sorts of problems from occurring in the first place. This bill is everything I said it was.

MS R. SAFFIOTI (West Swan) [5.52 pm]: I rise to make some brief comments on the Criminal Law Amendment (Out-of-Control Gatherings) Bill 2012. The member for Bassendean has outlined some of the issues. It is very rare that we see a pamphlet come before the legislation. Has everyone seen the pamphlet on how the Labor Party is soft on crime?

Mr P. Papalia: It was mailed out to my electorate.

Ms R. SAFFIOTI: That is right. We have seen the pamphlet and now comes the legislation. The pamphlet diminishes the legislation because it is a bumper-sticker approach to law and order. It was ridiculous to issue the pamphlet before the legislation was even introduced into the house.

Dr A.D. Buti: They wanted us to support it before we even saw the legislation.

Ms R. SAFFIOTI: They wanted us to support it before it was even drafted. I think that the bumper-sticker campaign of those pamphlets diminishes this legislation.

I want to again put on the record that I believe in community policing and that having police in the community is one of the best ways to deal with crime in our suburbs. I again put on the record that I am opposed to police hubs because that takes police out of the community and centralises them. One of the key issues of these out-of-control parties is information. With the growing use of technology networks such as Facebook, a lot of people are able to gather very quickly in one place at the same time. I believe that having eyes on the street and ears to the ground through local policing helps with that information flow. It is very hard to ask police who are stationed at a hub 10 or 15 kilometres away to deal with a group of people who should be known to the police but are not in many instances because the police are not regular attendees in the suburb. That is one of the breakdowns from what is happening.

It is very interesting that the government is introducing this legislation when there is complete confusion about the police budget. We have seen cuts to the budget, caps to police officer numbers, a broken election commitment to police officers and the reinstatement of some funding that was meant to be introduced in December to fund an enterprise bargaining agreement. There is complete confusion and mayhem about the police budget. There also have been cuts to police overtime. If the government consistently cuts overtime for police officers throughout the suburbs, how does it expect the police to attend these out-of-control parties? How can the police do that on the weekends when more of them are needed if the government cuts their overtime? At the same time as the government is introducing legislation to try to curb out-of-control parties, it is reducing the ability of the police to attend to incidents because it is cutting down on police overtime.

This legislation is just another example of the government's wrong priorities. The Liberal Party sent out pamphlets in Ballajura about how it is tough on crime. That is the same suburb in which the government closed the police station. The government consistently insults people's intelligence by telling them it is tough on crime because it is developing legislation, even though it is not sure what is in it. Meanwhile, it closed the Ballajura

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police station overnight without consultation and has never explained how the community is getting a similar service to that in other suburbs. The government absolutely insults people's intelligence. As I said, I believe in community policing. It is very important to have local police who understand the local issues. I do not believe that the police can gain the local intelligence they need to deal with these emerging issues in the suburbs if the government stations them in hubs far away and sends them to different suburbs on different nights. This legislation does not do anything to deal with that. The fact is that the Liberal Party has broken yet another election commitment by cutting front-line policing.

Mrs L.M. Harvey: There are no cuts to front-line policing.

Ms R. SAFFIOTI: What is front-line policing? Honestly, what is happening to the police budget is an absolute shambles. One day the government is cutting it and the next it is not meeting its election commitment. The government comes in here and tries to preach its bumper-sticker line about being tough on crime. People know that the government has effectively reduced the police presence in their suburbs. The people of Ballajura know that the government took away their police station. The government is trying to say there is a commitment to 24-hour surveillance when that is certainly not the case.

The member for Bassendean outlined some of the issues and Labor will support this legislation. A lot of legislation that is brought into this place is very rarely used because it becomes impractical. We need a lot of police on the streets to be able to use this legislation effectively. The closure of police stations, not building new ones and the hub policy, I think, is reducing the sense of community policing. Everyone in this chamber would agree that community policing helps not only prevent crime, but also deal with crime. I have spoken to a lot of police officers who talk about the importance of local intelligence. In regional towns, for example, they use that knowledge in many instances to clean up the crime rates very quickly because they soon get to know the method of operation of some of the key criminals in the area.

Sitting suspended from 6.00 to 7.00 pm

MR D.A. TEMPLEMAN (Mandurah) [7.00 pm]: I am pleased to make a contribution this evening to the debate on the Criminal Law Amendment (Out-of-Control Gatherings) Bill 2012. I listened to the Minister for Police make her second reading speech and I have also listened to members from this side who have so far participated in this debate. I support and understand where a number of those members were coming from in terms of what this legislation is seen as doing. I want to pick up on a point made by the member for West Swan. She made a very, very evident comment about community policing, as it is known, and the phenomenon we have seen under this government of creating larger police hubs and downscaling or, indeed, getting rid of smaller police stations and consolidating resources into larger hubs. I have raised in this place before my concerns about how that process has affected policing in Mandurah in particular. Under this government, a couple of years ago the Peel police district was amalgamated with those communities further north, including Kwinana and Rockingham, and became more part of the southern metropolitan policing hub. Very good quality community policing had been established, reinforced and encouraged over a number of years by a number of superintendents in the Peel district. Three superintendents in particular did it well, in my view, and supported a strong community policing model. They were Catherine Bullen, Ross Napier, who is a former member of the police service, and another retired police superintendent, Dave Parkinson. Those superintendents, who served during my time in this place, understood very much that policing was all about being seen, acting and responding and being strategic and making sure that they themselves, as superintendents in their own patch who were responsible for the Peel police district as it was then known, understood what was going on in their community, understood their community and forged strong relationships with a whole variety of stakeholders, from local government to Indigenous leaders to community groups and organisations. It was very, very effective leadership from those three in particular. They were supported by some exemplary police officers. Actually, one other superintendent was Neil Royle. We hear him on the radio quite often now. These four were community policemen and women themselves because of the role they saw for policing. As leaders—as superintendents and as an inspector in the region—they did that. Just on two and a half years ago it all changed. There was a new superintendent. Despite my protestations, and also anger actually, our police district was amalgamated with the southern suburbs of the metropolitan area, being the Rockingham and Kwinana areas. The thing that I said would be a problem has come to pass. One quality community policing initiative was Street Net, which was a youth-initiated community policing initiative. Two police officers had been part of that program for nearly 10 years and had been supported by those superintendents I mentioned. That program was gutted immediately—the two police officers who were assigned to Street Net left. What do we find now? Street Net has floundered. There is only one person trying to do all the work. She is trying so hard, but the fact is that it no longer has any teeth. The police are not part of it anymore. That program was doing great work—it had community understanding, the corporate knowledge of the community, the understanding of the families and the knowledge of the families and

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of the kids they were targeting. All of that was lost almost overnight. That is just one example of how the hub concept promoted by this government has failed. It has certainly failed the people of Mandurah and the former Peel police district. It is why I keep saying in this place that I want more police in Peel—on the roads, in the neighbourhoods and in the CBD.

I have reported to this place previously the huge problems with just general unsociable behaviour in the Mandurah CBD—people urinating and defecating in doorways, drunks accosting patrons, shopkeepers unable to display their products outside as many of them used to do because it will be nicked, and the abuse that goes on. All that general stuff really does not do my city any good. I do not like promoting that bad side of things because I want my city to be safe—I want the people of my community, be they younger people or older people, to feel safe in Mandurah.

[Quorum formed.]

Mr D.A. TEMPLEMAN: I am pleased that our police minister is now here in the chamber, because these issues are real. People are interested in how their communities are policed and how the policemen and women in their communities are resourced. As I have said previously in this place, the hub process has not been good for Mandurah and the Peel police district as it was known.

I want to highlight to the house the safe partying phenomenon. It is interesting to note that this phenomenon is not just experienced in Western Australia; indeed, it happens in communities throughout Australia and the rest of the world. The days of celebratory events being isolated to twenty-firsts, as they used to, has changed. Indeed, it seems now there are celebrations for young people turning 16, 18, 21 —

The ACTING SPEAKER: Members, there are a number of conversations in the chamber that are getting louder. I ask you to refrain from incidental conversation, please, while the member is speaking.

Mr D.A. TEMPLEMAN: Events and milestone parties are becoming more prevalent; the phenomenon is that more events are becoming larger than they would previously have been. The days of having something out the back with a couple of the neighbours and 20 or 30 people is not the way it is happening in the modern world. In the modern world, it is more likely that some of these milestone events, including those specifically celebrating young ones' —

Point of Order

Dr A.D. BUTI: You made a direction two minutes ago and the noise coming from the other side is such that I am unable to hear the member for Mandurah speak.

The ACTING SPEAKER (Ms A.R. Mitchell): Thank you, member for Armadale. I agree with you and I ask members to keep the volume down; your voices are very deep and they do carry.

Debate Resumed

Mr D.A. TEMPLEMAN: These events are becoming more frequent. A lot of these events are now being held in homes, whereas previously they were held in community halls or even licensed premises. Quite frankly, holding a party now in a licensed premises is usually beyond the affordability of lots of people. Therefore, we are more likely to see people hold events in their own homes or properties. As time goes on, we are more likely to see these events attracting greater numbers, and that is just speaking about invited people; I will later get to those who turn up and were not invited. We are more likely to see greater risks for people attending such events, including potential damage and injury. In the past there have been events that caused death with balcony collapses and such things. We have the new challenges of the modern era including the impact of social media, mobile phones and mobile communication that provide the capacity to reach a large audience very, very quickly. The days of a handwritten invitation to a party are almost nonexistent. There is the phenomenon of gatecrashers and of high-energy drinks mixed with alcohol and alcohol that is packaged with various levels of alcoholic content. Of course, there are drugs and the willingness for a lot more people to carry weapons, both concealed and unconcealed. All these elements are coming together to create what is now a phenomenon whereby more and more parties are likely to become potential risks to the people who attend them, to the people who host them and, indeed, to the people who live around them.

My community has not been immune from out-of-control parties. In fact, unfortunately, some of the footage that is still used when this issue is promoted is actually footage from Mandurah. I remember that in the summer of 2009–10 we had about four out-of-control parties, two of which were in one weekend and another was a week or so later, causing huge problems for the people in the neighbourhoods where they occurred. All of them were not registered parties; the hosts had not registered them with the police. All of them involved damage to property and

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the need for a large police response. All of them, unfortunately, gave my town a bad name. The last thing I want is for my town to get a reputation. As I said, this has occurred in not only Mandurah but also other parts of the metropolitan area and even some regional parts of WA. The key question is: what do we do about this modern phenomenon? Of course, some people on my side of the house think that I am very right wing in some of my views because I have always said that one of my concerns is that we are going into this environment in which we celebrate everything—we sort of think that there has to be a celebration for learning how to blow our noses; people get a certificate for it now! Indeed, some parents think that it is a right of a child to have their fifteenth birthday celebrated, their sixteenth birthday celebrated, then their milestone birthday of 18 and then their milestone birthday of 21 and so on. Then, of course, some of them wonder why their kids grow up so quickly, or argue that it is terrible that their children are growing up so quickly.

This phenomenon really needs to be responded to in a very, very strategic way. I think that the member for Bassendean made some very good points. We have to be very careful when we decide to introduce legislation that is not properly scrutinised, researched or thought through and is full of holes. I think that the member for Bassendean very effectively highlighted a number of real loopholes and real concerns about clauses in the Criminal Law Amendment (Out-of-Control Gatherings) Bill. After those parties in Mandurah that I mentioned earlier, I started to talk to a woman called Naomi Oakley who lives in Victoria. She runs a security business and is a former policewoman with the Victorian police service. She has broad experience from not only a policing background and perspective but also running her business in Victoria for some time. She has been documenting parties throughout Australia, particularly those that she, through her business, has been attending and planning for over the last number of years. I had a good conversation with Naomi. I have been corresponding with her for some time. In fact, I set up a meeting with her when I visited Melbourne in July this year. Naomi Oakley has also received a lot of media attention, including here in Western Australia and on the eastern seaboard, on both radio and television. She has been on *The Project* a couple of times and, I think, *The Circle*. She has spoken on *Sunrise* and has been interviewed by numerous radio stations et cetera. She says some very pertinent things that I think are very much worthwhile remembering and being aware of. She has, if you like, a philosophy, an approach, that talks about two or three key things.

The first is parental and/or host responsibility. She recognises that if the hosts of a party do certain things, they mitigate the likelihood of a party getting out of control. They cannot totally militate against it getting out of control or something happening out of left field, because there are some elements that might be beyond their control even if they are very well prepared.

[Member's time extended.]

Mr D.A. TEMPLEMAN: Some of the things that Naomi Oakley talks about, which I agree with, include the need to educate parents about the environment we are now operating in. It is no longer as simple as parents deciding to hold a party for their daughter, who is turning 16, and inviting 20 or 30 of her friends over one Saturday night knowing that everything will be fine. The reality in this modern world is that risks are now associated with something that in the past was quite simple. Naomi Oakley refers in her safe partying program to a range of things that parents need to do. She refers to the importance of controlling alcohol at a party. She also refers to having a cloaking service, which might sound very complicated, but she says such measures allow parents a greater control and understanding of who is coming to the party. She talks about ratios and suggests that for parties at which there will be 100 people, the ratio of responsible parents or adults should be in direct correlation with the number of people invited. She talks about the responsibility of not only registering parties with the police, but also the parents or hosts looking at the house or venue at which the event is being held to become aware of potential dangers or where there might be easy access for people to gatecrash. She talks about making sure that people are aware of the things that they cannot control—that is, Facebook and mobile phone communication, which have the capacity of getting large numbers of people mobilised very quickly. She also refers to being aware of transport issues as they relate to where a party is being held and of being aware how the kids who are attending the party will get home safely.

All of that is related to education, but she also talks about what she believes is an important element; that is, party permits. I raised this a couple of years back—it got some attention—but I was called a party-poofer. I always thought that party permits should have been trialled somewhere, because that would have been interesting. Naomi is quite radical. Her view—I do not know whether I share this view—is that people who hold a party over a certain size should apply for a permit through the appropriate processes to tick all the boxes. Many people would say that that is going one too far. However, some of her stuff, particularly basic information that parents need to be aware of and go through as responsible hosts of a proposed party, has great merit. The member for Bassendean hypothesised about the bill and about the fact—this is a really important point—that

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many of the things covered in the clauses relating to police response already exist in law. The questions should be asked: why have there not been more prosecutions and why have police not pursued more action under current laws after some parties have got out of hand? They are good questions to ask. If we already have laws that can address a significant number of issues, perhaps we already have some effect in addressing the phenomenon of out-of-control parties. The question that the member for Bassendean asked about whether we are just introducing a bad law that has been ill thought out is a valid and relevant question, particularly as he pointed out that many of the unlawful activities highlighted in the bill are already unlawful and that police can already take action and lay charges.

Mr M.P. Whitely: I think they all are.

Mr D.A. TEMPLEMAN: I think the member did say all of them. It is a valid question. It plays into the comment by the member for West Swan that this is just a bumper-sticker approach.

I refer to an article that Naomi Oakley referred to me. The article appeared in a Queensland newspaper on 8 July 2012 and referred to alcohol laws and the supplying of alcohol to minors. Queensland legislation relating to the supplying of alcohol to minors was introduced in 2008 and it provided a range of fines from \$75 to \$3 140. It was introduced four years ago, interestingly enough, to curb wild parties and out-of-control schoolies. As stated in this article of 8 July 2012—the law has been in place for four years—only 44 adults have been fined for supplying alcohol to minors since the law was introduced. That is an example of a law in Queensland that was specifically aimed at targeting the supply of alcohol by adults to minors that has clearly failed. The article states that some officers who spoke to *The Sunday Mail* thought it was nothing more than a political stunt and that the laws were poorly constructed, ill-conceived and almost impossible to enforce. That sounds similar to the member for Bassendean's words. This legislation as it has been framed could easily end up being described in the same way in the future. The Minister for Police should have talked to people like Naomi Oakley—I do not think she did—who have ideas about and vast experience in this area. Naomi and her company have overseen some 700-plus parties over the last number of years. Interestingly enough, they have been from all sorts of backgrounds. Some parties have been in inner city Sydney and Melbourne, in outer metropolitan areas and in semi-rural areas. They have been hosted by wealthy parents of well-off children and by people who are not overly financially endowed. The interesting point she makes is that this phenomenon crosses all socioeconomic boundaries. This problem is not only a facet of lower socioeconomic areas; rather, these parties occur in some of the best suburbs of Australia. Some have occurred in palatial homes and in suburbs —

Mr C.J. Tallentire: And on boats.

Mr D.A. TEMPLEMAN: Yes, on boats! So members should not think that this phenomenon relates directly to the socioeconomic of a neighbourhood or community.

The opposition will ask many questions during consideration in detail because although, quite rightfully, the opposition will not oppose the bill, we have serious concerns that the minister must clarify. The minister needs to convince not the opposition but the wider community that what she is doing through these laws is not only well researched and well thought through but also practical and workable. As was highlighted in Queensland with some of the laws that were introduced to curb wild parties and out-of-control schoolies four years ago, the end result has been very few successful prosecutions. If this law is so important, why have the laws that currently exist—as the member for Bassendean eloquently highlighted—not been utilised? Why are we introducing something that is simply another layer? Is it to make the minister look good, and to look as though she is responding to a problem that she and her government has known about for some time but have sat back and done very little about? We have had some serious injuries related to out-of-control parties, and I hope that in the future we do not have a death or deaths or permanent injuries that cause problems for people. It is about education. It is about recognising that this is a phenomenon that, unfortunately, is now part of our society and that we have to work to ensure that our current laws are enforced effectively. The minister has to resource the police to do it. The minister cannot expect them to respond to another law when they cannot police the current laws because of the resources the minister has not given them. The minister has to resource the police properly. As I said at the beginning of this speech, the minister has to revisit this hub phenomenon that this government introduced, because in my community it is not working. I want the Peel district back as a police district and resourced appropriately with more policemen and policewomen on the beat being seen in the neighbourhood, and community policing being a key focus. It worked before; and this government's plan is not working now.

MR C.J. TALLENTIRE (Gosnells) [7.32 pm]: I am pleased to rise to speak to the Criminal Law Amendment (Out-of-Control Gatherings) Bill 2012 and acknowledge the excellent points made by members on this side and that, more than anything, the solution to this problem falls in the domain of adequately resourcing our police service so that it can be present and can use the laws that we have already. It reminds me of some comments that

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Bob Kucera, a former senior police officer and also a former member of this place, made in a community forum in my electorate at the Crestwood estate. He went through a whole list of measures that police officers have at their disposal already that would enable them to intervene in this problem of out-of-control parties. Indeed, from what Bob Kucera was listing, it would be fair to say that the police already have the power to intervene before the party gets out of control; when there is suspicion of a problem, there are opportunities for police to intervene. We need a police service that has officers on the beat who can be out there and be present in the community. That is one dimension to this debate, which other members have touched on very well. Another dimension, which is now a well-worn phrase but a true one, is that we must be tough on crime and tough on the causes of crime. That applies to not only drug-taking and drug-dealing and those sorts of very serious crimes but also the antisocial behaviour end of the spectrum, where we also need to be tough on the causes of that form of antisocial behaviour and criminality.

I want to touch on the definition of an out-of-control gathering, recognising that it is used in this bill as the means for determining when we have the trigger point for police officers to enter a home. Early on, the bill lists the sorts of things that meet this definition of an out-of-control gathering. The first thing, which other members have touched on, is that an out-of-control gathering has to have 12 or more people and it lists a whole lot of things that are already offences. I am concerned that the number listed is 12 people, because if this out-of-control party is happening inside a dwelling, we might not know how many people are involved. I see quantifying the number of people as problematic. Perhaps the minister can clarify that, and if it is something that I am not reading correctly in the bill, I look forward to clarification on that point. Nevertheless, it is something that needs to be resolved. I can see, though, that the minister wants somehow to remove from the process the subjectivity that surrounds a senior officer reasonably suspecting that an out-of-control gathering is taking place. Clause 7 of the bill states, “If a senior officer reasonably suspects ...” and I know there are ways that we can guide an officer to make that determination of having a reasonable suspicion, but I think we are still in the domain of the subjective. I suppose that is why there was this attempt to quantify things by talking about a gathering of 12 or more. I wonder, though, given that the police might not have full visibility of this out-of-control party, whether there is some way that we could quantify what would be an out-of-control party. Obviously, there are things that are easily observed, and clause 4 lists things like the throwing of rocks or violent behaviour, trespassing and behaving in a disorderly manner. If those sorts of things are observed, then it is fairly easy to determine whether it is an out-of-control gathering. But, if it is not possible to observe, yet there is an out-of-control gathering going on, we have a problem, so we need some sort of objective and measurable means to know what is going on. I put an idea to the minister on this: noise is often associated with an out-of-control gathering and that is something that is easily quantified. If the minister were to implement a regulation that enabled police officers to act when a certain decibel level is reached, that could help the police officers make this call. If we remove the subjectivity from it, we can help the officers make the call that this is an out-of-control party. I think that would be a more reasonable quantifiable method of determining when we have an out-of-control party.

We then get into this issue of police officers having the right to enter into premises. Clause 7 of the bill as it is drafted at the moment relates to “Entry of place or vehicle to prevent or disperse out-of-control gathering”. While the member for Mandurah was on his feet, I interjected briefly and asked about boats, because I note that around some parts of the Swan River it is a growing problem. Young and older people in our society now—I do not know how; I certainly do not have the means—have the means to have parties on boats. Mosman Park is a problem area in this regard. It is not my electorate obviously, but if the minister spoke perhaps to the member for Cottesloe about this, I would be surprised if he had not received complaints about out-of-control parties on boats. However, that is not even in this bill.

Mrs L.M. Harvey: A boat is a vehicle.

Mr C.J. TALLENTIRE: Is the minister sure that a boat is defined as a vehicle?

Mrs L.M. Harvey: Yes.

Mr C.J. TALLENTIRE: Great! I am pleased to hear that. I look forward to the minister directing me to where that definition is made, because it is a growing problem. I do hear occasionally from people who live in areas like Mosman Park that their Saturday afternoons are plagued by this occurrence, with boats that people call launches—I call them stink boats, but they are big boats that have a number of people on board, if not 12, then around that figure. They make a huge noise and all sorts of rowdy behaviour goes on, blighting the amenity value of those areas. I hope to not see those sorts of boats make it into my electorate, but it is obviously a problem that exists for members.

The issue of organisers is another important thing, and I hope the minister will address this one. Obviously in the way this legislation has been written, perhaps in haste, organisers are defined in the bill. That is where the

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penalty will fall—on the organisers. I am already hearing from my constituents that people are organisers, but in the ethereal world of Facebook they are very hard to pin down. They may well have organised a party but they have worked out that if they are not organising the party at a person's premises, but in a local park instead, it would be very hard to pin them down. I am therefore looking forward to hearing the minister's comments on the question of what will happen if an out-of-control party takes place in a park. This problem is happening in Homestead Park in Thornlie—I think it is an area that the minister would know—and it is not an unusual occurrence now. There have been a couple of cases already of people using Facebook to organise a party in the park. Of course those parties are noisy and are perhaps prone to getting out of control. I am not sure how out of control they have been so far. But this is the beginning of a new trend of people using the cover of dark to be in a park; they bring in slabs of beer and big sound systems and before we know it there is an out-of-control party. Yes, the police could use the provisions relating to drinking in public, for example, to try to break up the party, but I do not see how they could use the out-of-control party provisions because it would be impossible to pinpoint and identify the organiser. I therefore believe there are a number of flaws in this legislation

I have also had people in my electorate complain about the time it takes for the police service, as it stands at the moment, to attend when they make those calls, often very early on a Sunday morning. They phone 131 444 and it takes an inordinate amount of time for them to get an answer, and when they do get through, they have to wait a long time for a police vehicle or vehicles to attend. That is a problem. The last time that occurred was on the night of the now infamous party in Piara Waters. I guess it is reasonable to assume that all the police from my electorate were over at the Piara Waters problem, and at a party organised in a warehouse in the member for Darling Range's electorate where we read there were 500 out-of-control partygoers. My constituents reported to me that they did not get the attention they wanted, nor did they get a rapid response or even any response when they phoned 131 444 about a party that occurred on the same evening. When they heard about the big gathering with the crazy, lunatic behaviour that happened not that far away from them, they understood that police resources were stretched. But that is what this comes back to each and every time; we heard some excellent speeches from this side of the chamber about how this is about resourcing. Devising more legislation to try to paper over a problem when the actual problem is resourcing will not cut it with people.

People watching tonight's news—I was able to catch a brief moment of it—will have been pleased to hear that the police service is getting somewhere near the resourcing that it requires, because the government has done a backflip. That is pleasing, but up until this backflip announcement I was getting much in the way of frustrated pleadings from constituents to do something about the disastrous cuts that were to be imposed on the police service. I am still looking at the details on how far the government has gone in reversing the previously dramatic cuts and whether there has been a full reinstatement of the budget or whether there is still some cutting going on. I hear now that there is a commitment to actually honour the Liberal Party's 2008 election commitment of 500 new police, but I suspect that people will be saying, "Hang on; 2008 the commitment was made. How come now in 2012 in the run-up to the 2013 election they are only now meeting that commitment?" I think there might be some cynicism in the electorate about delays there.

Lack of police is probably the biggest reason for inaction on noisy parties. More police will go a long way to solving the problem by enabling people to make calls and get police attendance at problem parties before they actually become major out-of-control parties. I suppose it would be unfortunate for people to feel that just because they have played loud music, they will get a knock on the door. But at least it could be a warning that their party is in some way being observed by the police service. It is reasonable to expect to have a police service that has the capacity to deal with more than one major out-of-control party incident in the south east corridor on a given Saturday night–Sunday morning. That not being the case, it suggests to me that current staffing numbers are totally inadequate. I of course acknowledge the wonderful work that police officers do. I realise that it must be a very difficult task to go into a party situation with people in varying stages of drunkenness. Of course, sometimes it is necessary for police to be a little tolerant about some of the taunts they get, and it is sad to think that so often these things can escalate as well, but we must make sure that we have enough police.

My suspicions about the current inadequacy of police numbers were confirmed. A number of police officers are constituents and they have said to me that they would love to feel that they are in a position to do more. These are police officers who serve in those front-line policing roles, yet they tell me, unfortunately, that they are understaffed and that they can be stretched. They just need one or two major incidents at a given time and their capacities are overwhelmed. We need to make sure that they are being tough on crime and tough on the causes of crime. We need to make sure that they have adequate resourcing. This conflict between the wishes of the police minister and the wishes of the Treasurer need to be resolved, and resolved in favour of decent resourcing of the police. We need to make sure that they can deal with things like burglaries, hooning, illegal trail bike use—another enormous source of frustration for my constituents—graffiti, vandalism and riotous behaviour. We need

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to make sure that when somebody phones 131 444, they get a quick answer and they see police attendance when it is needed. That is what is needed. I have concerns that the impact of this legislation before us will be limited. I wish it would be otherwise, but the fact is that we have laws that deal with much of this stuff already but it is a matter of ensuring that we have police who can actually be there to implement those existing laws, but we need resourcing. As for the bill itself, it remains to be seen how effective it will be.

DR A.D. BUTI (Armadale) [7.48 pm]: I also rise to make a contribution to this debate on the Criminal Law Amendment (Out-of-Control Gatherings) Bill 2012. I am sure that if we asked members of the government whether they considered themselves to have a libertarian philosophy, many of them would put up their hands. I remember when I studied law, one of the units was called “Law in Context”. We went through the various philosophies that different political parties have. Conservative parties generally, and liberal parties even more so, have more of a libertarian trait whereby the general philosophy is that smaller government is better and laws should be put in place when they are absolutely necessary and to the extent only that they seek to address the problem. If that is the case, a true-blue libertarian would be appalled by this piece of legislation.

What do we have here? Everyone in this house would agree that we have a problem that has manifested itself in these so-called out-of-control parties. Whether it is as great a problem as is being espoused is another issue, but there is a problem, and all of us want it to be addressed. But the current laws allow it to be addressed. The police had the powers to investigate and make arrests at the Piara Waters out-of-control party. They did not need this legislation; that behaviour was criminal. The issue is that there were not enough resources. That is the problem. This is what we have had from this government since 2008. It overreacts when it comes to trying to address a problem. Rather than looking at the resources that are needed, the government goes for the quick fix through legislation, whereby it thinks that it will not need to expend as much on legislation. Often, though, it does not realise that legislation does impose a significant cost on the bottom line.

This government does not have a very good record as a legislator. We had the aborted Corruption and Crime Commission legislation; we had the future fund legislation that has the manner and form provision that will not be binding. Now we have this piece of legislation that is way over the top. Granted we needed a reaction from the government; granted this Parliament needs to respond to the problem in the metropolitan area with out-of-control parties. As the member for Bassendean mentioned, the various provisions outlined in clause 4 are illegal as they stand now. The police have the powers to react to these illegal activities that may occur at a party. They do not need legislation that goes far beyond what is necessary.

What is needed is increased police numbers. We had the absurd situation today of the backflip media conference by the police minister because an election is coming up in four and a half months. She understands she is under pressure; she understands that there is no way that the Commissioner of Police can comply with the reduction in the budget that he has to comply with and ensure that front-line services are not affected. I have no confidence in the minister’s statement today that front-line services will not be affected, because we also had comments from this government that police would not be taken out of police and community youth centres. However, the police officer who was involved with the PCYC in Armadale served his last day in that PCYC about three weeks ago. In this Parliament the previous minister and also the Premier stated that the police would still be involved in the PCYCs. That is not what is happening in Armadale and, I am sure, in many other PCYCs. The minister reacted today; she panicked with her measure, and we have no confidence in it. The way to control out-of-control parties is by having more police present. How is a piece of legislation going to stop an out-of-control party? Are we going to have a group of 20 or 30 kids who are getting out of control going, “Oh, gee, we’d better look at the Criminal Law Amendment (Out-of-Control Gatherings) Bill 2012. Clause 4 said this. Oh, we’d better not engage in drinking”? Of course that is absurd; it is absurd. Granted this legislation may act as a deterrent to some people, but if we do not have the police presence, it is going to be a vacuum. This will be a piece of legislation that will act in a vacuum without the resources needed to ensure that it is properly controlled and monitored.

Members opposite may argue that this is just the opposition being absurd. They may argue that. I draw members’ attention to, and I am sure the minister has read, the article by Amanda Banks that appeared in *The West Australian* last week, headed “Flaws seen in new party laws”. I want to spend some time quoting from this article. She commences —

As a storm began to lash Perth in the wee small hours one Sunday morning in June, a police car arrived at our house and two officers approached the front gate.

Above the increasing whistle of the wind and rain, the music emanating from our lounge room had finally driven at least one of our neighbours to complain to the constabulary.

Admittedly, we were being inconsiderately loud and it was approaching 4am.

Extract from Hansard

[ASSEMBLY — Tuesday, 16 October 2012]

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Mrs Michelle Roberts; Mr Bill Johnston; Ms Margaret Quirk; Mr Martin Whitely; Ms Rita Saffioti; Mr David Templeman; Dr Tony Buti; Acting Speaker; Mr Chris Tallentire; Mr Joe Francis; Mr Andrew Waddell; Ms Janine Freeman; Mr Paul Papalia; Speaker; Mr Peter Tinley; Mr Tom Stephens; Mrs Liza Harvey

However, it was a milestone birthday. We need not go into details of which milestone was being celebrated—but our house was definitely not full of 18 and 21-year-olds.

There is also a chance that it may have been the eclectic mix of tunes which finally sent our neighbours bonkers—from 60s Beatles to classic 80s Madonna and then a quick switch to recent dance hits is probably not to everyone's taste.

But aside from being loud, an arguably erratic choice in music line-up and some seriously questionable dance manoeuvres, there was nothing sinister about the party of mainly 30 and 40-somethings in our home.

It is not something that happens every week. We had not spilled over into the neighbours' yards. We were not hurtling bottles at police or abusing passers-by.

Apart from our aching heads the next day and the tiredness which now seems to creep into a second day, there was no damage.

But had the State Government's "out-of-control" party laws been in effect, we could have found ourselves sailing extremely close to breaching the legislation, giving police extra powers to shut us down and leaving us facing the threat of a criminal offence which would land us in court.

When the two officers came to our door, there were well and truly more than 12 people who were kicking on the celebration so we easily passed the first trigger of the proposed legislation.

We were also quite obviously emitting "unreasonable noise", otherwise the police would not have arrived at our front gate. And as departing guests patiently waited on the kerb for a cab, it would not surprise me if they were intoxicated and could even have been somewhat disorderly.

I'd hope none of my guests was littering by even absent-mindedly leaving a bottle on the kerb but that is another example which can attract the full force of the laws.

Without too much imagination, two people associated with our gathering had engaged in specified conduct and the second trigger of the legislation was conceivably met.

Given our party had annoyed at least one person enough to complain to police—and I admit this was an altogether reasonable complaint—we were undoubtedly interfering with the lawful activities—sleep—of our neighbours.

Imaginably, trigger three of the legislation was met.

Thankfully, the officers who arrived at our door did no more than politely ask us to keep the noise down.

Even if new laws proposed by State Government had been in effect, you would hope there would have been the same commonsense approach.

Hopefully, that will happen on many occasions—I am not quoting now—but it will not always happen.

A case has come before this Parliament before regarding a friend of mine who is a professor of law at the University of Western Australia, when he and his girlfriend were tasered in Fremantle. They were not even drunk; they were not even disorderly. They were actually being good Samaritans. In the trial that took place, when the police officer was being cross-examined, he said, "Oh, we were very tired. It was after midnight and we were very tired and maybe that's why we didn't have proper judgement and we tasered the two people." Under this legislation, there will be many occasions on which the police will be very tired. They may not act reasonably. They will have the force of the law—this legislation—to proceed to ensure that these people are finally prosecuted under this legislation.

The example that Amanda Banks relays in that article could run foul of this legislation. I am sure that the minister would not want her and her party to run foul of this legislation, but that is what can happen with a poorly drafted piece of legislation. This government once again has overreacted to a political problem and also a real social problem by not taking some time to think about it and by not taking the appropriate, strategic measures that need to be put in place. Minister, tell me: how is this legislation going to help police better control out-of-control parties? I am inviting the minister's interjection. How?

Mrs L.M. Harvey: I'm interested that you invite me to interject, member, because —

Dr A.D. BUTI: Yes, the minister is interested, but will she give me her answer?

Mrs Michelle Roberts; Mr Bill Johnston; Ms Margaret Quirk; Mr Martin Whitely; Ms Rita Saffioti; Mr David Templeman; Dr Tony Buti; Acting Speaker; Mr Chris Tallentire; Mr Joe Francis; Mr Andrew Waddell; Ms Janine Freeman; Mr Paul Papalia; Speaker; Mr Peter Tinley; Mr Tom Stephens; Mrs Liza Harvey

Mrs L.M. Harvey: No, because you say that we didn't take the time to consider the legislation, and then others on your side say that we took too long to bring it here. So, you can't have it both ways.

Dr A.D. BUTI: My question, in response to which I am asking the minister to interject, is: how will this legislation assist the police in helping to control out-of-control parties? How?

Mrs L.M. Harvey: I will explain that in my response to the second reading debate.

Dr A.D. BUTI: The minister will explain it to me in her response. I look forward to that. I will also be looking forward to some other —

Mrs L.M. Harvey: I think if you made a thorough assessment of the legislation, you'd find it out for yourself, but, anyway, that is right; I'll respond in my second reading response.

Dr A.D. BUTI: Presumably, when the minister responds, she will tell me whether, under proposed new section 75A(1)(c)(i), a gathering that causes fear or alarm is objective or subjective. Will the minister tell me that?

Mrs L.M. Harvey: Yes.

Dr A.D. BUTI: How will the minister tell me that when the legislation provides no guidance on that? Is that something that the minister will come up with? In future years when this goes to court, how will the court know whether it is objective or subjective?

Mrs L.M. Harvey: That is what consideration in detail is for. I will cover aspects of what the member is asking me in my reply.

Dr A.D. BUTI: Does the minister know what my question means?

Mrs L.M. Harvey: Member, I'm not going to interject on you anymore because I would like to hear the rest of what you have to say.

Dr A.D. BUTI: I refer the minister to clause 4 and proposed new section 75A(3), which states —

For the purposes of subsection (1)(d), a gathering of any of the following kinds is excluded —

- (a) ... licensed premises;
- (b) a public meeting or procession for which a permit under the *Public Order in Streets Act 1984* has been issued;
- (c) a gathering that is primarily for the purposes of political advocacy, protest or industrial action;

Therefore, if it was for a religious purpose, that is not exempt. Gatherings for the purposes of political advocacy, protest or industrial action are exempted but the minister has not included gatherings for a religious purpose. I would be interested to know why gatherings for a religious purpose have not been included. The minister may laugh. She is a minister now. She cannot laugh. This legislation will affect people's lives. Laughing will not help her. It will not help the citizens of Western Australia that she has responsibility for. The bill states that gatherings for political purposes are exempt. If a bunch of young Labor people or a bunch of young Liberals meet for a political purpose, they bring out the beers and their meeting gets out of control, they will be exempted under this legislation.

Mrs L.M. Harvey: I am wondering whether you can provide me with an example of an out-of-control religious gathering that police have been called to because people at the gathering have been acting unlawfully by behaving in a disorderly manner doing obscene or indecent acts.

Dr A.D. BUTI: The minister said she was not going to interject. She only interjects when she thinks she may have an answer.

Mrs L.M. Harvey: I am just interested if you could outline —

Dr A.D. BUTI: It is not up to me to provide an example. I am asking the minister why religious gatherings are not included. The minister does not think that a religious gathering could ever get out of control. She does not think a religious group could obstruct traffic. Her long list of illegal activities includes obstruction to traffic and littering. Does she think that people at a religious gathering would never obstruct traffic and would never litter?

Mrs L.M. Harvey: Member, I think it would be highly unlikely that a religious gathering would fit the criteria of an out-of-control gathering as prescribed by this bill. I think it would be highly unlikely but I am happy to consider it in consideration in detail if you could bring to consideration in detail —

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Dr A.D. BUTI: I do not have to bring an example of a religious gathering. I am showing the minister the flaws in her legislation. What about a gathering of young Liberals or young Labor members? If they come together for a political purpose, the beer comes out and it gets out of control, they are exempt under this legislation. Does the minister think that is fair?

Mrs L.M. Harvey: Do you support the legislation?

Dr A.D. BUTI: I am asking the minister a question. Does she think it is fair if someone who belongs to a political party and meets up for a political purpose is exempted under this legislation if that meeting gets out of control? My electors would not think it is fair that a member of a political party is exempt from the legislation but if they are not a member of a political party, they are not exempt. Does the minister think it is fair?

Mrs L.M. Harvey: Why don't you finish your debate?

Dr A.D. BUTI: The minister should either interject or not interject. We will be voting for the minister's incredibly flawed piece of legislation.

Mr F.A. Alban: Why is that? Why don't you oppose it? If it is so bad, why not oppose it?

Dr A.D. BUTI: We have the QC here who is interjecting. I look forward to his contribution.

The ACTING SPEAKER: Member for Swan Hills, if you want to say something, get up in the debate.

Dr A.D. BUTI: I feel very honoured when the member for Swan Hills tells me that I am making no sense when I am talking about legislation. That really makes me feel very privileged.

During the time I have been on my feet, I put a series of questions to the minister and she has not been able to answer.

[Member's time extended.]

Dr A.D. BUTI: As a minister of the Crown, she has brought legislation to the house on a very important issue but when serious questions are put to her, she laughs. She does not have an answer; she just laughs. It is quite telling of her inability to master this portfolio. She definitely has not mastered this piece of legislation. She is unable to answer the serious questions that have been put to her.

Mrs L.M. Harvey interjected.

Dr A.D. BUTI: I am not taking the minister's interjection. She said she did not want to interject so I am not taking her interjections. It seems incredibly unfair that a political party can be exempted from this legislation. A group of young Labor people, a group of young Liberals or even a group of young Nationals, Trotskyites or Neo-Nazis who come together for a political purpose would be exempted from this legislation. The minister should tell my electors or her electors in Scarborough that she thinks that is fair and see if they think it is fair for a group of Neo-Nazis to be exempted from this legislation.

Mr B.J. Grylls: You'll have to tell them it's fair because you're voting for it. If you don't think it's fair, don't vote for it.

Mr C.J. Barnett: Cross the floor. Stand on principles. You have none.

The ACTING SPEAKER: Premier, I call you to order for the first time. Leader of the National Party, if you want to say something, you have an opportunity to speak later.

Dr A.D. BUTI: The Premier talks about principles. His whole political life has been one backflip after another. He should not tell me about principles because we have a whole list of statements he has made over 20 years relating to things he has reneged on since he became Premier. He should not go on about principles to me.

Mr C.J. Barnett: Vote against the legislation if you don't support it.

Dr A.D. BUTI: How many times has the Premier voted for legislation when he said that it was a defective piece of legislation? He voted for the disaggregation of Western Power and Synergy when he did not believe in it. The Premier should not talk to me about principles because he has none. He is one of the most unprincipled Premiers we have had. He should not go on about principles with me. He voted many times for legislation he has not agreed with.

Mr C.J. Barnett: Vote against it.

Dr A.D. BUTI: We will not vote against it.

Mr C.J. Barnett: What a wimp. What an absolute wimp.

Extract from Hansard

[ASSEMBLY — Tuesday, 16 October 2012]

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Mrs Michelle Roberts; Mr Bill Johnston; Ms Margaret Quirk; Mr Martin Whitely; Ms Rita Saffioti; Mr David Templeman; Dr Tony Buti; Acting Speaker; Mr Chris Tallentire; Mr Joe Francis; Mr Andrew Waddell; Ms Janine Freeman; Mr Paul Papalia; Speaker; Mr Peter Tinley; Mr Tom Stephens; Mrs Liza Harvey

Dr A.D. BUTI: I would be a wimp if I came into this house —

Point of Order

Ms M.M. QUIRK: I think the member can look after himself very well, but the term “wimp” is unparliamentary.

The ACTING SPEAKER (Mr P.B. Watson): It is not a point of order. Members, let us get back to the legislation. Member for Armadale, if you do not want interjections, do not bait people on the other side.

Debate Resumed

Dr A.D. BUTI: The Minister for Regional Development wants to be smart. There are people who are loose in government. There are many pieces of legislation that the Minister for Regional Development has not agreed with in government.

Mr B.J. Grylls: I have crossed the floor.

Dr A.D. BUTI: No, you have not. You have crossed once—on the trading hours. That is the only one. Don't go on and think you're a man of great principle —

Mr B.J. Grylls: Have you crossed the floor yet?

Dr A.D. BUTI: This is the man who wanted to govern with the Labor Party but was rolled by his colleagues. Why didn't you stand by your principles and not join the government? We all know the Minister for Regional Development wanted to join forces with Alan Carpenter to form the next government, but he was opposed by his colleagues.

Several members interjected.

Point of Order

Mr J.M. FRANCIS: As entertaining as this is, I have to question what this has to do with out-of-control parties.

The ACTING SPEAKER: There is no point of order, but the member for Armadale will get back to the bill.

Debate Resumed

Mr C.J. Barnett: Stop threatening members of Parliament.

Dr A.D. BUTI: Premier, grow up!

That was one of the things my mother told me—my mother was in hospital about a year ago. She does not generally watch TV, but the TV was on. Night after night she was watching the news and she saw the Premier. She expressed how arrogant the Premier was. I must say my mother has never spoken a truer word. The arrogance of this Premier is phenomenal, and the hypocrisy. Talking about a man of principle —

Mr B.J. Grylls: Hypocrisy—you've opposed this bill every step of the way and you're about to vote for it!

Dr A.D. BUTI: The hypocrisy of the Premier is that he has made many statements in 20 years, and in the last four years he has reversed those statements. Don't go on about principles to me, Premier. I think the Premier's principles are very shallow.

Mr C.J. Barnett: You'll be a standing joke in Armadale during the election.

The ACTING SPEAKER: Premier, I call you to order for the second time today.

Dr A.D. BUTI: I hope you have some policies because you never did previously. It is interesting that the Premier —

The ACTING SPEAKER: Member for Armadale, I know the Premier is baiting you, but you will get back to the bill. If the Premier keeps interjecting, I will keep calling him to order.

Dr A.D. BUTI: I think I had been a member of this house about a month when the Premier threatened me that he was going to be in Armadale a lot in the next year. I think in the year that followed he may have come to Armadale twice in an official capacity. Premier, it is not a threat. Why would I be threatened if the Premier promised things for Armadale? I hope he does promise things for Armadale. It would be better for my constituents. He has shown no interest so far. He has been city-centric. That is all he is concerned about. He would hardly know where Armadale is. Please come out with a full list of plans for Armadale because my constituents will be very happy. We are really waiting for it.

Mr C.J. Barnett: I will.

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Dr A.D. BUTI: I cannot wait, Premier. I might even let the local papers know that he will come out with a full list of policies for my electorate.

Mr C.J. Barnett: There is one policy for Armadale.

Dr A.D. BUTI: One policy, is it?

Mr C.J. Barnett interjected.

Dr A.D. BUTI: That is good. We really look forward to that.

The ACTING SPEAKER: Members, back to the bill, please.

Dr A.D. BUTI: We look forward to the Minister for Police, during consideration in detail, addressing the issues we have raised in regards to flaws in the legislation.

MR A.J. WADDELL (Forrestfield) [8.13 pm]: Listening to that contribution from the member for Armadale and the interjections from the Minister for Police, I would like to make probably the only concession I will make to the Minister for Police on the Criminal Law Amendment (Out-of-Control Gatherings) Bill 2012; that is, she said that we are now criticising the government for bringing this bill in hastily when we were saying “Bring it on!” I think the Minister for Police is right—she was goaded by the opposition into introducing this bill. She has brought a political response to a political problem to this house. Out-of-control parties are not acceptable to the community. Nobody in the community wants to see these things. Nobody wants to see bottles thrown at police officers. Nobody wants to see huge, out-of-control riots in our streets. We need to do something about it.

The ACTING SPEAKER: Members, a whole lot of little conversations are going on in this house. *Hansard* is having trouble hearing. If members want their proper words put into *Hansard*, I suggest they be a bit quieter so that the member on his feet can speak.

Mr A.J. WADDELL: We were saying “Let’s do something” in the context of the time we were in—that is, the government foreshadowing further cuts to police. On this side of the house we know that the problem is not a lack of legislation and the problem is not that police hands are tied to deal with these problems; the problem is that there is just not enough of them! Those who are there are unable to do their job. Everyone knows that. Go talk to the community. I get it every day. People come into my office every day with complaints about police—police not responding to things, including not answering the phones. I wrote to the Minister for Police about the fact I called my local police station several times and they did not answer the phone! “Sorry, we have people out there; sometimes they are busy.” I would like to know if that is honestly what the government’s response to a lack of police response is—sometimes they are too busy to answer calls. That is the problem.

Mr P. Abetz interjected.

Mr A.J. WADDELL: I was not calling for a police response; I was calling for a follow-up. The point is that police did not answer the phone. There are people in my community who call the police and after going through 19 different steps of “call this number, call that number”, the phone rings out and they get no-one. If I was trying to follow up on what happened to the break-in that occurred in my house yesterday and called the local cop shop and no-one answered, what would I think? I would think the job is not being done. That is the problem. The reality is that if members ask local police, “What is the problem?”, the answer is, “We do not have enough resources.” They never say, “We don’t have enough legislation!” They never say that to me. They never say, “What we need is another bill. What we need is another 20 pages to the Criminal Code.” We never get that response. Police say, “We don’t have enough resources; we are stretched to the limit.” We need to work on that problem and not this fictitious political response to a political problem. In fact, it really makes me ashamed that we managed to goad the Minister for Police into introducing such a poor piece of legislation. It makes me ashamed that I am in a Parliament that is considering passing such a poor piece of legislation. This is on top of the government’s attempt at stop-and-search powers. This is on top of the anti-association laws. This government is whittling away the civil liberties of Western Australians drip by drip. It is not going unnoticed that it is doing this. We really need to look at what this bill is attempting to do.

Let us look at what is an out-of-control party. If I was to ask anyone in my community what an out-of-control party is, they would paint me a picture of 100 youths in the street throwing rocks, bricks and bottles—being completely out of control. Under proposed section 75A(1)(a) the first step is that there are more than a dozen people. Just about every party I have ever been to in my life that was worth going to had more than a dozen people! We have to give that one a tick as done. The first hurdle has been cleared. The second criterion is —

- (b) 2 or more persons associated with the gathering engage in conduct of any of the following kinds —

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Mrs Michelle Roberts; Mr Bill Johnston; Ms Margaret Quirk; Mr Martin Whitely; Ms Rita Saffioti; Mr David Templeman; Dr Tony Buti; Acting Speaker; Mr Chris Tallentire; Mr Joe Francis; Mr Andrew Waddell; Ms Janine Freeman; Mr Paul Papalia; Speaker; Mr Peter Tinley; Mr Tom Stephens; Mrs Liza Harvey

- (i) trespassing on a place ...
- (ii) behaving in a disorderly manner (as defined in section 74A(1));
- (iii) unlawfully destroying or damaging property or threatening to do so;
- (iv) assaulting or threatening to assault ...

So far, I have not had a lot of complaints about these. For just about everything here, as we see by the fact it is already defined in the Criminal Code, law already exists for these offences. The list goes on —

- (v) doing an obscene act or indecent act in a public place or in the sight of any person who is in a public place;

I am fairly certain there is already legislation on that. Again, this probably puts a cross against a couple of decent parties that I have been to. The list goes on —

- (vi) emitting, or causing to be emitted, unreasonable noise ...

Seriously, we are starting to fall into the line of every single party I have ever been to. Making loud noises is the nature of a party. The next proposed subparagraph states —

- (vii) driving a motor vehicle so as to cause excessive noise or smoke in contravention of the *Road Traffic Act* ...

That reminds me very much of the antihoon legislation. I will talk about how effective the government's antihoon legislation is in a little while. The proposed subparagraphs continue —

- (viii) unlawfully lighting fires or unlawfully using fireworks;
- (ix) throwing any object or releasing any material or thing in a manner that is likely to endanger the life, health or safety of any person;

I would not want to toss a ball! I read on —

- (x) causing an obstruction to traffic or to the movement of pedestrians;

This is the one that really hits me; again, at any decent party I have been to, there have usually been cars parked up and down the road, half of them on footpaths. So, bang, a person has just hit their second qualification merely because people parked on the footpath.

Subparagraph (xi) —

depositing litter or breaking glass or other material;

Well, we would not want a balloon to escape from our houses, because there is the litter. Contravening the Liquor Control Act or the Misuse of Drugs Act—fair enough. Being intoxicated by liquor or an intoxicant; have you guys been to a party?

Several members interjected.

Mr A.J. WADDELL: If there are more than 12 people, and two of them are intoxicated or out of control—my God, the Liberal Party must have the world's most boring parties! So we have now qualified for the second point. Subparagraph (xiv) reads —

any other conduct prescribed by the regulations;

We will come back to that one as well!

Proposed section 75A(1)(c)—the third hurdle we have to get over for it to be a disorderly, out-of-control party—states —

the gathering, or the conduct of persons associated with the gathering (taken together), causes or is likely to cause —

- (i) fear or alarm to any person who is not associated with the gathering ...

Mr M.P. Whitely: “Why wasn't I asked?”

Mr A.J. WADDELL: So that is presumably if there is a neighbour somewhere who is a little worried about the look of some of the guests, or is a little worried about how a car has been parked too close to their rosebushes.

Subparagraph (ii) reads —

a substantial interference with the lawful activities of any person ...

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So, “I’m sitting on my porch and I can’t hear the crickets because of the noise over there”; sorry, the person running that party has just qualified.

Subparagraph (iii) is —

a substantial interference with the peaceful passage through, or enjoyment of, a place by any person who has lawful access to that place;

So, enjoyment of a place; again, “You are cluttering my view of my street; you are making too much noise.” There are so many things under this particular clause that would qualify for the third hurdle. So let us make that perfectly clear: the Liberal Party of Western Australia believes that just about any party worth attending is an out-of-control gathering.

So what happens when we have an out-of-control gathering? Now we have a problem, because the responsible person—the person who organised the gathering—becomes responsible. They are guilty of an offence and are liable to imprisonment for 12 months and a fine of \$12 000.

Mr M.P. Whitely: That is some hangover!

Mr A.J. WADDELL: “What are you in for, mate?” Answer; “I threw a good party.” Not an out-of-control party. These are not these rioting youths on the streets, no-one is throwing rocks, no-one is pelting police officers, no-one is doing anything, but the government’s bill has now criminalised that behaviour. I can hear it already because I have my future sense on, the minister saying, “Oh but our police force is very responsible. They would never do anything like that. We have to have faith in them.” Faith in them? Does the minister know who has faith in whom? The people of Western Australia have faith in us to not bring in defective laws that are going to crush their civil liberties, and that is what the government is doing here! It is crushing people’s civil liberties. Every wedding I have been to would qualify as an out-of-control —

Mr F.A. Alban interjected.

Mr A.J. WADDELL: No, I am not opposing this bill, member; that is the difference!

Several members interjected.

Mr A.J. WADDELL: The government has to take responsibility for what it brings into this place! We are highlighting its defects! We will do that! As I said, it makes me ashamed to be associated with a Parliament that brings in laws like this!

Mr F.A. Alban interjected.

The ACTING SPEAKER: Member for Swan Hills, I call you to order for the first time.

Mr A.J. WADDELL: So the government has criminalised ordinary behaviour that occurs at every wedding I have been to—just about—and every eighteenth birthday I was ever invited to when I was younger. I think the member for Nollamara interjected earlier that she is pleased political parties are exempt; throughout my university days I would have to say I did attend a large number of parties of a political nature that certainly would have been out of control—I might add that they crossed both sides of this house because the Young Liberals threw a mean cocktail party!

Several members interjected.

Mr A.J. WADDELL: They were not that expensive back then! I had friends, but I was always on this side—do not get excited there, member!

Suddenly we move to what the defences are. So, if someone is guilty, they now get to defend themselves. It is not a case of the presumption of innocence; that onus has now been reversed, and a person now has to go before a court to prove they are innocent and took reasonable steps in reasonable circumstances to ensure that the gathering did not become an out-of-control gathering. Again, members would think that it sounds reasonable if someone had tried to stop people from gatecrashing their party and making it out of control. The trouble is, we have already defined what an out-of-control party is, and it is in fact a party that is not out of control. “I invited 12 guests, two of them became intoxicated, and it worried my little neighbour across the road” is now defined as an out-of-control party. “I knew there would be alcohol at my party, I knew the music would be loud; I, therefore, did not take reasonable steps to ensure that it was not, as defined by this bill, an out-of-control party. Therefore, I am guilty.”

Mr A.P. Jacob: That’s an interesting view.

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Mr A.J. WADDELL: Again, every wedding I have attended—every reception—is an out-of-control party, and whoever organised that is responsible and is liable to pay a \$12 000 fine.

Mr M.P. Whitely interjected.

Mr A.J. WADDELL: Every Christmas party! I have been to some great office Christmas parties in government offices that certainly would now be caught by this particular bill.

So we ask ourselves: what is this a deterrent to? Is this a deterrent to people getting on Facebook and telling people there is a party down the street and turning up? No, not at all, because there are no consequences for the people who gatecrashed the party—none whatsoever! The government has created zero implications for the people who are causing the problem that has been identified. The government has criminalised the person who threw the party and has had it gatecrashed! The government has actually gone to the innocent party—the one who has been victimised by all these people coming in—and it is now saying, “You’re legally liable for it. Not only have you just had your house trashed, you can now have the police come in, kick the door, do whatever they want, and throw you in jail for 12 months for it!” That is what the government has done. The government is not, in any way whatsoever, correcting the problem.

It is in fact creating a disincentive for people to throw parties—that is what it is doing! The government is the party pooper of Western Australia! It does not want people to have parties here. Because if I was a parent and my 18-year-old came up to me and said, “I want to have an eighteenth party with some of my mates; we’re going to celebrate the fact that I am of age now. We’re going to have a few beers; it won’t get out of control. I’m just having the local footy club, the 20 guys on my team, over, and maybe their girlfriends; it won’t be more than 40 people. Hey, dad, can I have that?” I would have to say, “Absolutely not”, because I know that this is an out-of-control party before it even gets out of the gate. It does not matter that not one person is going to gatecrash it, because it is going to have more than 12 people, it is going to have loud music, and it is going to have a couple of intoxicated people; it is out of control under the government’s bill—“No way are you doing that, son.”

What are their choices now? The government can legislate until the cows come home, but it cannot stop teenagers being teenagers. So what do they do? They go to the local park, maybe grab a couple of cartons, or go to the beach. On the television the other day I saw a bus stop with the minister’s picture emblazoned across it, and it had these youths running down towards the beach with the cartons of beer on their shoulders, ready to have a good time. That is what they are going to do; that is what the consequence is, and will this legislation have anything to do with it? No; because whatever offence they may commit at that point in time is covered under existing legislation. All the government has done is force them onto the streets, because any responsible parent is going to say, “No, I’m not going to let you have a party at my house, and, no, I’m not going to provide parental supervision, because that behaviour has been criminalised by the Liberal Party of Western Australia, and I’m afraid I can’t do that.” But wait, there is more.

A member interjected.

Mr A.J. WADDELL: I hope Hansard is copping all these little interjections—“But you guys are supporting it; you guys are voting for it.” The members are right. We have agreed to not oppose this law, because the government made a big song and dance about it. The government would love it if we came out and said, “No; we’re going to oppose it because we actually believe in civil liberties.” The government would be saying, “Look at the Labor Party; they’re soft on crime, they’re soft on out-of-control parties! Let’s whip up the fear! Let’s play the political card.” So we say, “We’re not going to let you play the political card because we know one thing: this bill is going to pass regardless; you have the numbers.” That is the reality, so why give members opposite the political cards they want? We will not give the government the political cards; it can stand on this on its own. The government can stand on this and justify what it has done. The government can justify to Western Australians why it has criminalised their ordinary behaviour.

Mr F.A. Alban interjected.

The ACTING SPEAKER: Member for Swan Hills!

Mr A.J. WADDELL: There is more—it gets better, guys! In the Criminal Law Amendment (Out-of-Control Gatherings) Bill, proposed section 75A(1)(b)(xiv) states that an out-of-control gathering can be “any other conduct prescribed by the regulations”—any other! What oversight will there be for that new regulation? Absolutely nothing! There will be nothing. The minister could, by way of regulation, define macramé as being an out-of-control activity. Trust me, at some point in time someone has to define something that we have not contemplated today as out of control; it could be laser tag, paintball—it could be anything. At a stroke of a pen, a minister will now get to add another thing to the list without this debate happening, behind closed doors,

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executive government on its own. Proposed section 75A(3)(d) excludes “a gathering of a kind prescribed by the regulations”. This is who is excluded; I grant you that it says —

[Member’s time extended.]

Mr A.J. WADDELL: We have already heard that political parties will, in fact, be excluded, which gives me a great idea, guys! I can say to anyone in Forrestfield, “If you want to have a party and you’re worried about the fact that the Liberal Party has criminalised your party, come on down to my office, I’ll sign you up as a sub-branch and you’re a political party, away you go, done and dusted.” It is a great way for us to improve our membership because the only protection people are going to have at law in Western Australia is if they are a member of a political party.

Mr M.P. Whitely: The “Party Party”!

Mr A.J. WADDELL: It is almost a singlehanded attempt by the Liberal Party to improve membership of political parties. But I can tell members opposite that I do not think people will join their party because they will be the “Party Pooper Party” people.

Anyhow, this bill is littered with provisions that the regulations may add different things and exempt different things, so the government can add whatever powers it wants. Therefore, it is a bit of skeletal legislation. Again, we have to trust that not only the police will not enforce the law that we are trying to pass here today, but also future governments will not make it even worse than it is now. It is a complete overreaction to an overreaction to an overreaction. It reminds me of the very first few debates that I was part of when I entered this Parliament in 2008. Of course, the big one that the government was pushing then was hoons. The government wanted to fix the hoons problem—remember that? The government was going to cube the cars and drop them on people’s front lawns. I can tell members that I get more calls about hoons today than I did at that time because the problem is even further out of control than it was then. The government has failed on that because it thought it could fix the problem with a piece of legislation rather than provide the resources that were needed on the streets. We need to see police on the streets. People call me to say, “It’s no good. By the time I have seen the car go past me at 160 kilometres an hour, I can’t get its licence number. By the time I call the police, they’re 20 kilometres down the road—what’s the point?” People want to see a greater police presence on the roads; they do not want another piece of legislation.

I was at a street meeting the other day. I will not mention the name of this street, but it has a particularly terrible hoon problem at the moment. The funny thing about this is that my office screwed up; the invitation stated, “Be there on Sunday, 6 October”, but in fact it should have been Saturday, 6 October. Therefore, I had no choice but to do the right thing and turn up on both days. Remarkably, I learnt a very important thing; half the people read the day and half the people read the date, because I had a similar number of people turn up on both days. But that created the possibility for a very interesting experiment because one group of people did not tell the other group what they thought. Excuse me, I am losing my voice. The one thing that came up over and over again was the fact that on this particular street there is a known drug house; that is, a house that sells drugs. The first group of people could all tell me exactly how people knew when the drugs were in and when they were not and at which times people were coming and going. The next day, the people at the meeting told me the exact same thing—the same messages. I thought this was very peculiar, so I called the local police. I said, “It’s odd that everyone says that there’s this drug house.” Immediately, I was told the address of the house. I asked, “What are we doing about it?”, and was told, “We’ve been instructed it takes too much time for us to get the appropriate warrants to do anything about it.” That is what the police told me. Everyone in my community had been telling me that they had been complaining; they had been—I do not know what has happened to my voice.

Point of Order

Mr M.P. WHITELEY: I am just wondering whether there are any points of order relating to a member needing time to recover his voice while he is on his feet.

The ACTING SPEAKER: There is no point of order.

Mr M.P. WHITELEY: Are you sure?

The ACTING SPEAKER: I am positive!

Debate Resumed

Mr A.J. WADDELL: I think it might be permanently gone, so the member might need to move dissent! Anyhow, I will not be long.

Mrs L.M. Harvey: Member, will you write to me about that address, please?

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Mr A.J. WADDELL: I certainly will, minister.

I was very concerned that somewhere in the game, the police had got the message that they needed to be economical with their resources, which would allow something like that in the community. That is a huge disappointment to my community because that really means the system is letting them down in a big way. That is why I say we need resources on the streets; we do not need more legislation.

MR J.M. FRANCIS (Jandakot — Parliamentary Secretary) [8.36 pm]: I will keep fairly short my contribution on the Criminal Law Amendment (Out-of-Control Gatherings) Bill 2012.

Mr T.G. Stephens: The captain of wedge politics!

Mr J.M. FRANCIS: What I can tell members —
Several members interjected.

The ACTING SPEAKER: Members!

Mr J.M. FRANCIS: I am not going to make this a party political speech.
Several members interjected.

Mr J.M. FRANCIS: I want to acknowledge some of the comments made by some members opposite. To be honest with ourselves, we must all admit that in order to control and to act in the interests of the people of Western Australia when it comes to out-of-control parties, we need to do a number of different things. It is fine that I believe, and my side believes, part of that is to give police a few extra powers.

Dr A.D. Buti: You haven't; this does not give them extra powers!

Mr J.M. FRANCIS: We can agree to disagree; that is fine. One of the things that we do —

Dr A.D. Buti: Show me where it does!

The ACTING SPEAKER: Member for Armadale!

Mr J.M. FRANCIS: One of the things that we will agree on is that police, in order to act, need more resources.

Dr A.D. Buti: Yes.

Mr J.M. FRANCIS: Okay, that is fine and I understand that; everyone understands that and we hear some stories. I have issues with hoons in Banjup in my electorate. What is unique at Banjup is that people there all live on five-acre blocks and it is a long way between houses and they are all unlit streets. Therefore, we have to be realistic about the fact that we cannot have a police car on every street corner 24 hours a day, seven days a week. I am sure that we all appreciate that because there is not an unlimited bucket of money, whether we are talking about police or the overall state budget.

One of the issues that I am glad members opposite raised is that of resources and, in particular, the issue of hubbing. I am kind of grateful, personally, for my own political fortunes, that members opposite have made it crystal clear that they do not support the hubbing model. To me, it is a no-brainer. To the people who run the police force, it is a no-brainer. Hubbing means putting more police on the street and fewer police behind desks. It is that simple. For example, in the south metropolitan region, as the member for Willagee would know, there are a number of —

Mr P. Papalia: It's closing suburban stations by putting them all in a central location!

Mr J.M. FRANCIS: That is fine, member for Warnbro, and as long as we agree to —

Dr A.D. Buti interjected.

Mr J.M. FRANCIS: Just cool your jets! Down in the south metropolitan area, there are a number of small suburban police stations that the member for Warnbro talks of. I have one in Murdoch, but it is not open 24 hours a day, seven days a week; in fact, it is open only 14 to 15 —

Dr A.D. Buti interjected.

Mr J.M. FRANCIS: Wait! At the moment it is—and under the previous government it was—open only 14 hours a day. There are a number of them in the south metro region and I am sure that this applies right across the metropolitan area. There are little police stations that are not open during the night. The nearest police station to where I live in Atwell that is open during the night, at three o'clock in the morning, would be in Fremantle. There are cars that operate out of Murdoch Police Station. I think three cars cover the area down through Bibra Lake, South Lake and part of the member for Cockburn's —

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Mr M.P. Whitely: Are you going to talk about the legislation?

Mr J.M. FRANCIS: That is great, but it was an opposition member who started the debate on the issue of resources. I am just taking it where it is due to go.

Mr W.J. Johnston: But we did it in a way that was relevant to the bill.

Mr J.M. FRANCIS: What hubbing means is that instead of having small police stations that are open only during the day, there will be bigger police stations open 24/7. Members on both sides should mark my words—when someone in my electorate calls 000, they do not care where the nearest police station is; they care about how long it takes for a car to turn up.

The ACTING SPEAKER: Member, can I just advise you that we are talking about out-of-control parties. It is not very often that I agree with the member for Bassendean, but I think he is right this time.

Mr J.M. FRANCIS: Thank you, Mr Acting Speaker. When a person has an out-of-control party happening next door to them and calls 000, they do not really care where the nearest police station is; they care about how long it takes for a police car to turn up. If we have small police stations that are manned only during the day, that means that there will be three times as many receptionists, three times as many police signs that need to be maintained, three times as many building managers and three times as many security alarm systems—I could go on—as opposed to having one hub. What opposition members have done once again to help me out in the seat of Jandakot is to allow me to again tell the people of my electorate that the opposition does not support the 24-hour regional police hub that is being built at Cockburn Central because they do not support the hubbing model. I thank members opposite very much for that. The people of Jandakot are going to be delighted to know that the Labor Party has reaffirmed its opposition to building the 24-hour regional police hub at Cockburn.

Several members interjected.

The ACTING SPEAKER: Member, this is the second time I have told you to get back on the bill. What is happening in your electorate has nothing to do with the bill. What we are talking about is out-of-control parties. If you continue to do what you are doing, I will sit you down.

Mr J.M. FRANCIS: I will close on out-of-control parties. As a member of Parliament I have had a number of experiences of out-of-control parties. About three years ago there was a party at Jandakot Hall, which is technically in the member for Cockburn's electorate. Jandakot Hall is owned by the City of Cockburn. Someone who was at least 18 years old signed the lease and paid the deposit to host that party. That hall got well and truly trashed during that out-of-control party. The police horses turned up at that party on North Lake Road. I remember screaming at the local council and the local newspaper and demanding that the council hold the organiser of that party responsible for the damage to Jandakot Hall, because that is the right thing to do. Someone who is over the age of 18 has to take responsibility. If someone hires a car and damages it, they would be liable to pay to fix it. The other out-of-control party that was interesting happened in May or June last year not far from my place. At about two o'clock in the morning a young boy, whose name was also Joseph—he was 15 years old—knocked on my door and said, "Mister, can you please help me?" He was pretty messed up; his whole face was bleeding. I brought him into my house and washed him up. I called the police and tried to call his mother to come and pick him up, and I called the ambulance and all that kind of stuff. I just want to commend the police on their response to that incident. It took no more than four or five minutes before there was a helicopter over my block. Multiple police cars turned up. Originally just one police car turned up and when the officers realised that the road was being blocked off and they could not make their way through, they retreated and it was not long before more and more police came. It took a couple of hours to get the situation under control. I did not go out much; I stuck my head out to see what was going on, but I was well and truly aware when the police helicopter was hovering above my head because of the noise it makes. It was there tracking the people running through the bush and doing all those kinds of things.

In closing I commend the Western Australian police officers who have to front up to these kinds of parties and many times must deal with young people who are fuelled by not only alcohol but obviously drugs as well. These young people do not have too much fear in their blood when they think it is appropriate to throw rocks at police cars and at the police themselves, and to terrorise the neighbourhood. The police do a brilliant job. They are putting their lives on the line every single time they go out to an out-of-control party because they do not know what they will be facing. Some of these parties are absolutely —

Mr T.G. Stephens: You have been in government for four years and this is still happening.

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Mr J.M. FRANCIS: This was in May last year. Some of these parties get pretty out of control and it does take a large response to control a large number of people. As I said, I just want to commend the police for the work they do. It is a really, really tough gig and I do appreciate it.

MS J.M. FREEMAN (Nollamara) [8.45 pm]: I rise to speak on the Criminal Law Amendment (Out-of-Control Gatherings) Bill 2012. I have enjoyed the contributions of all members. One thing that opposition members are trying to express is that we support measures that enable the police to deal with out-of-control gatherings. The concern with this bill is that it brings together a raft of provisions and capacities that the police already have. That may be so that the police can better administer them and better deal with these out-of-control gatherings, but the unintentional consequence is that any gathering of 12 or more people who meet certain prescribed criteria suddenly come under the definition of an out-of-control gathering.

The police would usually deal with issues by negotiation. They would turn up to the front door of a home where a party is being held that has been a bit loud and about which a number of complaints have been made by neighbours in the street, but where nothing really untoward has been happening. The person making the complaint may not be being tolerant and this is not something that happens on an ongoing basis, but suddenly the police say that they will have to use this legislation, which was never intended for that purpose. That is the concern that is being expressed here. It is not that we do not want the government to deal with out-of-control gatherings. That is not the case. Everyone here is concerned. We are always concerned when we see footage on the television or we hear of issues in our communities about when things have spilled out onto the street and where the capacity of the police to respond has been inhibited by people becoming quite violent towards them. In these instances there has been a breakdown in capacity and it has turned into more of a melee than an out-of-control party. It has turned into a mini riot, which is what it is called on television broadcasts. “Riot” is probably an extreme word, but I am sure that some of the people in some of the streets in which these situations have occurred would call it that. Someone has thrown a party with good intentions but gatecrashers have come. The police then come to try to address that but there is a disrespect of requests to move on and it turns into something that is no longer about people just enjoying themselves; it is about lawlessness.

None of us wants the government to be unable to deal with those sorts of issues when those things happen in our community. We certainly want the police to have that capacity. The issue here is not that the capacity is not there for the police already, because it is. This bill brings those provisions together. The issue here is that in the heavy-handedness of trying to get this bill in here for political purposes, we have ended up with a bill that does not actually meet the requirements, needs and desires of our community to deal with that lawlessness. This bill gives the police the capacity to shut down any party, any wedding and any reception, as the member for Forrestfield so aptly put. I commend the member for Bassendean, whose contribution to this debate was very valuable. He pointed out that as legislators we have a responsibility, when we bring legislation to this place, to ensure that it meets the purpose of what we intend and that it is not some catchall phrase for some political purpose.

It concerns me that this legislation does not have a purpose clause; it goes straight into amending the Criminal Code. The bill does not outline its intent and application. The terms that have been placed in the bill to define out-of-control gatherings and other prescribed areas are so broad that it is disingenuous of this minister not to put a purpose clause in this bill that defines and limits what it actually intends. All that is left for us is to go to the minister’s second reading speech in which she states —

Out-of-control gatherings are characterised by large numbers of attendees ...

This bill is not talking about a large number of attendees; it is talking about a gathering of 12 or more persons. In fact, the second reading speech does not reflect what I understand to be the purpose of this bill, as interpreted from the minister’s second reading speech, which refers to large numbers of attendees. The minister then states —

Out-of-control gatherings are characterised by large numbers of attendees and criminal or antisocial conduct.

That is not the case in many of the things that are outlined in proposed section 75A(1), which reads —

- (a) the gathering is a gathering of 12 or more persons; and
- (b) 2 or more persons associated with the gathering engage in conduct of any of the following kinds —

There is no denying that some of the criteria that are listed in that proposed section are antisocial behaviours, but many are not necessarily antisocial; and being intoxicated by liquor or an intoxicant in a public place would cause me to question whether it was antisocial behaviour or criminal behaviour. In some of these criteria, it would be questionable whether a person has a criminal intent in what they are doing.

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This brings me back to the fact that this bill is poorly drafted in trying to fulfil the intent that the minister put to us in her second reading speech. But what is of greater concern to me is this catchall phrase in clause 4 of “any other conduct prescribed by the regulations”. This bill contains no purpose clause, and then we have this broad application, so that, suddenly, by virtue of a political whim, anything can be included in these criteria. That is why members on this side of the chamber, while not opposing this bill, have raised serious and important concerns. We want to put that on the record. It is worth putting on the record, and when this legislation falls foul and someone uses it in the wrong way because it is so poorly drafted and clumsy in trying to fulfil a political point instead of an actual community concern, it will be an important time for us to turn around and say, “We told you so! We told you that this was not well-drafted legislation.”

What is the purpose of this bill? The minister has put this to us in her second reading speech —

Gatherings of this nature are a relatively modern social phenomenon. In some cases, it is the organisers who act in an irresponsible manner, which leads to the gathering becoming out of control. In other cases, social gatherings attract the attention of persons who are intent on causing mayhem.

We now know that it is about a large number of attendees, criminal or antisocial conduct and mayhem. That is not what we are reading in this legislation, but that is what the minister is telling us in her second reading speech. It does not gel, and it is not a good thing for this government to come in here and pursue a political point without actually satisfying the community concern.

In the fourth paragraph of her second reading speech, the minister talks about the need for and the purpose of this bill. She states —

In many cases, police officers who are called to respond to out-of-control gatherings are attacked by persons associated with the out-of-control gathering.

Again, the minister is talking about criminal behaviour in attacking police. None of us in this place believe that those sorts of things should happen to police officers. None of us in this place believe that should happen to some poor unsuspecting parent who has allowed their 16 year old to throw a party and, suddenly, people gatecrash, which is criminal behaviour. Gatecrashers are trespassing. This debate is not about the opposition not supporting this bill. The opposition is saying that this bill needed to be better drafted and brought before us in a better format than is currently before us today. The bill is sadly lacking a purpose clause.

I want to talk about members’ contributions to the debate on the Criminal Law Amendment (Out-of-Control Gatherings) Bill 2012. I agree with many of the comments made in this house that the issue is police presence in the suburbs, on the street and in our community; that is what gives the community confidence in police that when they ring, the police will come, that when they need their assistance, the police will respond, and that when the community need its concerns addressed, the police will be there. That is such an important thing, and it needs to be delivered through resources and not through this sort of legislation.

I know of two examples that I wanted to raise with the minister, who unfortunately is walking out the door,

Mr D.A. Templeman: She is consulting a learned member.

Ms J.M. FREEMAN: I am sorry, minister. She is consulting with the Whip. These examples are about community policing and the Partners and Communities Together project that we are running in the Nollamara area with the police, the City of Stirling, businesses from the Nollamara shops, residents, Neighbourhood Watch and the Nollamara Westminster Action Group. It was a multi-agency and multi-community approach that had operated since the beginning of January 2010 with regular three-monthly meetings. It meant that the community could really feel and sense the police presence in their area and that they had a contact point with the police. It also meant there was not the blame game between the City of Stirling and the police, and the community could get involved in dealing with issues. They established priorities that the police could look at in the community. For example, at one meeting, speeding, antisocial behaviour at one of the adjoining reserves, drug activity in the local community and threatening behaviour generally, but in particular begging at the shops, were all identified as priorities that the police, along with the City of Stirling, could address with strategies. Unfortunately, this process was recently politicised when it was said on radio that I had requested that police attend these forums. I want to put on record that that has never been the case. This was a very good and genuine way of trying to ensure that police and community were working together. That will no longer occur because the minister decided to hold a forum, which was a political forum that did include police. I do not know how the discussion will go, but I do not want to see them undermine what was an extraordinarily good process in Nollamara. That is not the area that I will contest in the next election. I would not like the Partners and Communities Together project to be a casualty in this current political climate relating to law and order. That project was a very considered approach to issues that were the concern of the community. I would like to see that sort of police and community project

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extended into other areas. It has been a very effective way for the community to feel that they really have the capacity to liaise with police.

I have a large police hub in my electorate, which is Mirrabooka, so I am not in the same situation as the member for West Swan. I will represent part of Ballajura if I am successful at the next election. I know that the people of Ballajura are very concerned about the closure of the police station and its impact. In terms of discussing that strategic aspect of policing, I am not in the same situation as other people. But I am in a position to say that even if we have these large police stations in our electorates, people still want to see the police disaggregated and working in their communities; measures such as the police and the community working together deliver that. It would be an absolute travesty to see that get caught up in the politicisation that has occurred in the last couple of weeks.

Mrs L.M. Harvey: Member, can I just ask you a question? The last PACT community forum you had was in May 2012, wasn't it?

Ms J.M. FREEMAN: Yes. I sent you an email.

Mrs L.M. Harvey: Yes, you did, and in your email the decision of the superintendent at the time in May 2012 was not to continue with those community forums because they had actually been politicised.

Ms J.M. FREEMAN: And I asked him to continue with those and he said he would consider it, and now he has.

Mrs L.M. Harvey: That was in May 2010.

Ms J.M. FREEMAN: No, in May 2012.

Mrs L.M. Harvey: May 2012, excuse me. But the Balga community forum—

Ms J.M. FREEMAN: Yes, just happened recently —

Mrs L.M. Harvey: — was only last week.

Ms J.M. FREEMAN: And I have continued to ask him to do that.

Mrs L.M. Harvey: I am just trying to be clear. The decision to discontinue yours was made in May 2012 and it was not linked to the Balga forum.

Ms J.M. FREEMAN: But, minister, all I am saying is that they got caught up in the politicising of the whole thing in any event.

Mrs L.M. Harvey: Yes, but it wasn't linked to the Balga forum.

Ms J.M. FREEMAN: I understand what the minister is saying and I sent the minister that email to try to explain to her that I would like to see the forum continue. I have continued to say to the superintendent that it should continue. He is concerned that because we are heading into an election, the process has become and will become even more so politicised. I could have continued representations to him and said, "Look, just have them. Let's not make them political." It is not going to occur because they have been caught up in the political aspect of all of this.

Mrs L.M. Harvey: It is unfortunate, I agree.

Ms J.M. FREEMAN: Those things are just not what our community wants to see on the ground. The community does not want to see really good processes that have been built up all around their areas not occurring.

When we are talking about out-of-control gatherings and the issues with them, I was quite interested to read about the out-of-control protests that occurred in September in Sydney. I was particularly interested in some of the discourse and debate around the differences between Sydney and Melbourne and how such an event may never have occurred in Melbourne or may not have translated into the same sort of reaction because Melbourne police have better relationships with the Muslim community, Muslim community leaders and particularly Muslim youth.

[Member's time extended.]

Ms J.M. FREEMAN: The reason I raise this matter is that it is timely and meshes into the issue of out-of-control parties and out-of-control gatherings, in that out-of-control gatherings are about a misunderstanding in some instances between groups of people. One group of people reacts in a manner that is then hyped up by the reaction of the police and the gathering becomes out of control. It seems that there is some debate that that sort of reaction may have contributed to what occurred in Sydney around the protests. It is interesting to note that

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academic Rachel Woodlock says that one of the big differences between the two cities, Melbourne and Sydney, is in the approach of police; and that while in Melbourne they are organising football games and dinners, in Sydney they are cranking up a Middle Eastern crime squad. That is really reflective of some of the stuff that has been discontinued in our police force in Western Australia. When I first started working in the areas that I represent, the Western Australian police were very participative and very active in Muslim communities, in African communities and in youth areas; but increasingly those sorts of things seem to have been pulled back. We still have a fantastic community policing officer in Mirrabooka and he does great work, but he is one individual. A lot of the resources around the sorts of things that were done to enhance and build that relationship have ceased. One of those, for example, is that we no longer have “Football with the Fuzz”. Football with the Fuzz was a great initiative —

Mr W.J. Johnston interjected.

Ms J.M. FREEMAN: Did the member say, “Yes, they are”?

Mr W.J. Johnston: No. I said they were a great initiative.

Ms J.M. FREEMAN: Yes, and now they have been discontinued; they have been stopped.

I have asked the police in my electorate about Football with the Fuzz but I have not put it as a question to the minister. It was a great way of bringing together African communities, Muslim communities, the police and Vietnamese communities around soccer in a whole day of seeing the sameness, not the difference, and seeing the connections and not necessarily the things that make us misunderstand each other. Some people might say, “That’s the soft, fuzzy stuff; we’re about putting criminals behind bars and we can’t do that.” But when we stop engaging in those kinds of relationships, we end up with repercussions. In the discussion and debate around the terrible event that happened in Sydney, many Muslim people who I am privileged to have in my community said they were quite distressed and upset to see that happen. The consequences of those sorts of things have a huge impact on their day-to-day lives. The people commenting on that terrible situation in New South Wales are saying that part of the problem was a breakdown in the relationship between police and Muslim youth, so that when it came to a head that is what happened.

It is quite interesting to have a look at some of the debate around it. In a debate on *The World Today*, Eleanor Hall talked to a young man. I cannot quite find the quote at this time, but he said that they are now reaping the benefits of the good work they have done in Melbourne. I think it is an indictment on this government that those good policies and those activities have been discontinued because they are not seen as front-line policing. As far as I am concerned they are just as front-line as attending out-of-control gatherings, because they are about preventing out-of-control gatherings.

MR P. PAPALIA (Warnbro) [9.07 pm]: Unlike some of my colleagues, I would like to declare that I welcome the minister introducing this legislation, the Criminal Law Amendment (Out-of-Control Gatherings) Bill 2012. I appreciate her doing so, not because this legislation is necessarily a well-thought-out response to the challenging issue of out-of-control parties—certainly not—but because, as has been demonstrated on a number of occasions this evening in many erudite speeches and contributions from colleagues on this side of the house, this legislation is not going to do anything of that nature at all. This legislation is not really going to make much of a contribution in any way, positive or negative, as far as I can see. In all likelihood if the powers authorised through this legislation were to be employed in an inappropriate way by the Western Australia Police, they could have a very negative consequence. But I, like many others in this place, believe that there are many more sensible police officers in Western Australia than might be the case elsewhere, and I suggest that they will not use this legislation very much at all. As has been pointed out, most of the criteria for events that determine an out-of-control gathering and will have to be met by individuals for them to be subject to this legislation are already against the law, as was amply demonstrated by the member for Bassendean in his excellent contribution earlier this evening. I promised him that I would quote him and laud his contribution, because it was a good one. It distilled the real response to this type of issue down to two things: if we really want to pursue a response and want to do something appropriate and effective, then there are two things we can do. We can try the complex and challenging task of changing society, which is a long-term, comprehensive, holistic response required across all levels of government, non-government organisations and communities, embracing the challenge of changing the behaviour of youth through a long-term process, and at the same time we can increase police resources. This legislation does neither of those things; the government’s response does neither of those things. In fact, we could launch a reasonable argument that the government has done the complete opposite in both fields of endeavour. It has actively, over the course of four years, sought to dumb down the response to crime and punishment in this state, to the extent that it has had a negative consequence. Maybe, just maybe, these out-of-control parties that are increasing and the increasing incidence of antisocial behaviour, particularly amongst youth in the state, are a

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symptom of this government's legislative objectives coming to fruition—this government's philosophical approach to crime and punishment that it launched under the auspices of the intellectual grunt, the intellectual firepower, of the government that has now departed in the person of the previous Attorney General. Under his guidance, as someone who had the capacity to pursue the argument in the public domain and make it sound reasonable, this government actively sought to dumb down the approach to crime and punishment in the state, and we could make the argument that it has achieved its objective. This is the natural outcome of the philosophical approach of the government, which was led by the previous Attorney General in a competent manner as far as a political retail politics approach goes. The natural consequence is a massively increased prison population, far more ineffective prisons, potentially an increase in the physically violent nature of the crimes that we are encountering and an ineffectiveness of the punishment and any attempt at all to reduce recidivism. That could be argued. The argument could be made that what we are seeing now is the natural consequence of that philosophical approach—the natural consequence of the government's actions. It was always going to happen.

Fortunately for the previous Attorney General, he has left and he can shed any responsibility he might otherwise have worn for that path that he set this government on. But, sadly for the government, introducing this type of legislation provides us with the opportunity to expose the paucity of intellectual grunt that is left in his wake. We have seen the glacial reaction times of this government. We have seen the slow process with changing its political tactics. Four years ago the government identified that it might be able to embarrass the Western Australian Labor Party by talking about uranium mining. So, it continues to grind along. It does not matter that we changed our policy stance at the start of this year when we changed our leadership; it does not matter that that is no longer a subject of any sort of controversy with the Western Australian public. That does not matter. It does not matter that no-one really cares what we thought three years ago, two years ago or 18 months ago. Now we have a position that removes that political tactic, but the government is incapable of changing its processes. It is so grindingly slow in the Liberal Party that it is still going through the same tactical plan that it set out four years ago, and that is the way it will be. I suspect that the legislation was drafted—not drafted, because it is so poorly drafted—or the idea was thought of when the previous Attorney General was still on the stage and when he said, “Oh, no; we know that this won't work. We know that it's not going to assist anyone. We know that it's not going to do anything about out-of-control parties, but I know that if we introduce this, we might elicit the response that we hope for from the opposition. We might elicit” —

Mr F.A. Alban: It's worked, hasn't it?

Mr P. PAPALIA: No, it has not. That is the extraordinary thing. The often entertaining member for Swan Hills' interjection was, “It's worked, hasn't it?” No, member for Swan Hills, it has not, because we are going to allow members opposite the rope to go on and pursue this bit of legislation; we are going to allow them to introduce this legislation, and we are going to let the public of Western Australia watch over Christmas as out-of-control party after out-of-control party continues to occur and members opposite are incapable, when we have given them these powers that they seek, of changing that behaviour. We are going to watch as they go through the Christmas party season, demonstrating how ridiculous their response was and how inadequate their response has been. That is what we are going to do.

Mr P.T. Miles interjected.

The SPEAKER: Member for Wanneroo! I am interested in hearing from only one person, members, and that is the person who in a moment will be back on his feet.

Mr P. PAPALIA: Thank you, Mr Speaker.

In effect, member for Swan Hills, I absolutely welcome this bill. I thank the minister for introducing it because it demonstrates amply the paucity of talent on the government's side, particularly on its front bench, because members opposite know, and the Western Australian public knows, that no-one is capable of —

Several members interjected.

Mr T.G. Stephens: Chuck them out, Mr Speaker; chuck them out!

The SPEAKER: I am inclined to agree with you, member for Pilbara. I am going to resist that temptation at the moment. Members, I stood here about a minute ago. The only person I want to hear from is the member for Warnbro. I do not need to hear from you, member for Southern River; you, member for Wanneroo; you, member for Carine; you, member for Swan Hills; or you, member for Jandakot.

Mr P. PAPALIA: Thank you, Mr Speaker. I will move along because it is obviously touching a few raw nerves over on that side of the house.

I also welcome the bill, minister, because it gives me the opportunity —

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Point of Order

Dr A.D. BUTI: Mr Speaker, I know that we do allow interjections in this house, but the member for Warnbro is trying to make a serious speech—he is not asking for interjections—and I am hearing an absolute diatribe from over there. Those members never make a contribution to the debate; all they ever do is interject. Could you please put them under control?

The SPEAKER: It is not a point of order but, member for Armadale, I am totally sympathetic to your call. I am going to give the call back to the member for Warnbro. Members, if you continue to interject, I will stand on my feet and formally call you to order.

Debate Resumed

Mr P. PAPALIA: Thank you, Mr Speaker. It is okay; I am going to move along.

The other reason I thank the minister for giving us this opportunity is that it allows me to demonstrate the disparity between the government's view of the world, the government's view of reality, and the reality as lived in the suburbs, in particular the suburbs in my electorate. I will not have to go back very far. What I will do is draw upon some real examples in the electorate of Warnbro in recent times. I will not have to go back beyond last year; I will go from only April this year as a short snapshot. I could go on—there could be a lot more—but there is no need to. This gives me the opportunity to compare and contrast the reality for people who live in the suburbs and who complain not only to me, but also to police, councils and the government, and the reality as the Liberal Party and the government would have it according to their candidate who is running against me in the seat of Warnbro, and also according to the government, because the information that I will refer to comes from the Liberal Party website. First of all, I will deal with the reality as lived by people in the suburbs. The first one I want to refer to is a report in the *Weekend Courier*—a fine tome—on Friday, 6 April this year. The headline is “Gangs ‘running riot’”. This was the precursor to a series of parties that were out of control in the seat of Warnbro. This type of behaviour would easily fit the criteria of this legislation but it probably involves people who are subsequently involved in out-of-control parties in the area as well. To illustrate what I am talking about, after years of complaining about the growing incidence of antisocial behaviour, residents have had enough and have reached the end of their tether. A Secret Harbour resident, who did not want her name published because she is afraid, is reported as saying —

... she moved her 15-year-old son from Comet Bay College to a school 24km away because of safety fears.

She said a wheelchair bound man was recently attacked by a gang of youths.

“I know that they’ve beaten up an old man, and two men last year at the local Caltex,” ...

This is the Caltex service station that was subject to an armed robbery about two months ago. I will not read out that report but it was the same service station. The article continues —

“They’ve threatened to stab my son and kill him and worse; they’re running riot.”

A Golden Bay resident said his son was a trolley boy at the local shopping centre and had been attacked several times.

“They’re not just one-off incidents, I think the police should do something about it,” he said.

“They say their hands are tied but there’s no presence there. If my son gets really badly hurt, my family is not going to stand around and do nothing.”

Secret Harbour Residents Association president Patrick Moran —

He is a fine man and a fine contributor to the local community —

said having a police station in the area “would absolutely help”.

“At the moment, if we report something, the time it takes police to get here ranges from about 40 minutes to two hours,” he said. “That’s a joke.”

That is the nub of the matter in the seat of Warnbro. When we hear the member for Jandakot and other government members defending the strategy of police hubs, they are saying to the people who live the experience in the suburbs that they do not know what they are talking about. They are saying that having our police ensconced in centralised castles, where senior police officers sit and move the troops around from that central location—removing the police from the suburbs, removing them from the community and removing them from the opportunity to gather local intelligence—is a better response and a better outcome and that is working. That is what the Premier says. The Premier says that it works now. He says that we do not know what we are

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talking about because the government has statistics. It has so many statistics that it should be able to hit the criminals with the statistics and stop the crime, but it is not working. The people in the suburbs do not buy it. They want to know that there is a local police presence.

Mr J.M. Francis interjected.

Mr P. PAPALIA: I will not try to tell the member for Jandakot about his seat so he should not try to lecture me about mine.

I turn to another report from a different paper—a very good one. On 13 April the *Southern Telegraph* published an article headed “New resident faces eggs and graffiti”. It states —

A new Secret Harbour resident has told of his disgust after his car was egged and his newly built limestone wall defaced just four days after moving into his new home.

It goes on to refer to a rampage by vandals, stating —

Vandals ran rampant in the area earlier this week, defacing several surfaces with graffiti and smashing windows with bricks.

...

A Mandurah police spokesman told the *Southern Telegraph* they were aware of the situation and were preparing a strategy to combat the issue.

That was in April. I will now jump ahead to July. Members may have noticed reports in the media in July about an ATM explosion in Secret Harbour. That was one of a series of explosions aimed at breaking into ATMs in remote localities. The people who commit these crimes clearly have a plan. They operate in a strategic manner. They look for places where it will take the police a long time to respond. They chose the ATM in the Secret Harbour Shopping Centre, just across the road from my office. WAtoday reported on 16 July —

Police are investigating two ATM explosions in Perth’s southern suburbs overnight.

An explosion was heard about 4.45am this morning coming from the Secret Harbour Shopping Centre.

This occurred while some bakers were working in the bakery about 30 metres away.

I am getting closer to the subject of the out-of-control parties and trying to tighten up this speech a little. I want to focus on that because, again, it gives me the opportunity to illustrate the chasm between the government’s version of reality and people’s experience in the suburbs. On 18 July the *Sound Telegraph* published an article headed “Coastal residents want protection”, written by Brian Oliver. It states —

Singleton and Golden Bay residents have renewed calls for a greater police presence in the two suburbs, saying police response times to incidents of antisocial behaviour were too slow.

Singleton Residents’ Association president Margaret Tysoe said police resources were so stretched it meant residents and business owners in the coastal suburb had to protect their own properties.

It goes on a bit. There is a little bit there from Karl O’Callaghan, telling them how they do not know what they are talking about, and the statistics show that it is all good. It continues —

Singleton general store owner Gina Towse said her business was constantly under attack by vandals.

“Last year, they got a car and tied rope to the (front) door handles and pulled them completely off.” She said police cars were “rarely” seen in the Singleton area.

Golden Bay Progress Association president Peter Carter supported calls for a greater police presence between Rockingham and Mandurah.

Mr Carter said response times were unacceptable and said he was in favour of a new police station built in the Secret Harbour area.

[Member’s time extended.]

Mr P. PAPALIA: An article in the *Sound Telegraph* on 25 July this year headed “Mounted police crash wild party”, again written by Brian Oliver, stated —

Mounted police and the air wing were called in to help contain an out-of-control beach party at Port Kennedy on Friday night.

It took police more than two hours to disperse more than 100 party-goers who had descended on the beach at the end of Bayeux Avenue. Police believe the party was advertised on Facebook.

No arrests were made.

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They had all the powers that are included in this legislation but no arrests were made. It raises the question of how another law—another opportunity for us to stand here and talk about a bit of legislation and for the minister to go out and say how tough she is—will assist the police when they did not make any arrests at this event, which is exactly what we are talking about. The police did not say that they did not make arrests because they did not have enough laws. The police are not quoted here, but this is one of those two parties that were widely reported at the end of July. We know that no arrests were made. The article continues —

A Bayeux Avenue resident, who wished to remain anonymous, said it was the second party in the area in as many weeks.

It was, because there were another couple up in Secret Harbour as well. Again, no arrests were made at that party either. I pursued that. I asked the police, on behalf of residents, who had complained about it, why no arrests were made. When the residents complained and approached the responsible police—they were young fellows—they were told that they could not arrest the men because they did not have the resources to hold the guys in the event that they did arrest them. When we asked police higher up, we got a different version. We got the version relating to the use of their resources over time. It is a similar version but it relates to the use of resources on the night and their objectives to reduce the damage on the night and their management of the incident.

I have another article from the *Southern Telegraph* dated 17 August headed “Residents fed up with wild parties”. I know about this one because a group of residents association people got together to convey their concerns through the media in an attempt to let the government know just how far its reality is removed from people’s reality in the suburbs. Later I will talk about a public meeting that I attended with the police commissioner and senior police officers earlier in the year. This article by Elisia Seeber states that the residents of Secret Harbour are fed up. They believe that the —

“community feel” has been irreparably damaged, and have cancelled an annual family movie night, after a string of wild parties in the suburb.

Secret Harbour Residents Association vice president Malcolm Barbera said the family-friendly event was cancelled to avoid any hazardous consequences.

I am a little sceptical about this. I think that people think that all the bad kids come from somewhere else. He claims that a lot of youth come in from the outer areas just to cause trouble. He may be right. The article continues —

“There is a concern for a number of residents feeling threatened.”

Mr Barbera said there needed to be a greater police presence in the area and more parental guidance.

I endorse his view. Later in the article, Elisia goes on to say —

The decision was made after a 30-strong mob gate-crashed a private birthday party on Saturday night, despite the presence of a private security guard.

They smashed through a fence, broke a window and pelted police with rocks and bottles, after attempting to gain access to the Alicante Mews home.

Concerned mother Michelle Walker has lived in Secret Harbour for six years. She said the suburb’s crime had increased at a “phenomenal” rate over the past two years.

“It’s just not safe, these kids aren’t scared of anything,” she said.

Mandurah Sen. Sgt Chris Hoath said mobile police vehicles were used to combat anti-social behaviour.

“Government and police are taking a tough approach to this and we will be continuing to monitor it with a high number of police and we will be shutting down any noisy parties,” he said.

This was in August. There is no mention here of the desperate need for out-of-control parties legislation. It does not mention that. He did not say, “I would have shut down the out-of-control party but I did not have this legislation that the Minister for Police intends to introduce.” He just said, “We’re going to be shutting down the parties. We’ll be taking a hard-line approach.” I welcome that. I do not criticise the police in any way. No-one in the suburbs between Rockingham and Mandurah criticises the police when they say that they are complaining about police response times. It is not the police they are blaming; it is the government. It is the lack of police resources. We know what the cause of the problem is with those cities in particular—it is the long geographical distance between the hub in Rockingham and the hub in Mandurah. There is no getting around it. It is not even an argument against hubs. I want a hub in the middle, but it is not about hubs. I actually agree with the argument that community policing is more effective, but regardless of that, even if we accept the argument that hubs are a

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more efficient manner of operating police, why do we not have a hub between Rockingham and Mandurah? There are in the order of 50 000 to 60 000 residents between Safety Bay Road at the southern end of Rockingham and probably the Mandurah train station. If we drew an east–west line on those two points of the map, it encompasses the entirety of Baldivis, which is a massive growth area. The coastal strip is almost joined up. There is a tiny gap between Madora Bay and Singleton, but all the rest go down to my colleague the member for Mandurah’s seat. Those suburbs are encroaching north. The population is enormous. There are 50 000 to 60 000 people.

I refer now to the last community forum that Karl O’Callaghan hosted before the last cancellation. I understand they have been reinstated only in Liberal seats, but before then they used to happen in seats where they were needed. The forums were happening in seats where crime was a challenge and where the communities were anxious about policing and had questions to pose. The last one was in Rockingham at the Gary Holland centre. The member for Mandurah and I were there —

Mrs L.M. Harvey: There was one in Quinns Rock, which is not a Liberal seat.

Mr P. PAPALIA: No; that was after it was cancelled. That one was the next one. They have started again. Before the Commissioner of Police chose to stop it, the last one was in Rockingham. The member for Mandurah, myself and a Liberal upper house member were there.

Opposition members interjected.

Mr P. PAPALIA: Margaret said “Never say their name”!

We were all there, and that was not politicised. Immediately after that meeting, the commissioner—unfortunately, in my opinion—chose to terminate the process. He publicly stated the reason was that politicians were showing up, stealing the agenda for the evening and politicising the event. That occurred immediately after the Rockingham meeting, but it did not happen there. It was a very polite meeting. The questioning came from members of the community who did not buy the statistical line and did not buy the argument that it was all okay. They said, “We want to know why there is no hub anywhere near us. Why haven’t we got policing anywhere near us?” No amount of friendly engagement from the Commissioner of Police and his other senior officers could change their opinion because they live the experience. It is completely different from what the government’s view is. The community knows that we need better policing in the suburbs between Rockingham and Mandurah, particularly in the northern suburbs of Mandurah, and the southern and eastern suburbs of Rockingham.

The government does not know this. I know that because I have seen the Liberal Party’s website and read about the bloke who would have my job. The website sets out his view, and the government’s view, of how to provide policing. Heeding the advice of my recently passed electorate officer, I will just refer to him as the candidate from the other side. In his introduction on the website, he said that he —

... believes in keeping Police Officers in PCYC’s and promoting similar engagement programs to ‘Weld for Life’ and ‘Right to Write’.

That is nice. I hope he is lobbying his party to keep police in police and community youth centres, because we know the PCYC officer in Rockingham has been removed. The Premier has broken his promise and the police officer has gone from the PCYC. Programs such as “Weld for Life” and “Right to Write”, which were created by that very police officer, are no longer being supported as well as they were. We know that.

It is stated on my opponent’s website —

Before he left the Navy, —

I commend the Liberal Party for pursuing a military candidate —

... was the Area Co-Ordinator for the Port Kennedy Neighbourhood Watch and assisted them with their ‘cocooning’ efforts in response to burglaries. He understands the concerns of young people roaming the streets and the increase in petty theft ... believes the answer to this problem though does not lie in bricks but boots. He knows that since the Liberal Government was elected in 2008, there were 157 more Police Officers on the beat in Peel —

That is nice, but what about the electorate of Warnbro?

Mrs L.M. Harvey: They are policed in vehicles from Peel. The police officers hop in cars and drive around.

Mr P. PAPALIA: I will finish the sentence —

... and an extra 40 detectives!

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The other question I would like to pose to the candidate via the minister is what is his view about the Liberal Party shutting the Rockingham police rail unit once it took office? The Rockingham police rail unit brought another 50 police officers to our region. What is the view of the Liberal Party and the government on shutting that police station? What is the candidate's view and what is the minister's view on cancelling a police station that was centrally located between the Rockingham and Mandurah hubs, without justification?

Mrs L.M. Harvey: It was never built. It was a promise that the previous Labor government made.

Mr P. PAPALIA: The land was purchased and \$10 million was in the budget. This government shifted the \$10 million and sold the land. I know the current Minister for Police did not personally, but her predecessor did. It was more than a promise—it was actually happening. The reality is that Premier Barnett has the wrong priorities. He is about building monuments to his ego in the centre of the city. He has forgotten about the priorities of the people who live in the suburbs. The people who live in the suburbs between Rockingham and Mandurah want police presence. They do not want to be lectured about how they do not understand the statistics. They do not want yet another useless law that enables the minister to go on Sunday TV and trumpet how tough she is. They want a response to the challenges of out-of-control parties. They want police on the ground. It would not matter how many of these types of laws the government introduced because we have seen that current laws are not even used. That is partly because of lack of resourcing, but it is largely because of a lack of police presence. It is not the police's fault. We hear from the police union what the police officers' views are. They want more resources. People in the suburbs—a long way from the monuments to the Premier's ego, which all reside around the city, such as Elizabeth Quay—want police stations where they live. They want some presence between the Rockingham hub and the Mandurah hub. There has never been an explanation of why they do not get it.

MR P.C. TINLEY (Willagee) [9.39 pm]: Thank you, Mr Speaker, for the opportunity to make a short contribution to this debate tonight on the Criminal Law Amendment (Out-of-Control Gatherings) Bill. I note that many members have spoken. Without going over too much ground, I feel it is important that there is at least a recording of the concerns that some on this side have, probably more from a personal perspective in so much as a seat-by-seat perspective of what is happening. I also note, Mr Speaker, that it is now the fifth time I have started a speech when you have been in the chair, and I am completely honoured; thank you.

The key issue here, as has already been enunciated by many on this side, is that this is a veneer of policy. This is simply legislation of convenience; a veneer of political convenience applied to something in order to attempt to either ingratiate the government's law and order agenda to the people of Western Australia, or indeed, at best, a fishing exercise to see if it cannot hook the Labor Party into some wedge in order to unequivocally demonstrate our lack of integrity when it comes to being tough on crime. Either of these things, unfortunately, is just a fruitless fishing exercise—an exercise in complete time wasting of this house, complete time wasting of the members of this house, and disrespect to members who have gone before on that side and members who are now on the other side. It disrespects the intelligence of the entire gathered Liberal Party and National Party. It disrespects the intelligence of everyone on this side of the house as well, because it simply attempts to apply to this particular problem, which is a unique social phenomenon that we are currently experiencing, a simplistic, knee-jerk response that, again, as I say, is just made for the purposes of the digestion of the electorate to appear to give, again, the veneer that the government is being tough on antisocial behaviour.

In fact, it is nothing of the kind; it in no way has any capacity whatsoever to deter out-of-control parties. It has no way of actually deterring any of those things we have seen in more recent times. I defy anybody in this place, particularly the minister, to say that this legislation—if it is completely applied on the occasions on which it would apply—will result in a reduction of any substantial nature of what we have seen in recent weeks on the television. I really do say that in all honesty, without being in any way partisan or in any way trying to make a political point as such, except for the fact that this side of the house, although it does not oppose the bill, will absolutely and completely reserve its right to scrutinise the legislation and point out the facile nature of what it attempts to do. It is absolutely risible that this legislation should ever be contemplated.

Mr C.J. Barnett: So you are just going to sit on the fence, once again?

Several members interjected.

The SPEAKER: Members! I have given the call to the member for Willagee; that is who I want to hear from.

Mr P.C. TINLEY: The evidence of my contention that this is nothing but a veneer—an intellectual pygmy's attempt at I do not know what—and electoral cotton candy is that it is there for short-term digestion with no great substance to it. Proposed section 75A(1)(b) states that if “two or more persons associated with the gathering engage in conduct of any of the following kinds”, and lists 14 different acts or laws under proposed section 75A that, of their own independent existence, would constitute an offence if they were transgressed. Any

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police officer in this state who has a reasonable belief that that offence has occurred or is likely to occur has the capacity to act on them. It is already there. There is evidence in the government's own facile attempt to assuage the electorate and say, "Don't worry; there, there", in its paternalistic way, "We have this covered; we're going to lock up an entire class of people in Western Australia called criminals. They're a distinct class, these things called criminals. If we lock them all up"—which is the Liberal Party ethos of law and order—"and take away a whole strata of society, we have solved the law and order problems in this state." The government believes that if it takes them out once, it can lock them all up and then there would not be any antisocial behaviour or any particular problem.

I will tell members why there is nothing in this legislation that will be a deterrent. When those things that we have seen in the media in recent weeks occur in relation to out-of-control parties, they occur spontaneously. They do not occur in a deliberate context; they occur as a result of a range of social phenomena peculiar to where we are at the moment in the social development and evolution of this state, and the culture of the people of Western Australia. There are some contributing factors, and we all know what they are: they are drugs; they are alcohol; but, more importantly, the capacity to organise is far more sophisticated than it was when I was a 15-year-old lad running around Fremantle looking for parties that I could actually purloin an invitation to by dint of entry. I do not think anybody in this place who has had any sort of youth has not had the opportunity to go to a party, the host of which they did not know. However, going around the streets of Fremantle and finding parties that somebody might be able to gatecrash is a very simple activity undertaken by many suburban youth, but these days it has become a lot more dangerous because of social media. Apart from, I think, proposed section 75B, there is nothing in the Criminal Law Amendment (Out-of-Control Gatherings) Bill 2012 that refers to organising these parties. Nothing in this bill states that it is an offence to incite or promote a particular party on social media that is not that person's party. Nothing in this bill actually attends to the modern malaise inflicting society today, which is the prevalence of alcohol and drugs. Nothing in this bill actually attends to the issue of the spontaneity of out-of-control parties or how they become out of control.

But at the philosophical heart of what is in this bill is an attempt to just garner up the right of entry. The simple fact is that all this bill is trying to do is enshrine the right of entry of a police officer. That right of entry already exists, I am advised by the legal minds, because if there is a reasonable suspicion an offence has been committed under any one of the 14 different provisions by two or more people associating for the purposes of committing an offence, a right of entry is actually implicit in a police officer's capacity to do their job. There is nothing in this bill that is anything but a cul-de-sac of intellectual attempt to just inoculate the electorate into thinking the government has it all in hand; well, it does not. It does not by any measurement of it.

The other issue in relation to it is this notion of "organise". The bill states —

organise, in relation to a gathering, means to have a substantial involvement in arranging, managing, advertising or promoting the gathering (whether or not any other organisers of the gathering know of or consent to that involvement);

The idea of "organise" has a very wide remit, but there is no capacity to understand how it will attend to actually preventing or detecting organisation. I will take any advice from the minister during consideration in detail or whenever she likes in relation to how the police service monitors social media. There is a great intelligence tool resident in the internet called social media. If the police and this government are really serious about it, the government will resource the police in a way that will allow them to identify things early on, before these things start occurring, such as when people start referring to various community centres, for example, in the suburbs in which a gathering is contemplated or booked for a private function that would naturally attract a lot of young teenagers like moths to a flame.

There is no complementary legislation. There is no complementary policy from this government that attends to the systemic issues that create the circumstances of out-of-control parties. When we look at this idea of right of entry, we must also note that it is not often that the police service has to go inside a premises to shut it down. In the majority of cases, by the time the police are called and attend an out-of-control party in the context of the definition prescribed in the Criminal Law Amendment (Out-of-Control Gatherings) Bill, it has already spilled onto the street and it is quite obvious what is occurring. The police do not need any particular headcount or preamble or preconditions to exist; it exists exactly there on the street for them to see. That, by all intents and purposes, constitutes so many different offences, as aggregated in the bill, as to cause or allow the police officers to act.

Another point is that the bill states that a senior officer must authorise any action by the police. The senior officer required to do that, I think, is a senior sergeant or a sergeant. I would really appreciate the minister advising us at some point—she might want to note —

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Mrs Michelle Roberts; Mr Bill Johnston; Ms Margaret Quirk; Mr Martin Whitely; Ms Rita Saffioti; Mr David Templeman; Dr Tony Buti; Acting Speaker; Mr Chris Tallentire; Mr Joe Francis; Mr Andrew Waddell; Ms Janine Freeman; Mr Paul Papalia; Speaker; Mr Peter Tinley; Mr Tom Stephens; Mrs Liza Harvey

Mrs L.M. Harvey: Senior sergeant—either sergeant or above.

Mr P.C. TINLEY: Where does that senior sergeant have to be? Does the senior sergeant have to attend the site? Does the senior sergeant just have to be advised by a subordinate officer who is at the site that the preconditions exist that allow him to then authorise an entry? I would appreciate knowing that. If the senior officer is back in a station or a hub or at another incident or on the road, is that sufficient advice or does he or she have to see the preconditions that are prescribed in this bill to ensure that it is operative? I suspect if that is the case, if it is by remote control, we have a problem. If it is by remote control, there is a very clear issue about the seniority of the attending police officers. I will give members an example of how it gets out of hand.

A few months ago, a party at a community centre in the southern suburbs—there is no point in raising any more detail than that—got out of control. Funnily enough, more people arrived than were actually invited, again, via social media and all the other various means of efficient communication that we have these days. A complaint was made by a neighbour of this community centre, which had a vast arrangement of fields around it in the standard array of community centres these days. A single vehicle turned up with two junior officers, who would have been aged in their mid to early 20s at best. This was at night. I believe that they were both just constables. We need to understand the psychology of crowds. We need to understand the psychology of the interaction between police who are less than experienced and crowds. They are particularly difficult circumstances for young officers to go into. They are particularly scary arrangements for anyone to confront because a drunk or drugged out-of-control mob living and feeding off its own ego is extremely dangerous. I completely sympathise and empathise—because I have been in those situations, confronted by that sort of mob—with the police and the circumstances in which they find themselves. But it takes some experience to decipher what the behaviour inside that mob actually is. There is a very clear distinction, in my experience, having worked doors in my earlier life.

The crowd at the Sunset Bar at the Balga hotel one night went very nasty and they turned on the doors. When people are confronted with that coming at them, a particular adrenaline hits their body that causes them to react in a fight-or-flight manner and it takes some experience to calm down and assess the situation properly. These two cops turned up, two young men, and they overreacted. I am very clear on that, having spoken to a number of youth after the fact whose contribution I value quite authentically and who were sober at the time. These police officers overreacted, because the standard operating procedure for police when confronting a crowd and crowd behaviour is to look for and take out the ringleaders as fast as possible. That is completely logical. But when there are two young police officers with limited experience, to apply the standard operating procedure in that circumstance when confronted with a mob of over 150 young men mostly feeding off themselves, as I said, is a particularly dangerous undertaking. But if we had read the mob at that time, we would have seen that their energy was always internal. The minute the police turned up, it gave them a focal point to which they could apply their antisocial behaviour. So, if these police had behaved in a different way—if they had stood off and just observed, as the more senior police will tell you is the first thing they do, unless there is an actual threat to property or life—they would have been less likely to have had such a confrontation in which they needed to make multiple arrests, as they did that night. The senior sergeant who eventually turned up at that incident and who I spoke to subsequently was a very wise head and explained all this to me about how these young guys had overreacted. We must not forget that for the young police officers who turn up to these incidents, there is a real issue with their own testosterone and their own egos, and they would not see that the first step they should take is backwards; that their first step should not indeed be forward and quite aggressive. There is an issue around that.

I have raised a couple of issues.

[Member's time extended.]

Mr P.C. TINLEY: There is no complementary legislation to this bill. There is no supporting drug or alcohol policy. There is no education component. There is nothing that talks about this. I would be very keen to hear from the minister in detail about the increase in police resourcing that may or may not be applied to this. I do not mind speaking about this in this place, because the police officers I speak to in my patch have a problem on the ground and that is not necessarily reflected in official versions as we go up the chain of command. What we hear anecdotally is that one thing that typically happens, particularly at night, is that if a police officer calls in sick and cannot attend their shift, they are not replaced. Routinely in the suburbs, they are not replaced. What does that mean? There is an odd number of police officers on that shift. The police will not send a single officer out in a single car; it is unsafe and unwise. Therefore, we have a two-for-one offer in that if one officer is sick, there is no provision for overtime or to call in anybody else, so the other officer is just deskbound in the station. That is not good resourcing. That does not talk about how we are attending the issues in this case.

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Also, this legislation does not contemplate the dovetailing of it inside community policing and how community policing is sometimes the best intelligence collection method we have because these police are out there and have an intimate knowledge of the suburbs, the seats and the identities. The police and community youth centre in Hilton, which is formally and officially the Fremantle PCYC, is a very good example. The two senior constables in that station can tell us by name and address every kid in the district who has trouble. They can tell us every kid; they know the truants, the kids who are inclined to criminal activity and the kids with dysfunctional families and the nature of that dysfunction because they have had a wealth of experience in community policing and understand that it is far more powerful to listen than it is to act precipitously anyway.

I will conclude my comments there. As I said, I have concerns around this bill; it is simply a method of aggregating existing laws to provide for police in a single, easy opportunity the right of entry. It also is simply, as I stated at the front end, a veneer of sugar-coated candy by which the electorate could be fooled to think that this government is actually serious about the phenomenon that is a blight on our society currently.

MR T.G. STEPHENS (Pilbara) [9.59 pm]: In the time I have been in the Parliament there has been a pattern that I have always seen in the lead-up to a state election whenever a Liberal government is in power; that is, the Liberals will introduce legislation in the hope that they will wedge the Labor opposition to look as though it were weak on crime and the Liberals will beat their chests and look to be tough on crime. I have been in the place a long time—30 years—and here we are coming towards Christmas again. The whole flavour of Christmas every four years—it used to be every three years but it is now every four years—has always been spoilt for me by this smell in the air in the Parliament of this type of legislation that comes in not because it has any practical connection with the good order of society but rather is about trying to play a ruse on the public. It will only be with the help of the media that this type of game playing will ever finally be stopped. Basically the government is insulting the media. I do not mind the government insulting the Labor opposition because that is what Liberals do; they assume that somehow or other we are dumb enough to fall for their tricks, even though in my short time—30 years—the Liberals have been doing it every election cycle. Someone dreams up this sort of absolute nonsense, rushes it into Parliament and comes out with the headline “Liberals tough on crime” with some stupid bill like this that is of absolutely no use other than to try to get the Liberal Party through an election. It really is incumbent, I fear, on the media to finally say that the Liberals are at it again. The Liberals are absolutely underestimating the intelligence of the community and are accusing the media of being dumb. Okay, it can accuse the Labor Party of being dumb. I certainly watched my colleagues with great pride during this debate tonight as they cogently pointed out the deficiencies of the legislation in front of us.

Tomorrow’s *The West Australian* carries an article on page 5 that I think relates well to today’s bill. It is under the heading “Schoolies face overseas strife”. The article is by Nick Butterly and Georgia Loney and reads —

Schoolies have been warned they could face long jail terms or even the death penalty if they get into trouble while partying overseas after their exams.

Cashed-up and keen to blow off steam, more leavers are choosing Bali, Thailand or the Pacific islands for their post Year 12 bash.

If this bill becomes law, it will drive more of the young people of Western Australia to opt to go to places like Bali, Thailand and the Pacific islands to blow off a bit of steam because they run the risk, if they have a party of 12 people in Western Australia, of being caught up in —

Mr P. Abetz: They would rather be executed over there, would they?

Mr T.G. STEPHENS: They may not realise that they face those risks in those locations from blowing off some steam. I say to members opposite that it is possible to create societies in which we come to regret what we have done. We could drive our youngsters offshore into environments in which we would wish they would never be rather than to create the environments that we would like to have in our own domestic circumstances where things would work. Things work by resourcing the police force and making sure that they can collaborate and cooperate with party goers. A police officer is quoted in the article begging people not to send unaccompanied school leavers overseas. The article reads —

He was aware that many parents went with their children overseas for leavers’ celebrations.

He urged parents to encourage their children to join local leavers’ celebrations instead.

“We get about 7000 leavers coming into our district and parents can feel OK about harm minimisation and good strong strategies for leavers with a high police presence, and a zone which is a safe haven for leavers to enjoy,”

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That is the point that has been made over and over again in this debate: the government needs to allocate to the task of the good order of society adequate police resources; appropriate community education; other strategies as well that we could embed in our school education, such as strategies around civics and strategies that really try to embed that philosophy that has people look after their neighbours; and an investment in the young leadership strategies that are missing in this term of government to build up the leadership skills that will guide people away from the antisocial behaviour that parties of this sort involve.

I too cannot help but think, as I look at the detail of this bill, how poor it is. I was thinking of an Easter ceremony I was attending down at the university one night when the heat from the incense had been a bit intense and it had set off a fire alarm and into the back of the university chapel marched all the fireys ready to extinguish the congregation because we had set off the fire alarms. I am thinking of the nuns at places such as the Carmelite Monastery at Dalkeith. Around Easter time there could be 12 people gathered around having a party, ringing a few bells. Under legislation like this they run the risk of being caught up in a noisy party over Easter.

Do not go away, member for Jandakot. I have been at a wedding party with the Greek community where, at the end of the night, they have chucked glasses over their shoulders so that they smash on the floor. Under a provision in this bill, the whole of the wedding party could be charged because they have broken glass at a party.

Mrs L.M. Harvey interjected.

Mr T.G. STEPHENS: I am telling the minister that her government has created a bill that is a load of nonsense. It has created a bill the clear intent of which is to try to create a wedge. The government will not provoke the Labor opposition into opposing this legislation. The government will be hung, drawn and quartered by its own bill and its own stupidity. Fortunately, the media has, I think, matured in Western Australia to the point at which it can call the government for what it is and the way it handles these sorts of issues. In my electorate places such as the Paraburdoo Police Station have been stripped of resources that enable it to maintain a level of police presence.

Mrs L.M. Harvey interjected.

Mr T.G. STEPHENS: I have read the letter the minister wrote to the chief executive officer of the Ashburton shire today.

Mrs L.M. Harvey interjected.

Mr T.G. STEPHENS: The government has stripped resources; it has denied the region the capacity to maintain a police presence in Paraburdoo and has told the community to rely on the hub that is over at Tom Price. People have to drive the distance from the major centre at Tom Price into a place in which there are large numbers of fly in, fly out workers from all over the country who can be big party goers and who can get caught up in circumstances described by this bill. But this government is stripping away from the police service the capacity to keep open police stations like that. That station has always been open. For as long as Paraburdoo has been there, there has been a police station with a police officer there. The minister can smile all she likes, but she closed that police station in July. In those circumstances, under the minister's watch, she left the people of Tom Price to send their officers down the road to the township of Paraburdoo to attend to the issues where there are antisocial activities. What does she do? She produces a silly bill as though the people of Western Australia will be hoodwinked by the government trying to put up a screen. When we see little kids crawling across the floor towards a toy and we put a big screen in front of the toy, the young child thinks the toy has disappeared and gone from their world, so they do not go chasing the toy any more. That is what the crowd opposite is doing with the reality of the difficulties it is having in the community—it is whacking the screen of a bill in front of the community of Western Australia. It does not matter that the screen will not actually fix the problem. They are assuming that the intelligence of the Western Australian community, the intelligence of the media and the intelligence of the Labor opposition is somehow lower than that of a two-year-old child who does not realise that if they look behind the screen, the toy will still be there. We know that even though we have the bill, the problem is still there. In those circumstances, the government should be ashamed of itself for the way it is carrying on with legislation like this.

Mr C.J. Barnett: Are you going to vote for the bill?

Mr T.G. STEPHENS: The opposition is going to let the government have its legislation. It is the government's bill! It wants it!

Several members interjected.

Mr T.G. STEPHENS: The opposition is courageously allowing the government to accept its responsibilities.

Several members interjected.

Mrs Michelle Roberts; Mr Bill Johnston; Ms Margaret Quirk; Mr Martin Whitely; Ms Rita Saffioti; Mr David Templeman; Dr Tony Buti; Acting Speaker; Mr Chris Tallentire; Mr Joe Francis; Mr Andrew Waddell; Ms Janine Freeman; Mr Paul Papalia; Speaker; Mr Peter Tinley; Mr Tom Stephens; Mrs Liza Harvey

Mr T.G. STEPHENS: If we opposed it, what would happen? The government would still get its bill. It has the numbers. It can do what it likes, and then it will be judged. It will get its bill through Parliament and then it will be judged. Come Christmastime, whether it is the nuns ringing noisy bells at the Carmelite monastery or the people misbehaving at Cottesloe Beach, the government will have its bill, and then it will see whether it can attend to the issues. Whether it is the Greeks celebrating a wedding and smashing a bit of glass, there will be no exemption! The coppers can come in! We have a completely culturally insensitive bill.

Several members interjected.

Mr T.G. STEPHENS: Have members opposite not heard about the Greeks? Have they not been to a Greek wedding? Have they not looked at the bill? Do I have to spell it out to members opposite? Have any government members read the bill? Under subparagraph (xi) of proposed section 75A(1)(b), if someone at a party with more than 12 people breaks some glass —

Mr P.T. Miles: Vote against it!

Mr T.G. STEPHENS: Has the member read the bill?

Mr P.T. Miles: Yes, I have.

Mr T.G. STEPHENS: Does the member accept my point? Has he been to a Greek wedding? Brain dead! The lights are off. He is not going to listen. Members opposite will have every Greek wedding attendee in this state under arrest. They will have them all locked up for 12 months because they have been to a wedding and they have broken a bit of glass. That is what they do at Greek weddings, and under this bill they will be done; they will be off; they will be finished! Then, one of the nuns at the Dalkeith convent could ring the bells too late at midnight—there used to be 12 of them there, but I do not think there are 12 anymore, and that might be their only saving grace. If there are 12 of them, maybe they should form a political party, which would protect them because there is an exemption under the bill if they are a political party.

I would just say to the government that it is repeating the patterns that I have watched for 30 years in this Parliament, whereby Liberals, when in office, produced bills like this—stupid bills. On this occasion, the government will get its bill through the place and, hopefully, the people of Western Australia will judge it for its stupidity. They will recognise that it is just another example of the sort of failure that it is delivering to the people of Western Australia—wrong priorities on the part of government members, with charade and smoke and mirrors, who are somehow pretending that they are the government when in fact they seem to be some sort of circus or troupe masters conducting some sort of fun and games for their own rank and file rather than the good order of the Western Australian community.

A few different issues have intrigued me about this bill. I cannot help but look at the irony of it. I cannot help but think of the sorts of circumstances that prevail in my electorate, which would be better served by the government allocating the resources to meet its needs. I cite the example of Paraburdoo. It is not as though the poor blighters in Paraburdoo do not produce enough wealth that flows into the coffers of the government from which they could be afforded the occasional copper to keep the police station open so that they can have a police station that functions without having to call in the cavalry from Tom Price when there are problems in town, as this government allowed to happen in July. Regrettably, it allows itself —

Mrs L.M. Harvey: Don't the police go to Coral Bay in July to relieve and have a little bit of a holiday?

Mr T.G. STEPHENS: The minister is trying to distract me with her smile. It is a very disarming smile. But, unfortunately, even with her smile, the minister cannot disarm me sufficiently from seeing anything other than a bill that is displaying stupidity on the part of government. I will not accuse the minister of it, because she is a pleasant person—I like the minister. But she is party to a stupid trick. It is a trick that is not going to work. It is a trick that simply does not become the minister. The minister is better than a bill like this. Unfortunately, when the minister introduces and is caught up in a bill like this, her own standards will drop and her smile will no longer protect her from people's assessment of her ineptitude, and her failure to deliver good legislation, which is what she should be delivering as police minister.

The minister has a whole line-up of wonderful arguments that have been presented to the house tonight by my Labor team. I can tell the minister that there have been times when I have not been especially proud of my Labor team. But I have come to a point in my career tonight when I could not be prouder of the way in which my Labor team have presented the arguments to the government as to why it has a bill that is so stupid and why it has a bill that simply will not work for the good order of society. The minister has a bill that she has to own. The minister introduced the bill, and she will get the bill through the house, and she will then have to wear the consequences.

I suspect that, right now, the media is starting to write the stories about the stupidity of this government, its double standards, and its failure to deliver stuff that is meaningful. The media understands, as we understand,

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that there is a problem in the suburbs and a problem in the community. That problem comes from the failure of this government to adequately resource the police to respond to these issues in the community. That will not somehow or other be solved by introducing a stupid bill like this. If anything, the government will be judged more harshly for what it is doing tonight—a stupid bill to respond to serious sets of challenges.

Mr V.A. Catania: Vote against it, then!

Mr T.G. STEPHENS: It is the government's bill! The government got itself into office with this bill. The government now has the opportunity of being hung, drawn and quartered, hopefully in the first instance by an alert media, and, secondly, by an electorate that finally has had enough of the likes of this government. This government has got the wrong priorities; it is disinterested in the real issues and the real solutions and in doing the hard work, and it is failing to back up the effort and investment in PCYCs and in community leadership programs. In my home town of South Hedland, people desperately need support for the Mingle Mob program. These kids would be too easily the ones who could be involved in parties of more than 12 people. This is a program of inestimable value—wonderful value. But there are no funds available for this program. This program is struggling and is on its last legs. This is a program that diverts kids from the dysfunction of which these out-of-control parties are a part. But what has the government done? It has stripped the resources from programs like this, and it has produced a damned silly bill so that it can pretend that somehow or other it is concerned, and somehow or other it is interested. We know that the government is not interested. All the government is interested in at the moment is its wrong priorities, and in getting itself re-elected, under the false pretence that somehow or other it is going to do something about looking after law and order in this state. Law and order looks after herself very well without this government. The government should be kind enough to resource the police department, and it should be kind enough to resource the PCYCs and the community engagement strategies and the leadership programs and all those other things that the government is neglecting while it carries on with this nonsense.

MRS L.M. HARVEY (Scarborough — Minister for Police) [10.19 pm] — in reply: I thank members for their comments, and I seek leave to continue my remarks at a later stage.

[Leave granted for the member's speech to be continued at a later sitting.]

Debate thus adjourned.