

CRIMINAL CODE AMENDMENT ACT 2009 — MANDATORY SENTENCING

51. Mrs M.H. ROBERTS to the Minister for Police:

I refer to the issue of mandatory sentencing for those who assault police officers and the Criminal Code Amendment Act 2009.

- (1) Has the minister read the 2009 University of Western Australia Crime Research Centre report, commissioned and paid for by the Office of Crime Prevention, titled “Assault on Public Officer Trends in Western Australia”?
- (2) Will the minister table this report or ensure that her agency publicly releases the report; and, if not, why not?
- (3) Given that it is now over three and a half years since amendments were made to the Criminal Code, what plans does the minister have to review the operation and effectiveness of the amendments?

Mrs L.M. HARVEY replied:

I thank the member for the question.

- (1)–(3) With respect to the report that the member referred to, I understand that is the report that was made available to the previous minister in 2009. It is not a report that was commissioned by this government.

Mrs M.H. Roberts: Have you read it?

Mrs L.M. HARVEY: No, I have not read it. The WA Police Union contacted my office and asked whether it could be provided with a copy of the report. That report has been provided to the union. We have been in conversation with the police union. I have had a briefing on the report. I have given an undertaking to the union that if it believes it is in the interests of officers to have that report released, I will speak to the Commissioner of Police about that.

With respect to the member’s question about mandatory sentencing for those offenders who assault police officers, I think it has been —

Mrs M.H. Roberts interjected.

The SPEAKER: Member for Midland, let the minister answer.

Mrs L.M. HARVEY: Thank you, Mr Speaker, I appreciate your protection.

With respect to mandatory sentencing for those people who assault police officers, I did recently comment in the media —

Ms M.M. Quirk interjected.

The SPEAKER: Member for Girrawheen, I call you to order for the first time.

Mrs L.M. HARVEY: I recently commented in the media that a review of that act was being undertaken consistent with the provisions of that act. That review is being conducted by the Attorney General. It is important, I think, that we reflect on the success of that legislation for the benefit of members, perhaps new members in this house. In the first year that that legislation was introduced, which involved a mandatory term of imprisonment for people who assault and physically harm police officers, assaults against police officers were down 28 per cent. By the end of the second year, assaults against police officers were down 37 per cent, and by the end of the third year, assaults against police officers were down 34 per cent. What this means is —

Mrs M.H. Roberts: Why don’t the police union think it’s been successful? Why don’t they agree with you?

Mrs L.M. HARVEY: I will come back to the member on that. What this means, members, is that several hundred police officers, as a result of that legislation, have not been the victims of assault as they go about their duty. I think that is a tremendous success story for this state.

Several members interjected.

The SPEAKER: Members!

Mrs L.M. HARVEY: With respect to the police union —

Mr P.T. Miles interjected.

The SPEAKER: Member for Wanneroo!

Mrs L.M. HARVEY: With respect to the police union's views regarding mandatory sentencing legislation, if I can draw the member's attention to the commentary recently in a report that the police union put together and presented to me at my request, it unreservedly supports the amended legislation of September 2009 and it understands that the WAPOL guidelines have been formulated to ensure that the legislation was not overused. The police union supports the legislation, it supports the review, and I am very pleased that it has provided some examples of where it says the legislation potentially could be improved. We will be consulting on and discussing those issues with the police union when the review is being undertaken.

Mrs M.H. Roberts: Did you read their report or not?

Mrs L.M. HARVEY: Of course I've read the report!