

**CRIMINAL CODE AMENDMENT (CRIMINAL DAMAGE TO PLACES OF WORSHIP) BILL 2015**

*Second Reading*

Resumed from 18 March.

**MS R. SAFFIOTI (West Swan)** [6.09 pm]: I rise to support this Criminal Code Amendment (Criminal Damage to Places Of Worship) Bill 2015, which was introduced about three or four weeks ago by my colleague the member for Girrawheen. I believe this bill is much needed. It is about sending a message to all those in the community that acts of criminal damage against any place of worship should not and cannot be permitted, whether at a church, a synagogue, a temple, a mosque or a building where religion is taught or worship services are held. It is about sending a message to police that such conduct is not some aimless act, but vandalism that is highly targeted and designed to disrupt community cohesion and create disharmony and animosity. The bill was introduced by my colleague and it is about sending a clear message to the community that places of worship should not be targets of vandalism and that doing so tries to create division and social unrest in communities. I welcome the work done by the member for Girrawheen and the fact that she has introduced this bill.

I want to talk about my community, which like many communities throughout Western Australia has many places of worship. More recently there has been the construction and creation of a number of new places of worship in my community. There was the new Hindu temple built along Marshall Road and the new Sikh Gurdwara Sahib temple built on Cheltenham Street in Bennett Springs. I was fortunate enough to be invited to the opening of both of those temples and they now play a significant role in the community. They basically help serve the large number of Hindus and Sikhs who have moved into my electorate. When a place of worship is constructed, people of that faith normally tend to live nearby, because it is a place they want to visit regularly and it becomes a very significant cultural and educative tool that they can pass on to future generations. They also ensure that newly arrived migrants in particular have a strong sense of family and connection as they embark on their new lives here in Australia. As a result—this happens in all communities—there are patterns of movement of people of certain faiths from other cultures into electorates. I welcome this and I think the level of diversity and education and what that does for the local community is fantastic. Many these new places, the Hindu and Sikh temples in particular, are places not only of worship, but also where people get together and have a sense of belonging. They are also really good places for young people to be. As I said, I visit the Sikh cultural and education centre quite a bit and I see a lot of the young people coming to the temple. There are facilities that the groups create to serve people, whether it be a playground for toddlers and preschoolers, soccer fields or other types of facilities for older children. They are places where people can gather and meet as they embark on their new lives, in some cases, or as they have moved into the area from other parts of the metropolitan area. They basically create a great sense of community. As I said, I have visited the Sikh gurdwara on a number of occasions and it has kitchens and gives services to the local community. I see that scale of what it does in creating fantastic meals for the community and the way that is done. It is serviced by volunteers and people who belong to that centre. These new places of worship now play such a significant role for the entire community. The Hindu and Sikh temples—I know the Sikh temple particularly well—have a great level of communication with their neighbours and have worked really well with them. Neighbours are invited to most of the events and there is a great level of communication with and support for those temples. I think that is a really positive thing.

The bill seeks to ensure that places of worship do not become targets for vandals. This type of vandalism seeks to create community unrest and break the social cohesion of a multicultural state like WA. I have said many times in this place that I am a strong supporter of multiculturalism. As I have said on a few occasions, multiculturalism is not something we should tolerate, it is something we should embrace, because diversity builds strength—I strongly, strongly believe that. I now have children and try to explain the world to them constantly. I try to have them understand that the world is a very big place with people from so many different places who have experienced so many different things with different cultures, different languages and different faiths. That continual education of everyone in the community is very important. As I said, I do not believe multiculturalism is something we should tolerate, it is something we need to embrace continually, because that diversity just makes us stronger—I genuinely believe that. As I have said on numerous occasions, I am the daughter of Italian migrants. My father came here in 1952 and my mother came over in 1962. They built their lives and like a lot of new Italian migrants they were initially within the Italian community out there in Highgate on Bulwer Street and then of course they went up to Roleystone to their orchard. As the daughter of migrants I understand the challenges faced by migrants who come to this country, the whole concept of keeping culture and faith very strong, and understanding and being part of a modern multicultural Australia. As I said, multiculturalism is something that we embrace—that I embrace—and that I recognise makes Australia, and in particular WA, much stronger. The Labor Party has always been a strong supporter of multiculturalism.

I want to talk about a specific issue relating to my electorate and in particular to the Sikh gurdwara in Bennett Springs. This is in relation to a graffiti attack last October before the new gurdwara was opened. Unfortunately, I was overseas at the time this attack occurred—I was actually in India. My office was called very early one morning and told that there had been some quite disgusting graffiti spray-painted on this brand-new temple—it was not quite completed. Frankly, some of the things that were put on the walls were disgusting. The Sikh community and some of the committee members in particular were very upset with what had happened. As I have said, they have been working with the local community, the local council and members of Parliament to try to ensure a harmonious and very constructive relationship with the local community. Seeing such acts of vandalism at a temple that was funded by the Sikh community was very disheartening and caused quite a lot of anguish in the community.

My office assisted the community to both deal with some of the media inquiries at the time and liaise with the police. The member for Girrawheen came to the scene of the crime as soon as my office contacted her, which we really appreciated. She was there within half an hour and followed up with the police on some of the issues. We were a bit disappointed with some of the responses by the police at the time. The member for Girrawheen and I discussed that it is probably something that we need to have a greater focus on. That attack and other attacks that have occurred throughout the metropolitan area were the instigation for the member for Girrawheen to draft this bill. This was an attack on the Sikh community. I think there was some confusion—not that there is an excuse for any attack—because the people who graffitied the walls got the wrong religion. A couple of weeks later, there was an attack on the car of a member of the Sikh community in their front yard. Again, there was some very awful graffiti. We saw a bit of a copycat attack after this terrible attack on the Sikh temple.

There is sometimes a feeling of vulnerability, particularly among new migrants, and these types of attacks simply try to increase that sense of vulnerability. I think that is why this type of legislation will send a very strong message to everyone in the community that these types of attacks need to be penalised and cannot be justified in any way. We need to continue to support our multicultural communities, particularly new migrants. As the Parliament of Western Australia, we need to make sure that we continually monitor what is happening and ensure that we do what we can to make sure that people feel welcome, particularly in places of worship. Many of these places are built either physically or financially by these communities. They make a lot of sacrifices to try to create these places of worship. We do not want, and we cannot allow, places of worship that have been built physically or financially by their members to become places of unwarranted and disgusting attacks.

As I said, I welcome this bill. I welcome the opportunity. I congratulate all those in the multicultural communities who work hard to create a good sense of community, a safe community and a good sense of place for their community. I want to continue to work with these communities to ensure that Western Australia continues to be a great place to live, but also that we embrace and continue to be proud of multiculturalism to show that diversity builds strength because, without that, we become very narrow-minded and full of fear. I do not think we should be full of fear; I think we should embrace and promote multiculturalism and ensure that everyone who lives in WA does not feel threatened but feels as though they have a legitimate and good role to play in our community.

**MR C.J. TALLENTIRE (Gosnells)** [6.24 pm]: I rise to support the Criminal Code Amendment (Criminal Damage to Places of Worship) Bill 2015 and I sincerely thank the member for Girrawheen for drafting it and bringing it to this place. It is very important to have a multicultural and multifaith society because it has the potential to be one of the defining characteristics of Australians, and I think that would be a tremendous thing. It would enable us to have contacts and a connection with so many other people across the rest of the world. Globally, the Muslim faith is the second largest; there are some 1.65 billion adherents of Islam, which is 23 per cent of the global population. It is very important for people who are followers of the Muslim faith to feel that they have a place in Australian society. I note that many people in my electorate define themselves as Australian Muslims, and they are very keen to talk about how their faith shapes who they are. I think that is a really crucial point: for many people, their faith is a defining characteristic and often actually more important than the country they were born in, in many cases. It is something that they connect with every day and something that they practise every day, so it is very much a part of who they are.

We can therefore only imagine how much it must hurt them when they see their place of worship, something that symbolises their faith, attacked through graffiti or some other vile act. Unfortunately, just outside my electorate in the Southern River area, the Masjid Ibrahim has been attacked on a number of occasions, but on one particular occasion it was attacked with the entrails of a pig being splashed across the front door and the walls, and a pig's head was left in the entry porch area. That act was designed to offend on a number of levels the people who attend that mosque. Whoever had prepared and organised this attack had actually researched what would be of the greatest offence to the people attending the mosque and had found that there would be a very grave feeling about the entrails of a pig being splashed across the mosque. On other occasions we have seen swastikas being daubed on the mosque and the initials KKK, for Ku Klux Klan, written on it.

There has been a pattern of behaviour and it is fairly ill-informed; it is apparent that it is being done by people who are not well educated and who subscribe to a certain view that they would describe as “white power”. They are inclined to shout that out of cars. In fact, on one occasion, I was with the Leader of the Opposition and the shadow Minister for Education for a media event outside Southern River College. There were no Muslim people connected with our media event at all; we were simply talking about education cuts, and someone yelled “white power” from their car as they drove past. This is unfortunately a growing trend and something that we really need to nip in the bud—people feeling empowered by yelling this out as a form of obscenity; it could have been some other obscenity that they yelled out at us, but they chose to yell out “white power”. I do not know whether they were the same people who were involved in the graffiti at the mosque. It is quite possible that they were. I suspect they were because I do not think this being done by a large number of people. A small number of people are engaged in this behaviour. I think that they are informing themselves through some nasty websites and gathering information that gives them a certain added viciousness to their attack, which is where they got the idea of splashing the entrails of a pig across the Masjid Ibrahim. That caused great offence. We are coming up to the anniversary of the opening that was held on 31 May last year. The Leader of the Opposition, the member for Southern River and I were honoured to be in attendance at the opening of the masjid. I later found out that there had been various attacks on the building prior to it being opened. The intent was to delay the opening and to prevent the completion of the building. That just shows a calculated maliciousness associated with the behaviour of these people who work out when an opening event is about to occur and then seek to delay it. People were invited from overseas and all sorts of community representatives were to attend the opening, so it was very important that a strict timetable be adhered to. I know also that the masjid has seen on its Facebook page various comments about blowing up the place. These are terrifying things. We talk a lot about terrorism in this day and age unfortunately and there is a reason for that, but when people actually make those comments about blowing up the mosque we know that they are certainly obsessed with their hate of the mosque and perhaps their hate of the Muslim faith as well, irrationally so.

The mosque is not a substantial building. It is very elegant and tasteful and it blends in beautifully with the surrounds, so much so that most people driving along Southern River Road would not even notice that it is there; they would miss it entirely. To go into the building is really a joy. It is very elegant and tasteful and, what is more, the members of that community run mosque open days. This shows their commitment to explaining and opening themselves up to the broader community, which makes it all the more sad when these attacks occur. One wonders how could it be that some people want to remain ignorant and hateful and are not prepared to perhaps go along to an open day to inform themselves and learn a little about how the mosque and the faith of Islam functions. I remain optimistic that slowly the message will get out that Islam, one of the great Abrahamic faiths, is like so many other Christian faiths and the Jewish faith where at their heart they implore people to be of their best. I look forward to attending events this year around the National Mosque Open Day, which was held in October last year. On that day I was impressed by the manner in which the Imams at the community received questions and gave very informative and genuine answers. No question was off limits. They were happy to deal with any question that any member of the public put to them and they did it in a very considered and graceful way. The manner in which they contributed to the National Mosque Open Day was a credit to themselves and their faith. When people such as Imam Burhaan Mehtar, who is one of the leading men at the mosque, tell me that, unfortunately, there has been another attack, I realise why we need this kind of legislation to protect places of worship.

It gives me some degree of optimism that it was not that long ago that there was animosity between Catholics and Protestants and there were graffiti attacks on Catholic and Protestant churches. We know the history of Northern Ireland and how bloody that has been and how for much of my life it seemed like a conflict that was never going to end, yet things are very much better in Northern Ireland these days, such that it seems many years since we were in that constant state of terror with all the spill-over consequences from terrorist acts in London and elsewhere, where bandmen and horses were being attacked—all sorts of events took place related to that war between Catholics and Protestants. These sorts of conflicts are absolutely dreadful, and we do not need that in Australia at all. This is why we need to make sure that attacks on places of worship—attacks on a mosque—are not tolerated. That is why the provisions within this legislation will help make attacking a mosque the offence that it should be. That is why this bill is so necessary.

Places of worship are places where people should feel that they are in a sanctuary; they are with people who share their faith and where they can discuss the challenges that they and members of their faith face. I am thinking of things such as the terrible situation of young people being radicalised and recruited for things like the Islamic State of Iraq organisation, and just how terrible that is. It strikes me that if we allow any continuation of attacks on mosques we are doing the job of marginalising people so they do not feel that they are accepted in Australia and they go from a position of calling themselves Australian Muslims who want to be a part of this country, an active and engaged part of this community, to feeling, “I do not belong here. I’m getting out. Who will accept me? Where can I go?” They are then more receptive to websites that talk about ideas of radicalisation and opportunities to fight

and to advance a cause elsewhere in the world. It is very important that we do all that we can to make sure that people's dignity is respected so they are not tempted or vulnerable to that radicalisation.

I note that the federal government has funded some programs designed to help community groups counter radicalisation. There is lots of discussion about this at the moment. I suspect that we do not know how to go about checking that people are not being radicalised. We have had the very surprising but terrible situation of somebody who received medical training here—someone who did well in our Australian education system—and became a doctor, a paediatrician I believe, and was still eventually recruited to fight overseas with ISIS. I cannot comprehend what circumstances led to that person making those choices, but I can see that if we do not make our community a warm friendly one to young people we will run that risk of them being more open towards these ideas if they do not feel they belong here. I think of an event in my electorate that I heard about just a couple of months ago. An Arab Muslim lady who went shopping at Thornlie Square Shopping Centre came out of the shopping centre to find that her car had been graffitied. On the car had been written “Arab slut”. What an offensive, horrible thing for this lady shopping with her young children in Thornlie Square to have to see! She was devastated. She had never before had anything like that occur. She is a very pleasant lady. She wears a hijab. She is very well presented, very polite and very quiet. For her to have to face something like that in front of her children was just devastating. We therefore do need to clamp down on that kind of thing. I must say that in that case the police were excellent. They were on to it straightaway and did all they could, but to the best of my knowledge they have not managed to catch the perpetrator. I think the closed-circuit television in the area just missed the area where the car was parked. However, those sorts of events remind us that we have in our midst in Australian society some people who are prepared to resort to this kind of malicious nastiness, this disgraceful behaviour, and it has to be tackled through the toughest legislation that we can present; otherwise these things can go unchecked and before we know it, it becomes a more common occurrence and a more damaging one as a result with all sorts of consequences.

I note that in the federal Parliament the Senate has just moved to conduct an inquiry into halal and kosher certification.

[Member's time extended.]

**Mr C.J. TALLENTIRE:** I wonder whether it will lead to a demonisation of Jewish people with kosher certification or a demonisation of Muslim people with halal certification. I wonder why this inquiry is such a priority and why it would not be possible to gather information in a more sensible way that would dispel any of the concerns that people might have about the use of the various certification schemes that different faiths have. I note of course that we have all kinds of certification schemes. When I go shopping, I am inclined to look for foods that have the Heart Foundation tick. That is a form of certification. What is the difference between that and another form of certification? There is some argument that people are paying for it and it costs extra. But surely the big food companies involved in this are capable of making the business decision that enables them to work out that if they can market their product to a bigger market that happens to include some of the world's 1.65 billion Muslims, it will lead to a lower unit cost of production. In fact, therefore, the certification is probably leading to the product being cheaper than it would be if it was solely marketed at our humble 23 million in Australia. However, trying to explain that sort of thing to some people is perhaps a hard task. That is why we need laws like this, because some people just do not get it. The only thing they understand is when they are told that if they commit an act of graffiti on a place of worship, they will be committing a serious offence; and if we point out to them the extent of the penalties, then they might realise that this is something they should not be doing and then actually begin to engage with the real reasons for why it is something terrible that they should not be doing. The motivation for establishing this Senate committee is very strange. I believe it is the Senate Economics References Committee that has embarked upon this inquiry into certification.

The electorate of Gosnells has people of many, many faiths. We also have people who are within various faiths. There are all sorts of divisions within the Christian faith; likewise within Islam. There are Sunnis, and we also have a fair representation of people who are Shia. From what I can see in Australia, there is a mutual respect, so, how tremendous it is that in Australia, we are building this idea that although in some parts of the world there may be conflict between different groups, in Australia there is respect. This is the sort of topic that I find is very well discussed on the ABC radio program *Sunday Nights with John Cleary*. That program is really worth listening to. I recommend it to members. I think John Cleary and the sorts of topics he discusses around faith in Australia are fascinating listening, and I always enjoy that program when I get to hear it. A gentleman by the name of Bill Leadbetter is a frequent guest on that program. Bill is always very interesting. He is a Western Australian, a man whom we often see around this place. He always has a very useful contribution to make to discussions around faith and philosophy.

I have a Catholic background, and I would probably be described as a lapsed Catholic. But for those people who are in that fortunate situation of having a strong faith, it is a key part of their identity. It is a way of life for them,

and it describes who they are and what they are. Therefore, attacks on their faith are things that hurt them very badly. Yet what I see, especially with Muslim people, because they and their mosques are being attacked, is that the dignity with which they respond to those attacks is really amazing. Despite the fact that so much a part of their identity is being attacked, they are responding with a quiet dignity, and I have the utmost admiration for them and for the way they are responding. It is totally wrong that they should be put in that situation, but I admire the way they are tackling it. They are very complimentary of the support they get from WA Police. Occasionally I hear stories about how there has been a delay in people getting out and how things are not being dealt with quickly enough. But, overwhelmingly, the level of support and congratulations, and the thanks they have for WA Police, is very strong and very present.

I will be coming to the conclusion of my speech in a moment, but I want to say that the member for Girrawheen has done a very important job here. She has made a valuable contribution in presenting this bill. When I look at the various penalties that are ascribed to the different forms of attack that people might make on a place of worship, I think we do need to send to the community the message that it is an offence, and there should be a penalty of imprisonment for that offence. Should a guilty conviction be found, the bill provides for a penalty of 14 years' imprisonment for various levels of offence, or a penalty of 10 years' imprisonment for other levels of offence. This bill is something we need in Western Australia—sadly, it is something we need—because these attacks are occurring with a frequency that suggests that things are not under control. We have an educative task ahead of us, but we also need to have these punitive measures in place. I commend the bill to the house.

**MR W.J. JOHNSTON (Cannington)** [6.48 pm]: I rise to support the Criminal Code Amendment (Criminal Damage to Places of Worship) Bill 2015. Like my colleagues the member for West Swan and the member for Gosnells, I want to first pay tribute to the member for Girrawheen for bringing forward this legislation. This legislation is designed for the Parliament to send a message to the courts that we consider that if there is property damage, and that is done with a racial base, and if that is done to a place of worship or a place associated with worship, that is a matter of aggravation, and therefore there should be a higher penalty and it should not be treated in the same way as other ordinary, but still undesirable, activities of criminal damage. I make the point that clause 4 amends section 444 to increase the penalty if there is property damage. Clause 4 states —

- (b) if the property is not destroyed or damaged by fire —
  - (i) if the offence is committed in circumstances of racial aggravation — to imprisonment for 14 years; or
  - (ii) if the property destroyed or damaged is a place of worship or a place associated or connected with a place of worship — to imprisonment for 14 years; or
  - (iii) otherwise — to imprisonment for 10 years.

The bill increases the 10 year maximum sentence to 14 years if the offence is committed in aggravated circumstances. I think it is right that Parliament send a message to the community that these are important issues.

I represent the Cannington electorate, and 45 per cent of people who live in Cannington were born overseas. The City of Canning is the most ethnically diverse part of Perth and my electorate is the most ethnically diverse part of the City of Canning. These issues concern people in my electorate and they are right to be concerned about them. At times there has been damage. I remind the chamber of the gun attack on the mosque in Queens Park in 2010. The police found the perpetrator and he was brought before the courts. The opening paragraph of *The West Australian* online article “Suspended sentence for mosque shooting”, from 30 July 2010, reads —

**A 24-year old man was simply drunk and not motivated by a hatred of Muslims when he shot up a Queens Park mosque in February this year, his lawyer told Perth Magistrate’s Court this morning.**

The magistrate clearly accepted that defence and the man was given a seven-month suspended sentence, fined \$750 and ordered to pay \$3 750 in damages to the Turkish Islamic Association of Western Australia. The article finishes by stating —

Magistrate Michael Wheeler said he was reluctant to accept the shootings didn’t constitute an attack on the Islamic faith. “You shot up a mosque you didn’t shoot up a McDonalds,” he said.

That was the decision of the court, but I note that it demonstrates the sensitivities around the question of places of worship.

Ferndale, in my electorate, is the site of the original Sikh crematorium in Western Australia. Members may not be aware that many of the people who came to Australia to work camels in the outback were not Afghani but Sikh. A large number of Sikhs came to Australia at that time. When trucks started to replace camels, many Sikhs

moved to Perth. In the early part of the twentieth century, due to the White Australia policy, the Sikh men, they were almost entirely men, were in an invidious position. Many had gone into small business and others become traders. People have told me that in the 1910s and 1920s in Western Australia, there were traders, often Sikhs, who would take their wares around outback Western Australia. Some of them became quite successful and built themselves a life here. But they were in the awkward position that if they wanted to marry a Sikh woman, they had to return to India, because effectively there were no Sikh women in Australia. However, if they left Australia because of the White Australia policy, they could not return to Australia. They had this choice: if they wanted a family, they had to return to India, dispose of their assets and give up the life they had worked so hard to build in Australia and return to India; or, if they wanted to continue their life in Australia, they had to remain single and, therefore, have no family to care for them in their old age. What was also important, because the Sikh religion requires the remains of the deceased to be cremated, at that time in Western Australia Christians were not cremated and so there was no crematorium anywhere in Western Australia. This matter came to a head in the 1920s when a Sikh man self-immolated in the city and Western Australian authorities then set aside a place in Ferndale, on the banks of the Canning River, to establish the Sikh crematorium. That operated for a couple of decades before World War II. It was then lost to history because the Sikh community had declined so much that, effectively, there was no Sikh presence in Western Australia for quite some time until the war—I will talk about that in a moment. The crematorium fell into disuse and was largely forgotten, although not by the people of the Canning area.

Sometime later, a plaque was installed to mark the spot of that crematorium. Later on, however, because there was not a large Sikh community in Western Australia at the time, that plaque was stolen and the site remained unmarked for many years. It was five years ago that the City of Canning, the Canning Districts Historical Society and the Sikh Association of Western Australia reinstated the plaque on a rock in Ferndale on the banks of the Canning River. Every year an event is held at that spot. I am very pleased—although I was not able to attend this year unfortunately because of a clash in my diary—to go to that place in Ferndale to mark the crematorium's use in that quiet and reflective location. It is worth the Parliament noting the sacrifice that early Sikhs had to go through to get that place for their crematorium.

At that commemoration each year the Sikh community also marks the contribution of Sikh servicemen to the defence of Australia. Many Sikh servicemen were withdrawn from the battles in South East Asia to Australia, and a lot of them were flown into Broome. Of course, the Japanese bombed Broome as the forces of the Allies withdrew from South East Asia and a number of Sikh servicemen were killed in the bombings of Broome. It is important that we continue to mark their sacrifice. Although I have only 120 seconds left to speak, it is interesting to note that before World War II, Anglo Saxons were a small minority in northern Western Australia, the Northern Territory and north Queensland. There were more Aboriginal people and people of Asian descent than people of Anglo Saxon descent. That is an untold history of Australia, in the same way that I have spoken here before about the strong connection between northern Australia and Indonesia that predates white settlement. In fact, in papers that can be easily found around the place, there are reports of Indigenous Australians speaking English when the white settlers first arrived in the Northern Territory. That was, of course, because Indigenous Australians had travelled through Makassar to Singapore long before any white settlement or white exploration in northern Australia. There is another history of Australia that we do not talk about as much as we should, but there are many stories that can be told.

I always say when we are talking to people about religious intolerance, that my grandfather married, funnily enough, my grandmother.

Debate adjourned, pursuant to standing orders.

*House adjourned at 7.00 pm*

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