

LAW AND ORDER — HOME INVASION LEGISLATION

56. MR N.W. MORTON to the Minister for Police:

The first piece of legislation that will be debated in this house today is the Criminal Law Amendment (Home Burglary and Other Offences) Bill 2014. Can the minister outline the government's commitment to tackle serious home invasions and burglaries in the community?

Mrs L.M. HARVEY replied:

I thank the member for Forreestfield for this question and for his ongoing commitment to community safety in Western Australia. It is really great to be back in Parliament —

Mr D.J. Kelly interjected.

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

Mrs L.M. HARVEY: As I was saying, it is a great pleasure to be back in Parliament to resume debate on one of the government's key election commitments—the Criminal Law Amendment (Home Burglary and Other Offences) Bill 2014. This legislation will have Western Australia bringing in the toughest penalties in Australia for recidivist offenders who break into homes and also for those people who, in the course of a home invasion, commit serious offences such as sexual or physical assault against the home owners. This legislation has been put in place in response to extensive community consultation that I and other members of our Liberal–National team had in the lead-up to the 2013 state election campaign. The community has overwhelmingly expressed its frustration with the existing system, particularly some of the sentences that have been handed down when people's houses were broken into and, in the course of that aggravated burglary, the offenders seriously assaulted and injured people, often in sustained and violent attacks. Under this legislation, should an offender receive a conviction for a rape committed in the course of a home burglary, they will be looking at a minimum penalty of 15 years in jail. For a serious assault, they are looking at seven years and six months' jail. For an aggravated indecent assault, they are looking at a minimum term of five years and three months' jail. These, of course, are the proposed new mandated minimum penalties.

The key piece of this legislation, which people in the community are most interested in, relates to changing the counting rules around the three-strikes legislation. Previously, offenders were able to bundle their offences together and have them heard in one court appearance. They may have had a number of convictions as a result of that one appearance in court and that could be counted as a strike. No more—once this legislation goes through, for adult offenders, every home burglary offence committed over three separate days will result in jail for a mandatory minimum term of two years. This is a key piece of legislation that people in the community have demanded from this government. They are really interested to know where the opposition stands on this.

Mrs M.H. Roberts: This is what you said a year ago. It has been waiting on the notice paper for three years!

Mrs L.M. HARVEY: There is a reason for that.

Mrs M.H. Roberts interjected.

The SPEAKER: Thank you, member for Midland. Minister, you have been going for four minutes now. Wind it up.

Mrs L.M. HARVEY: I am winding up, Mr Speaker.

We need to know on this side of the house whether the opposition supports the amendment on the notice paper of the would-be Attorney General, the member for Butler. The member for Butler's amendment basically provides a get out of jail —

Several members interjected.

The SPEAKER: Members!

Mrs L.M. HARVEY: The member for Butler's amendment would —

Several members interjected.

The SPEAKER: Members! Minister, a quick wind-up; thank you.

Mrs L.M. HARVEY: The member for Butler's amendment has been put on the notice paper on behalf of the Labor opposition. It will basically give a free get-out-of-jail card to anybody under the influence of methamphetamine. Anyone who is coming down from a methamphetamine binge would not be subject to the mandatory penalties in our legislation. It will water the legislation down and basically make it unworkable. The

government will not accept the amendment. We need to know whether that is the position of the Labor opposition or that of the would-be Attorney General, the member for Butler.