

SENTENCING AND IMPRISONMENT — GOVERNMENT APPROACH

**609. Mr J.M. FRANCIS to the Attorney General:**

Everybody knows that —

**Mr P.B. Watson** interjected.

**The SPEAKER:** Member for Albany! I formally call you to order for the first time today. I have given the call to the member for Jandakot; I do not expect anybody else to be asking any question or making any comment.

**Mr J.M. FRANCIS:** Everybody knows that criminals will never, ever vote for the Liberal Party because the Labor Party already has their vote in the pocket.

Several members interjected.

**Mr J.M. FRANCIS:** Will the Attorney General —

**Mr W.J. Johnston** interjected.

**The SPEAKER:** Member for Cannington, maybe you should look around this place on occasions.

**Mr W.J. Johnston:** No, not today.

**The SPEAKER:** No; not today! I formally call you to order for the third time today. I will give the call to the member for Rockingham. Although I anticipate what it might be about, member for Rockingham, I want to hear what you have to say.

*Point of Order*

**Mr M. McGOWAN:** Under standing order 77(1)(a), preambles and opinions and that sort of introduction are not appropriate for a question.

Several members interjected.

**The SPEAKER:** Member for Jandakot, the member for Rockingham is exactly right. If you are going to ask the question of the Attorney General, I will let you ask it again without the preamble and without the inference.

*Questions without Notice Resumed*

**Mr J.M. FRANCIS:** Will the Attorney General describe how the government is combining a strong approach to sentencing and imprisonment with large amounts of expenditure in crime prevention and rehabilitation, and what the results have been?

Several members interjected.

**The SPEAKER:** Order, members!

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

I thank the member for Jandakot. My heart always lifts when I see that he is to be asking my question.

Several members interjected.

**Mr C.C. PORTER:** It sets a nice, quiet, scholarly tone for what is to come!

I thank the member for his question. It was quite interesting this morning watching on all the breakfast TV shows news about one of our own magistrates commenting about a sentencing at a graffiti trial.

**Mr M. McGowan:** You have time for that?

**Mr C.C. PORTER:** Oh, you know, it was in the background. You have to keep abreast of these things.

It made absolute national news and was a quite remarkable set of circumstances. I do not intend to comment in great depth on Magistrate Malley's comments, but with all that has been said, I will say this in defence of the courts and the magistracy in particular: it is very often the case that when a magistrate makes a determination based on all the facts and aggravating and mitigating circumstances, and it is not a last-resort situation in which the magistrate is required to send someone to jail, the magistrate will sometimes say things—I am speaking in general terms now—to scare the person. It is often the case that the magistrate will say something that fires a warning shot across the bow and that is probably not meant to be reported in national news media. Of course, every now and then, the comments are caught by a journalist in the court. The situation with that particular person —

**Mr J.R. Quigley:** Would your prosecutors appeal?

**Mr C.C. PORTER:** That may occur. However, with this particular person, it appears that in the first instance the magistrate has made a decision not to opt for imprisonment and has made comments that I would guess were designed to scare that individual into changing his ways. I will make one comment for the house. What it did was bring into very sharp focus the idea about when prison is or is not suitable. I might also say, and I have had some discussions with the Minister for Corrective Services about this, that the unfortunate result of those types of scenarios in which a bit of scare is given to an offender of the nature given here is that it does tend to misrepresent what actually goes on inside the prison system. Looking at the statistics, the number of serious prisoner-on-prisoner assaults for 2007–08, 2008–09, 2009–10 and 2010–11 is 25, 31, 4 and 16. It is a strong downward trend. It meets our key performance indicators and is amongst the best performance anywhere in Australia. Prisons in Western Australia are an orderly and safe place to be, given all the constraints for prisoners. I would like to put that point because it is a bit of a misconstruing of the situation.

In the view of the government and from looking at the statistics and the raw data, our very firm approach in sentencing and in parole, and in expending larger amounts of money than have ever been expended on rehabilitative projects on crime prevention both inside and outside prisons, is working. When we look at the statistical data, which I will go through very briefly in a moment, it is working.

**Ms M.M. Quirk** interjected.

**Mr C.C. PORTER:** It does not seem to be working to the satisfaction of members of the opposition, member for Girrawheen. I noticed this advertorial with several Labor members and with a headline that crime rates are up 30 per cent. I am pretty sure it is paid for because it would not otherwise have been printed. I think it says “advertisement” at the end. There is something about transport at the top, with someone from the Labor Party urging Mr Buswell to visit the area. I will hand that to the minister, who may wish to go there.

Several members interjected.

**The SPEAKER:** Members!

**Mr C.C. PORTER:** It is very interesting that the drum is not being beaten on law and order in this place, but that out in the electorates the drum is being beaten very loudly and rhythmically—just not to the right tune, because those statistics are highly misleading. What we have from the member for Girrawheen —

**Mr A.P. O’Gorman:** It came from your website, Attorney General—is that what you’re saying?

**Mr C.C. PORTER:** I will explain them to the member in a moment.

**The SPEAKER:** Order! Member for Joondalup, I formally call you to order for the second time today and I will provide my standard advice: if you wish to ask a question, stand up and ask the question.

**Mr C.C. PORTER:** The member for Girrawheen said—in one of her press releases, I believe—that thousands more victims of these crimes under the Barnett government would take little comfort in its empty rhetoric. That begs the question: are there more or fewer victims of crime under the Liberal–National government than there were under the Labor government when it left office?

**Ms M.M. Quirk:** Don’t quote from cabinet figures, if that’s what you are about to do.

**Mr C.C. PORTER:** These are total figures, member, not per capita figures. They are the sheer total and of course they occurred over a period of time when the population was growing fairly rapidly. I will rephrase the question: are there more or fewer victims of crime under the Liberal–National government than under Labor?

**Ms M.M. Quirk:** Are there more car-theft victims?

**Mrs M.H. Roberts:** We’re not talking about burglaries and car theft, though.

**Mr C.C. PORTER:** It is very interesting to look at the headline that says that crime is up by 30 per cent. There have been some problems with burglary in that area—there is no question about that—but it is very interesting to note that the increase in burglaries in the north metropolitan police district over the last year came off the lowest base in living memory. There was a very sharp decrease when we came into government, and then there was an increase. However, in the member for Joondalup’s electorate, as stated on the website, the number of overall burglaries is still lower now than it was when the Labor government left office.

Several members interjected.

**Mr C.C. PORTER:** That probably would not be as big a seller in the advertisement for the opposition, which is probably why it did not make it there.

The basic police measure of total overall reported crime at the end of the 2011 financial year compared with the total at the end of the 2008 financial year—that is, the last year of the Labor government—indicates 210 151 on the police measure of total reported crimes and 184 922 under this government. That is not a per capita measure; that is a gross measure. That is a significant decrease. In light of that indisputable factual figure, opposition

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Mr Joe Francis; Mr Mark McGowan; Speaker; Mr Christian Porter

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members have been out in the community saying that thousands more victims of these crimes under the Barnett government will take little comfort in its empty rhetoric. They can take little comfort that opposition members will ever say anything that is true! Going back to the initial point —

Several members interjected.

**The SPEAKER:** Attorney General, I have given you some latitude in the time you are taking to answer this question. I also gave the person who asked the question some latitude to re-ask it. I ask the Attorney General to come to a very rapid conclusion on this answer.

**Mr C.C. PORTER:** Indeed; thank you, Mr Speaker.

In conclusion, this graph that I am holding up for members shows in red the total reported overall crime measure that police use, and in green it shows the average daily prisoner population. It shows in the long-term trend that the average daily prisoner population has increased under both the previous government and the present government. It shows that there is a direct correlation between strong penalties and decreasing overall crime. The gap at the end of the graph, the red line I am pointing to, is the overall total number of crimes reported when Labor left office. As we travel down the graph to where I am pointing, that is where it is now.

**Mr M.P. Murray:** Are you going to table that, minister?

**Mr C.C. PORTER:** I will table that. That is, Mr Speaker, thousands and thousands fewer victims of crime.

[See paper 3898.]