

AGGRAVATED ASSAULT STATISTICS

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

Western Australia Police statistics show that, under the previous Labor government, since 2005-06, aggravated assaults had increased —

Several members interjected.

**The SPEAKER:** I realise it is a great celebration that we are all back today, and I join with members in that feeling. However, I would like to hear the member for Jandakot's question quite clearly. I am sure that the Attorney General would appreciate it and that there would also be members on the other side who would appreciate hearing the question without interjections from others who think they know the answer before the question is asked. Member for Jandakot.

**Mr J.M. FRANCIS:** Thank you, Mr Speaker. I will continue with the question I was asking the Attorney General. Western Australia Police statistics show that since 2005-06, under the previous Labor government, aggravated assaults increased in the south metropolitan region, where my electorate is located, by an incredible 30 per cent. I believe that this is partly due to the fact that the disastrous truth-in-sentencing laws made it impossible for judges to adequately sentence offenders. This house debated and passed legislation just last week that will scrap the transitional provisions. Can the Attorney General explain to members why this house has been called back to debate the legislation once again?

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

I thank the member for the question. The member for Jandakot is many things. What I did not realise until that question was asked is that he is also an existentialist. He has asked probably the most fundamental question that any philosopher could do: why are we here today? Most immediately, we are here, as the Premier noted with respect to —

Several members interjected.

**Mr C.C. PORTER:** Council message 11 is the primary and direct reason we are here today, and it pertains to a proposed amendment suggested by the upper house to the truth-in-sentencing removal bill. I will read the 21 words —

A court sentencing an offender to a fixed term can impose a penalty up to the statutory penalty for the offence.

That is the immediate answer, but it is not the profound answer as to why we are here. More fundamentally, we are here because in 2003 the then Attorney General, the member for Fremantle, removed the one-third discount system for remission and enshrined it into the sentencing process. His reasons for doing that may well have been well meaning. It was meant to achieve some form of transparency, but it was an experiment that failed. It became quite clear early after 2003 that it was a failed experiment—that building into or embedding in the sentencing system a one-third discount was not what people wanted and that it brought the sentencing system and the courts into disrepute.

Fundamentally, the reason we are here is that after 2003 when that occurred and the problem was realised, the then government did nothing. Maybe that is a bit harsh. We did have a government press release on 3 August 2008, several days before the election was called. Does the member for Jandakot know what the title of that press release was? I will give it to him: "Truth in sentencing is dead". Truth in sentencing was dead on 3 August. That got me to thinking about what would perhaps be the perfect job for the member for Fremantle after politics—something legal, something interesting. Coroner? Can members imagine the fun at the Coroner's Court: "He's dead; he's dead!"; "No, he's not; he's back!" Time of death: somewhere between August and December. What an absolute outrage!

Let me say this simply to the house: the bill that was presented and passed through this Assembly removed what has been the only impediment to judges accessing the statutory maximum, and that is the one-third discount brought in by the previous government. It was the only impediment. What will happen when that deletion occurs is that we will revert to traditional sentencing. Under section 6 of the act, the judge will be able to give the maximum. The words in the amendment are the legal equivalent of tonsils: they are useless, but they are also dangerous.

**The SPEAKER:** Member for Rockingham!

**Mr C.C. PORTER:** There is one singular and certain indication of why this amendment that the house has been brought back for is useless, vague, open to interpretation and superfluous. Members should look at the groups that agreed to the amendment in the upper house. Three groups agreed to this clause.

Several members interjected.

*Point of Order*

**Mr C.J. BARNETT:** There is constant interjection, Mr Speaker. It is pathetic and embarrassing and I hope you call members to order.

**The SPEAKER:** The Attorney General.

*Questions without Notice Resumed*

**Mr C.C. PORTER:** There is a singular and certain indication that this clause is useless and open to interpretation and that people will not understand what it means. That is to say, we should look at the groups that agreed to this clause in the upper house; namely, the Labor Party, the Greens (WA) and Anthony Fels, MLC. Can we imagine a more unlikely political triumvirate than those three? Can we imagine anything other than this —

Several members interjected.

**The SPEAKER:** Order! I would like to hear the end of this question.

Several members interjected.

**The SPEAKER:** I would like to get to the answer. With members' constant interjection, we will not get there. I would like to hear the rest of the Attorney General's response. I urge the Attorney General to get to the end of the answer fairly quickly.

**Mr C.C. PORTER:** Thank you, Mr Speaker.

**Mr M.P. Whitely** interjected.

**The SPEAKER:** Order, member for Bassendean!

**Mr C.C. PORTER:** Three groups in the upper house agreed to that amendment—Labor, the Greens and Anthony Fels. It clearly means something different to each of them. Labor says it will toughen the legislation; the Greens, not noted for their tough-on-crime stance, clearly think it will soften it; and Mr Fels thinks it will be good for families—I do not know. The only reason those three groups could have agreed to pass it is that it means different things to each of them.

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

**The SPEAKER:** Order, member for Girrawheen.

**Mr C.C. PORTER:** If we succeed in getting rid of truth in sentencing, it will be despite the Council's amendment that we must accept today and not because of it.