

POLICE — STOP-AND-SEARCH POWERS

934. Mrs L.M. HARVEY to the Minister for Police:

I first welcome back a familiar face in the press gallery, Geof Parry. We wish him good health.

Several members interjected.

The SPEAKER: Thank you, members.

Mrs L.M. HARVEY: Not long ago, an employee of our family business was stabbed in the back while trying to rescue a friend of his who was being set upon by thugs in Northbridge. When speaking to the police, they say that they have difficulty trying to apprehend thugs and prevent such attacks because they are not given sufficient powers to do so. Can the minister please clear the air, so that the waters that have been muddied significantly —

Several members interjected.

The SPEAKER: Members! I am going to ask the member for Scarborough to read the question again. While I am on my feet, I advise members on both sides of this place, once again, that only one person has the call to ask a question. Members do not have the entitlement to interrupt throughout that question. I am going to formally call you for the first time, member for Girrawheen. Member for Scarborough, I would like to hear the entire question. Thank you.

Mrs L.M. Harvey: Minister for Police —

The SPEAKER: Take a seat. Member for Albany, obviously you missed what I was saying then. I formally call you for the first time.

Mrs L.M. HARVEY: A short time ago an employee of our family business was knifed in the back in Northbridge while going to the aid of his friends who were being set upon by thugs—they were kicking him, in fact. From speaking to the police, I am given to understand that they do not have sufficient powers at present to apprehend people prior to attacks occurring. There has been significant muddying of the waters regarding our stop-and-search legislation. Could the minister please update the house on how our laws will improve protection for our police officers?

Point of Order

Mr J.R. QUIGLEY: I have a point of order, Mr Speaker.

The SPEAKER: Members, you are testing my patience. I will take your point of order, member for Mindarie.

Mr J.R. QUIGLEY: I make a point of order under standing order 77(1)(a), which states that questions should not contain preambles or opinions. The question contained an opinion that the search powers under section 68 of the Criminal Investigation Act —

The SPEAKER: Thank you for your point of order, member for Mindarie. I am not going to take the point of order. I am going to ask the Minister for Police to answer the question.

Questions without Notice Resumed

Mr R.F. JOHNSON replied:

I take this opportunity to welcome back my very good friend Geof Parry, who is up in the press gallery today.

Mr C.J. Barnett: I would not welcome him back!

Mr R.F. JOHNSON: I mean that sincerely. I wish Geof Parry all the very best in his recovery back to full health. He will attest to that, I am sure.

In relation to the question that the member for Scarborough has put to me, she has outlined the very reasons why we need to have the stop-and-search powers that this government —

Mr T.G. Stephens: The Speaker ruled the member did not give an argument!

The SPEAKER: Members, I want to hear the Minister for Police answer this question. I do not want to hear interjections, member for Pilbara. I formally call you for the first time.

Mr R.F. JOHNSON: What concerns me and members on this side of the house—or most members on this side of the house; I think everybody but one perhaps—is the hypocrisy of the Labor Party in relation to stop-and-search powers in WA.

Mr J.R. Quigley: And the hypocrisy of *The West Australian* newspaper?

The SPEAKER: Member for Mindarie —

Mr J.R. Quigley: Yes, sir?

The SPEAKER: I am formally going to call you for the first time.

Mr J.R. Quigley: Thank you.

The SPEAKER: I do not need to hear anything from you on the way back either. I just want you to listen, member for Mindarie.

Mr R.F. JOHNSON: As members would have seen on television a couple of weeks ago, there were something like 100-odd weapons on display at police headquarters. Those weapons were taken from people who —

Mr J.R. Quigley: Under section 68 of Labor's laws!

The SPEAKER: Member for Mindarie, I know you have an abiding and passionate interest in this. Perhaps you might like to share it with us through a question in this place. I formally call you for the second time.

Mr R.F. JOHNSON: In fact, the interjection by the member for Mindarie is totally wrong because those weapons were not taken from people in a stop-and-search situation; they were taken from people who were committing criminal acts, such as a robbery, or acting in an antisocial way—which is basically a criminal act anyway. We want to ensure that these weapons can be found before criminal acts take place. That is what the legislation that this house passed just a week or so ago does.

I mentioned the hypocrisy of the Labor Party. Members opposite throw their arms up and say that this is against civil liberties, the rights of people and all the rest of it. At the end of the day, this government believes in civil liberties and the rights of innocent people to go around areas such as Northbridge without the fear of being attacked by thugs and violent hooligans who have weapons. Members opposite do not like it when they get the truth.

Let me just outline the truth of the hypocrisy. Nobody seems to be taking up with the Labor Party why it brought legislation into this Parliament a year ago that was extremely draconian. I will read what the explanatory memorandum says about one part of that legislation.

Ms M.M. Quirk interjected.

Mr R.F. JOHNSON: The member for Girrawheen might very well be embarrassed by this, because it was the member for Girrawheen who brought that legislation into this house. I will read one little section from the explanatory memorandum about clause 5 of the member for Girrawheen's legislation. It states —

Section 13(1a) gives police the power to stop, detain and search any person who is —

Ms M.M. Quirk interjected.

The SPEAKER: Member for Girrawheen, I have formally called you once, and I thought I gave you a hint in the process. I am going to formally call you for the second time. I do not want to hear any more interjections from you on this minister during this answer.

Point of Order

Mr P.B. WATSON: The minister was talking to the member.

Mr R.F. Johnson: No, I was not.

Mr P.B. WATSON: Yes, the member was.

The SPEAKER: There is no point of order.

Questions without Notice Resumed

Mr R.F. JOHNSON: I think it is important to put this on the record, because we have heard a lot from the member for Girrawheen, and we have heard a lot from all the members of the Labor Party, about our stop-and-search laws. Let me quote what was in their legislation, which had to go through their caucus and to which all members opposite agreed. Let me quote this very important part of their bill. I say again —

Section 13(1a) gives police the power to stop, detain and search any person who is within a prescribed area at a prescribed time to determine whether that person is carrying a weapon or otherwise committing an offence under the Act. Subsection (1a) does not require the police to have a reasonable suspicion that the person being searched is committing an offence.

Several members interjected.

Mr R.F. JOHNSON: What their legislation omitted to say was what form of search would take place. Under our legislation, we say it will be a basic search; under their legislation, it could have been a strip search in the middle of Northbridge, because it said nothing about that in the legislation. I truly believe, and I think members on this

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Mrs Liza Harvey; Speaker; Mr John Quigley; Mr Rob Johnson

side of the house believe, that we need some very sensible laws in relation to stop-and-search powers. The police will use those powers with great discretion. The sort of hyperbole that I have read in the newspapers recently, saying that male officers would search the inner thighs of women and nonsense like that, is nothing but scaremongering. Under the legislation, it says quite clearly that searches will be carried out by members of the same gender. In other words, in case those opposite do not understand, if a male person needs to be searched, it will be done by a male police officer, and—I believe in equal opportunity—if a female person needs to be searched, it will be done by a female officer. There is virtually no difference between the stop-and-search powers that are in this legislation and those that exist already, other than that police officers will not have to convince a court of why they had a reasonable suspicion. The whole purpose of the legislation is to make Northbridge and other areas a safe place for decent people to go to.