

Hon Dr Steve Thomas; Hon Dr Brad Pettitt; Hon Stephen Dawson; Hon Dr Brian Walker; Hon Wilson Tucker;
Hon Sophia Moermond; Hon Peter Collier

LIQUOR CONTROL AMENDMENT (PROTECTED ENTERTAINMENT PRECINCTS) BILL 2022

Second Reading

Resumed from 16 November.

HON DR STEVE THOMAS (South West — Leader of the Opposition) [2.09 pm]: I am the lead speaker for the opposition on this bill, though I suspect my good friend and colleague Hon Peter Collier will appear very much an equal partner in the debate as we go forward. I know it is an issue that he is particularly passionate about.

In my view, we have probably always had a plague of violence. I will be interested to hear members indicate in their contributions to this debate where they think violence sits in the community. I suspect that I am older than most members in this chamber, having been around a while, and it is certainly the case that there was plenty of violence around when I was a young man. I do not know whether it is significantly worse now, but legislation continues to be introduced and we still make changes to try to address violence. The latest of such legislation is the bill before the house today, the Liquor Control Amendment (Protected Entertainment Precincts) Bill 2022. This bill will hopefully make some contribution towards reducing the risk of violence to people, and for that reason the opposition will support it. We have a number of questions around how it will operate and we will make those points as we go along.

The question we should start with is: will this bill make a significant impact on violence, and are there other ways that might be looked at to deliver that outcome? As I said, I actually think there is a plague of violence in modern society. Although there was certainly violence around when I was growing up—I will describe some of that in a little more detail later on—it seems to be more obvious today. I do not know whether that is because it is reported more often because we now have 24-hour news cycles, and news providers are always looking for something to put out there, so we see it more, or whether there is genuinely more violence out there. That is one of the great questions of the age.

In the case of domestic violence, for example, I see no diminishment in violent activity. We have had massive programs and campaigns against domestic violence, but they never seem to be particularly successful. We do not seem to be good at demonstrating to people why violence is bad; in fact, we seem to be very good at encouraging it. There have been some great programs and campaigns against domestic violence, such as the Australia Says No More campaign, which won awards around the world for being a great anti-violence campaign. I do not know what impact it had in terms of reducing rates of domestic violence, but, anecdotally, it would appear to have been very little at all. Although we have good intentions with regard to reducing the incidence of violence in our community, we do not seem to be very good at actually delivering it, and I suspect that this legislation will be the next step in that process.

In respect of domestic violence, I actually take the view that one of the problems with dealing with violence in the community is that we never actually get to the point of saying that all violence is bad. We are very good at justifying violence in certain circumstances, and that starts very early. I do not really want to get into a debate about whether it is okay to smack children, but here is an admission for the Parliament: I have four daughters and I used physical discipline on occasions, but very rarely. I did so following the example of my parents, who also used physical violence very rarely. I will say in relation to the use of physical discipline on children that on the rare occasions on which I used it, I considered it a failure of mine in that I could not find a better mechanism to use than the one that I was resorting to. At that point maybe there were no better mechanisms that I could use; sometimes when things happen, people make very rapid decisions. I always took the position, though, through all those years, that when I smacked my children on those very rare occasions, the fact that I had used violence as a discipline was my failing. I will always hold that position, and if the circumstances were repeated, I would probably find myself in a position in which I resorted to physical violence because I just did not have a better tool. It may come as a surprise to the chamber to realise that I am not perfect; it is something that I realised a long time ago and that my wife reminds me of quite frequently! I do my very best to do the best I can, but there will always be failings.

I think the trend to violence starts early. I am not backwards in coming forwards, and I always love having this debate with people who come to me and say, “Well, I was beaten as a child, and it didn’t do me any harm.” I can pretty much guarantee that I will look at them, listen to their conversation, absorb what they say and think, “Well, I think it probably did, because I think you’re a bit messed up.” I do not generally say that to their face! The truth is, as I have got older and more cantankerous, that I tend to be more straight-talking, and sometimes I think I should say it more often.

Hon Matthew Swinbourn: It’s survivor bias: “I survived, so therefore it’s okay.”

Hon Dr STEVE THOMAS: That is exactly right. Hon Matthew Swinbourn makes a really good point, as he always does. It is very much based on one’s own psyche and on, “There can’t be too much wrong with me. I think I’m a good person, therefore, the upbringing that I had must have been okay. It might have been a brutal and vicious

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upbringing. It might have been physically violent, emotionally neglectful or emotionally abusive, but I survived it and I'm okay, therefore it's okay." That is why these cycles repeat. In a lot of cases—not all cases—in which domestic violence is perpetuated, there is the idea that people have to be okay with it because we have to be okay. Breaking that cycle is one of those really difficult community actions, and I will come to that in a bit more detail later on. It is very much the case that we justify things like violence because our psyche tells us that it is okay.

There certainly was the idea when I was younger that a lack of violence in some situations was a weakness. That was very much the case in some of the particularly rugged environments that I grew up in. We had our outlets; I enjoyed playing rugby league, which is a pretty physically confronting sport. That provided a pretty good outlet for that sort of thing. Rugby's the game played in heaven; whether it is union or league is a debate for another day! But we certainly had that opportunity.

In my memory there was probably more confrontation and organised violence in those days, but we are absolutely now in a position, as we were then, in which violence is so frequently glamorised and accepted that we are not very good at saying that it is actually a problem. We do not have to look very far to see that. I am not going to suggest that violence on TV, in movies and, particularly, in video games directly causes violence in the people who enjoy those entertainments. I think that it is hard to prove, particularly in individual cases, anything more than a tenuous link. However, across the stream of society there is no doubt in my mind that it desensitises us to violence and makes violence more acceptable in the community.

I am absolutely certain that we see violence as a positive as much as we see it as a negative, and that is problematic when we try to control violence. On one level, as a community we are suggesting and demonstrating to people that violence is a reasonable outcome, but at the other end we say that violence is bad. Effectively, we are saying that we accept violence as a reasonable outcome, but only under certain circumstances. As soon as we start to say that there is a set of circumstances under which violence is okay, and a set under which it is not, we have already lost the argument. That becomes a problem, and that is one of the reasons that I think the domestic violence programs are worth studying. They say that in the circumstance in which the victim is a woman—particularly, a woman in a relationship with the perpetrator—that is bad, but society still glamorises and promotes violence generally. It is a very confusing prospect because we cannot have it both ways. Until we get a better handle on how we manage violence in the community, we will continue to struggle. It is amazing that we watch movies in which the reward for the hero or survival is generally revenge, and how often does that revenge take a violent approach? In the old westerns, they got shot. In the martial arts movies, they got chopped, if you will. Not many movies do not have this tinge of a really positive approach to violence. Even some of the good, sensible, gentle movies have it. The movie called *Fried Green Tomatoes*—have I got the right one?

Hon Stephen Dawson: At the whistle stop cafe.

Hon Dr STEVE THOMAS: It is called *Fried Green Tomatoes at the Whistle Stop Cafe*. It is a lovely gentle movie for the most part, but in one scene the heroine—I do not like using that word because it sounds like a drug; star is a better word—of the movie is beaten to a car parking place, so she smashes her car into the car of the people who took it and everybody cheers. It makes us feel good when a bit of revenge is going on. We are perfectly comfortable when that revenge takes a physically violent approach. Most young men my age went to see the movie only because they were on a date and were trying to impress their partners, who thought it was a very sensitive and New Age thing to do, and it was a good movie. I reckon that if we had surveyed the movie goers in the cinema, I do not think we would have found many people who thought that running a big American sedan into the back of a little car with those two young ladies in it was actually a bad thing. They would say, "I really enjoyed that. That was great. We saw a bit of revenge that had a violent component to it." That is a very simple and gentle version of the debate. Worse things than that can happen. Some of the movies and television shows that are being watched these days are very good. I enjoyed *Game of Thrones*. My wife watched it and I picked up bits of it but, holy mackerel, is there some violence in it! It is pretty hard to watch something like that and say that it does not aggrandise and glorify violence. Are we any good at putting aside that violence when we actually get back into the community? That is not to say that there is not some kind of base part of human nature that seems to enjoy violence, because in many cases that appears to be the case as well. Plenty of people are not watching a lot of violent movies but are still engaged in violent activities. We have to move beyond that idea.

I started this debate by simply saying that I accept the intent of the government in the Liquor Control Amendment (Protected Entertainment Precincts) Bill 2022, which is to reduce violent incidents in nightclub areas. Any intent to reduce violent incidents needs to be supported and rewarded to some extent. We need to try to minimise violence, but until we address the ultimate value and position of violence in our society, all we are doing is just window-dressing. The bill addresses violence, particularly in entertainment precincts. Growing up as a country lad and living most of my life in country regions, I probably had fairly limited exposure to and experience in entertainment precincts. One would think that I do not have much expertise in this area, but for a few years, while I studied for my veterinary science degree at the University of Queensland, I paid my way by working in bars and

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clubs, so I have some experience of working late after a day at university. Some of my most vivid memories are of working in a place called the Council Club in Brisbane. We would work there until sometimes midnight or two in the morning. On nice nights we would drive to Jupiters Casino and watch the sun come up. We were too poor to gamble, but I tell members what: fuel was a lot cheaper back then, so that was our night out. We saw violence on occasions. I have a somewhat funny story to tell, so I will digress for a little bit.

In my job, I tended the bar and did kegs. In those days, everybody was a general rouseabout. We had specific security people at the door but everybody did a bit of everything. Around October many years ago, the Brisbane City Football Club had its annual wind-up at the Council Club nightclub. The club had rugby league and touch football teams. The rugby league teams were generally Anglo-Saxon men in their late teens and going into their twenties. The women in the touch and rugby league teams were generally Māori. Brisbane had a pretty big Māori population at the time. The husbands of the Māori women would come along as well. The night started out pretty gently, but it kind of kicked off when one man bit off another man's ear. It progressed to something of an all-in brawl at the time. Being in the midst of that violence is a really interesting place to find oneself. I make this point because I have this funny memory from that night that will live with me to the end of my days. I was roughly in the centre of that group and we were trying to escort the well-behaved patrons out the door to keep them away from where the fights were breaking out. There I was, five foot and seven inches tall and probably a bit smaller in build at that point—definitely a bit smaller in build—and two of the largest men I have ever seen in my life walked up to me. They were two Māori men and I reckon they would have weighed 130-plus kilograms. They were two of the most enormous people I had ever seen.

Hon Darren West: It's not the size of the dog in the fight, member.

Hon Dr STEVE THOMAS: There was me and two of them, Hon Darren West. I am not sure how much fight any dog would have under those circumstances, and one generally does not want to find out to be honest. What happens in those jobs is a bit like what happens when raising children: the best result is when no violence is involved and everyone can get it out of their system. These were two of the biggest men I had ever seen. I will never forget what happened next. They walked up to me and said in the softest, gentlest and quietest voice, "Is it okay for us to bring our wives out now? We just want to make them safe." So we did that, and there I was saying to these two enormous men that I would protect them and that it would be okay. My ego was boosted enormously on that particular day. I do not know what I would have done if the situation had fallen apart. I got them to bring their wives through, we caught the elevator and we took them down to safety. They were incredibly grateful and it was a lovely moment. I do not know what would have happened if things had turned out differently, but it lives in my memory that in the midst of violence, human nature can deliver some really positive surprises, and I think that is still the case. We still see that happen today. In the midst of violence, suddenly we see people doing good things. One would hope that we see more of that, but, funnily enough, it is not as common as people think. We live in hope.

What should we do to address violence? The government's proposal is to start to exclude people who display violent behaviours to make particular communities safe. One of the positive things I like about the bill, which is not necessarily the way I see the Labor Party operating generally, is that it takes a relatively, dare I say it, right-wing view of human behaviour. I describe the difference between left wing and right wing as the right wing being about personal reward—personal responsibility and the left wing being far more about communal reward—communal responsibility. That is how I describe it. I know some members are left wing. Communists are the ultimate. They believe that everything they earn should be divided equally amongst everybody else and, generally speaking, if their life goes wrong, it is everybody's fault. I am the opposite. I believe that you are individually responsible for the position you find yourself in, obviously with exceptions in which people have no choice. Ultimately, if you work hard and get ahead, you should be the greatest recipient of the rewards, but not the only recipient, because there is a reason we pay taxes—to look after everybody else. That is the process.

In the bill before the house today, the government is taking a somewhat right-wing approach, or at least a middle-ground approach. Something that has been said about this government reasonably frequently is that it tends to be a fairly middle-of-the-road government—I resisted the urge to say "mediocre", so I am going for "middle of the road". I would not necessarily call some of the government's policies right wing, but it is not a very left-wing government. What is left wing out there? Gough Whitlam probably had the most left-wing government I can remember. It is interesting to see where Anthony Albanese is going; there might be a contest on. Let us see where that goes. I like the fact that this bill looks at personal responsibility and says, "Actually, your behaviour is your responsibility." Well done to the government for that. I think that is a message we need to keep reinforcing, but not just in this legislation and not just in particular precincts. It is a rule that we need to apply far more across the board. The problem is that we can shift problems around, but that does not necessarily change behaviour unless it is made more and more difficult.

In debate on a planning bill that was introduced around the COVID emergency provisions, I said that I believed that in Parliament, members should say what they believe and believe what they say. I think that is still a good lesson

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for members of Parliament. We absolutely want to be true to what we believe in what we say in here. I said it at that point because I thought that if the planning rules were going to be improved on a temporary basis, why would we not want to improve them permanently? As part of this debate, I say to this government that if it wants to improve behaviour, and particularly violent behaviour, in certain precincts, why would it not want to make it much more society wide at some point? I know it is not easy. I know there are all sorts of issues in spreading the non-violence message further afield. There are also greater issues in enforcing the message. I suspect something we will talk about during the second reading debate and also in the Committee of the Whole stage is the capacity of the police to enforce these measures. As we go forward, whether to expand these measures into other precincts will be an interesting question. Obviously, the government has determined the first five precincts in which it wants this legislation to operate in its attempts to control violent behaviour. According to the briefing and my reading of the bill, the precincts will be established under regulation, not under the primary legislation, so there will be an opportunity for the government to shift, amend, put in new precincts and take out precincts, for example. We will have to watch very carefully to ensure we do not just shift the people who are exhibiting bad behaviour from one precinct to another area. That is one of the issues we will face. Ideally, we would try to prevent violence across the board, everywhere we go. If we cannot do that and if we are going to focus on precincts, where we shift that violence to will become critically important.

I understand the intent of the legislation, which is to concentrate on precincts that are basically nightclub precincts, where there is generally a mixture of alcohol and overstimulation—let me call it that. I am always interested in the drinks that people have now that combine alcohol and high levels of caffeine. I do not think I have ever had one but, seriously, if we wanted a recipe for creating hyperactive people who will potentially engage in violent behaviour, we would give them a combined drink to see what happens. I am astounded that it really occurs. I think that society has changed and it has become more common. On other trends, before I move back to shifting the violence, in my day when I was young, we basically drank beer. I am old enough to remember that when I first started, there was no such thing as mid-strength beer or light beer, so we drank beer.

Hon Stephen Dawson: You must be really old!

Hon Dr STEVE THOMAS: I am getting on now, yes. The good news is that light beers were introduced in Western Australia earlier than they were in a lot of other states. Western Australia sort of led the way in light beer. I found that pretty positive. When I was at university, for example, and I was working in nightclubs, because I was often the designated driver, I discovered a beer that came from Western Australia and it was a Swan white label —

Hon Darren West: Special light; it was 0.1 per cent.

Hon Dr STEVE THOMAS: Special light, that is right; it was 0.1 per cent. Classically, you would end your night at the nightclub with two beers. Back when I first started —

Hon Darren West: You had to drink 86 of them to get drunk!

Hon Dr STEVE THOMAS: Well, that is right, I never got drunk. We could talk about a perpetual motion machine. It would just cycle. Ultimately, you could never get drunk.

Hon Martin Pritchard: I think you mean that way.

Hon Dr STEVE THOMAS: I am just doing a cycle motion; I was not trying to be prescriptive, Hon Martin Pritchard. We can do a biology lesson if he likes! I did one recently on greenhouse gas emissions and what animals produce greenhouse gases at which end, but let us not go there for the time being.

Western Australia led the way very early with the Swan special light. At that point, Queensland had no light beer. Bear in mind that Queensland at that time had one beer and it was spelt “XXXX” because we did not think that anybody could spell “beer”! That is a whole other argument. Western Australia led the way for light beer. A couple of things have changed in society. There are now ranges of beer, but in those days we drank beer. Young people today, in my view, are much more likely to drink stronger drinks. The other thing we did not do in those days was the preloading that tends to occur before people go to nightclubs now. Because nightclubs are expensive, young people go into them fairly charged up. Even when I was working in nightclubs, for the most part I would be dealing with people who had not started drinking before they arrived. It all worked on a fairly regular pattern. Generally speaking, the young women would arrive and they would not drink a heck of a lot, for the most part. The young men would then arrive, presumably following the young women. When they were unsuccessful, they would start drinking more and more heavily as the night went on. I could pick it and manage it. That pattern has changed. People preload a lot more and I think a lot more alcohol is being imbibed at a rapid pace.

The other thing that has changed significantly is the drugs that are available. That has made a significant difference, in my mind. I can remember the arrival of cannabis, and apologies to our Legalise Cannabis Party friends and the crossbench. There is no way it had the violent-impulse impacts that things like methamphetamine do. The levels

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of violence have also dramatically changed. Again, I come back to my right-wing roots in that it has always frustrated me how the use of drugs has become an excuse for that level of behaviour. Drugs may prompt an extremely violent reaction or violent behaviour, but, somehow, in the system we have, they have become an excuse for violent behaviour. The perpetrator's defence was that they were high on meth. That might be a statement of the facts, but, in my view, that is not a mitigating circumstance. We will come back to this when we get further into the debate.

As a society, I think we have become very soft on mitigating circumstances. This is where I come to the left-wing versus right-wing argument. The left-wing argument is: "My behaviour is not my personal responsibility. It is society's fault. I take meth and society makes me do it because I'm not happy—my wife left, my kids don't love me, my dad hugged me too much or not enough or my mum was cold and distant", or whatever it is. I think there is an argument for personal responsibility.

Hon Martin Pritchard: I think that is very simplistic.

Hon Dr STEVE THOMAS: I have enormous respect for Hon Martin Pritchard, but I am going to say this: I think the left wing of politics will always think that is very simplistic, because it does not suit the rhetoric and the position of the left. I think the left wing will always assume that it is too hard to hold people accountable for their behaviour. I am certainly not suggesting that that is where the member was going with this. To be honest, I think there should be philosophical differences between the two sides of Parliament. It would become very bland without that difference, so I am happy for that. We will get to debates about unions in a little while.

Hon Sandra Carr: Take some responsibility for your irresponsible and insensitive comments about the causes of violence and social problems, rather than deflecting to unions.

Hon Dr STEVE THOMAS: Sorry!

Hon Sandra Carr: Laughing at me doesn't make it any less true.

Hon Dr STEVE THOMAS: We have just gone back to classic left now.

Hon Sandra Carr: I take that as a compliment, mate.

Hon Dr STEVE THOMAS: I am sure you do.

Hon Sandra Carr: You stay over there on the right and make a fool of yourself.

Hon Dr STEVE THOMAS: That is absolutely fine.

Acting President, we were discussing the prevalence of violence and how we remedy that, and the solution we are about to debate is restrictions on entertainment precincts. One of the things we will have to do is make sure that we do not shift that violent behaviour out of a particular precinct and into another area. We will probably discuss that in more detail in the committee stage.

The intended five precincts are Northbridge, Hillarys, Fremantle, Scarborough and Mandurah. I understand that some indicative maps of where the precincts are likely to be have been floating around. My understanding is that the maps are not finalised and may not even be accurate at this stage, so I do not think there is much point in asking the minister to present them or table them. As I understand, they are very broad areas that will be refined under regulation. They will need to be put together in a way that encompasses where antisocial behaviour will be shifted to.

The concept is making entertainment precincts safe, especially around alcohol. It was highlighted repeatedly in the briefings we had that people have less thought in their decision-making processes under the influence of alcohol. Their inhibitions drop and their self-control is reduced. Those are the predisposing factors that we are trying to control with this, and I think that is reasonable. As I said before, one of the trends we have seen more recently is people preloading before entering those precincts. The bill will identify people, and it will be up to police to identify the people who are considered to be a risk. That is critical. This is about the police identifying high-risk individuals. The indication is that we are not talking about a large number of individuals. In his reply or during the committee stage, the minister might be able to give us an indication of the expected number of people who might be identified. It obviously relies upon police officers knowing their district reasonably well. In my day, in the Brisbane nightclubs, the police unit that serviced central Brisbane was a very stable group. The officers knew everybody, including us.

Hon Dan Caddy: Was that the Bjelke-Petersen era?

Hon Dr STEVE THOMAS: It was the Bjelke-Petersen era, actually, yes.

Hon Dan Caddy: You're showing your age!

Hon Dr STEVE THOMAS: He was my local MP.

Hon Dan Caddy: That explains so much!

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Hon Dr STEVE THOMAS: Don't you worry about that! He was based in Kingaroy, and my family was living about an hour north. He was my local member of state Parliament. There you go!

Hon Darren West: And Bob Katter was a cabinet minister in his government.

Hon Dr STEVE THOMAS: We have digressed a little again, but Bob Katter Snr was my first federal MP. For those who remember, Bob Katter is actually Bob Katter Jnr.

Hon Darren West: It's all starting to make sense!

Hon Dr STEVE THOMAS: No. There are no particular links there. They divert me, Acting President!

The police will have to know the individuals who they are identifying and targeting. I think there is a reasonable opportunity that that will happen, although we might get to some debate about it. There is always a turnover of police, so the officers will have to be aware of individuals who have been banned for certain behaviour and who will need to be identified when they break those rules. Let us have a debate about that when we get to the committee stage. The bill will instigate a couple of different types of exclusion orders. Police will identify people who are considered high risk, and one of a number of exclusion orders will then be applied for.

As was mentioned in the minister's second reading speech, the term "protected entertainment precincts" was coined in honour of Giuseppe "Pep" Raco. The bill is a general attempt in his honour to improve security and safety in entertainment precincts. From the answers to questions we asked in the briefing, it would appear that this piece of legislation would not necessarily have protected him, because the perpetrator was not a person known to the police to the extent that he would have been caught under these provisions, but that does not at all diminish the fact that the bill is named in his honour. We accept that the intent of making entertainment precincts safer across the board is a worthy and reasonable one. I have no problem with the name, but it does reflect the difficulty of making people safe. In many cases, the perpetrators who will be kept out of these precincts are simply the ones we know. Obviously, first-timers will not be excluded. There is no magic bullet along those lines apart from, as I said at the start of my address, the intent to keep people safe across the board by reducing violence universally rather than in specific precincts.

There are a number of different forms, and exclusions can occur in the five proposed precincts, which, as I said, will be able to be changed, moved, shifted, added to or reduced because they will come in under regulations. The Liquor Control Amendment (Protected Entertainment Precincts) Bill 2022 will create both short-term exclusion orders and extended exclusion orders. The Western Australia Police Force can issue a short-term exclusion for up to six months, which needs to be approved by an officer of the rank of inspector or higher. I am interested, minister, when we get to the details of the bill, the process by which that is likely to occur. We will potentially discuss exactly how that will occur. Extended exclusion orders can be issued for up to five years for adults and two years for juveniles. They will be issued by the director of Liquor Licensing on application to the Commissioner of Police, which is appropriate given that the police will know, for the most part, what the people who they will be looking at are capable of doing.

There is also a third component in which the exclusion period of five years for an adult and two years for a juvenile will be made mandatory. These will be listed in the act, not separate in regulations, and include the serious offences of murder, manslaughter, unlawful assault causing death, grievous bodily harm, intent to cause grievous bodily harm, wounding, sexual penetration without consent, aggravated sexual penetrating without consent and drink-spiking. Those are all serious offences and I presume, therefore, that any person who is convicted of any of those serious offences will automatically be the subject of a five-year exclusion notice if they are an adult. As I understand it, that notice will commence at the end of a person's prison sentence, otherwise it would not make a lot of sense in having a five-year notice if a person is serving 15 years' imprisonment for murder. One of the issues with that is that it will potentially involve a larger group of people and they might not necessarily be the regulars who turn up in a precinct at any stage. That group of people will not necessarily be known to the police officers who will be serving those five precincts. There will probably be a commissioner's notification process and some form of confirmation that the people in that category can be easily identified by officers in the field. I imagine that the commissioner will come up with proposed operational guidelines as the legislation passes through.

As I said before, one of the issues is that we simply do not want to shift bad behaviour and violent behaviour in particular to just outside a precinct. I know there are some concerns that the Perth precinct, for example, will extend to Northbridge but not necessarily to Leederville. Does that mean that we will push the group of people who are prone to violent behaviour just that little bit further away to a different area where they can re-congregate? I guess at one level, that can be dealt with because the precincts will be put in place by regulations and it will be relatively easy to change them. It is something we need to keep an eye on.

We also need to be cautious that we do not end up moving these people who have violent tendencies further afield to areas where there is not so much nightclub activity, but hotel activity, and we also need to make sure that we do

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not drive violent activity back into the home, as it were. All those things become part of the natural risk, but I am not suggesting for a minute that the government can do an enormous amount about that; rather, we need to be aware of how that will function.

The bill does not contain many clauses, but debate on the bill will be quite technical. It will hopefully make a significant difference to the way that we deal with violence. At some point, minister, we will have a debate about the trigger points at which these provisions come in. That is covered under division 2, with clause 16 introducing proposed section 152ND. I am talking specifically at this point about short-term exclusion notices. Proposed subsection (1) states —

A member of the Police Force may make an order prohibiting —

I presume that that refers to any member of the police force. They will make an order and get it ticked off by an officer of inspector rank or higher. If that is the case, at what point will it become enforceable? Will it become enforceable when the police officer first makes an order or will the issue of making an order require the tick-off from an inspector or higher officer at that point? Proposed subsection (2) states —

The member of the Police Force must not make the order unless the member is satisfied, on reasonable grounds, that making the order is necessary because —

- (a) the person has behaved in an unlawful, anti-social, violent, disorderly, offensive, indecent or threatening way (whether or not the behaviour arose from, or was related to, the use of liquor); and
- (b) the location where the behaviour occurred —
 - (i) was, at the time the behaviour occurred, a public place; and
 - (ii) was, at the time the behaviour occurred, in a protected entertainment precinct; and
 - (iii) is, at the time the order is to be made, in a protected entertainment precinct;and
- (c) there is a risk that, unless the order is made, the person will behave in a way that —
 - (i) causes violence or public disorder in a protected entertainment precinct; or
 - (ii) has an adverse effect on the safety or welfare of persons in a protected entertainment precinct.

We need to explore those provisions when we get to the committee stage of the bill to work out exactly what sort of behaviour will stimulate the production of an order prohibiting a person from entering a precinct. Some of it is obvious and quite simple, such as behaviour having an adverse effect on the safety and welfare of person, but even then we could debate exactly what it will do. Subsection (2) refers to a person's behaviour being unlawful and antisocial. Some of that behaviour might be relatively mild, but it might be repetitive. We need some clarification as we go through the debate of the sorts of examples and levels that will enforce an order.

Having said that, minister, I do not for a minute suggest that I am not supportive of what the government is attempting to do. We need to work out what it will look like because we have to be careful about making sure that we target the right people and do not interfere with people's ability to go about their normal activities. It is usually the left-wing of politics—the Labor Party—that is so very keen to talk about the rights of people to go about their business and whether government is infringing upon those rights. I am reminded of a debate on a bill some years ago when the Commonwealth Heads of Government Meeting was coming to Perth and there was the prospect that people would be moved on and moved out of precincts and areas. Many Labor members were very concerned about people's rights being protected.

A bill to establish new rules around moving on people, which was a little similar to this bill, was debated on 22 March 2011 in the place that shall not be named—the other house. I refer to the corrected *Hansard*. The member for Girrawheen said —

... our task is to determine whether this bill strikes the right balance between ensuring the necessary level of security for visiting dignitaries and dealing with threats to public safety, without unduly interfering with the rights of members of the Western Australian public to go about their lives without unreasonable interference.

She was concerned that “we are yet to see the plans for the areas that will be declared and restricted”. I am not sure which electorate Dr A.D. Buti represented because it is not stated on the page in *Hansard*.

Hon Dan Caddy: Armadale.

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Hon Dr STEVE THOMAS: I thank the member. The member for Armadale was also a bit concerned that the bill might impinge upon some of the rights of individuals—fair enough. He said there was an obligation to protect world leaders and heads of state. But he also said —

However, we also have an obligation to not throw away our freedoms. There is always a fine line between the two.

...

The police and other authorised officials will be given the power to do X, Y and Z, and there will be no legal consequences for their actions. It is always a concern when people are not held responsible for their actions.

That was the member for Armadale. Police will be given a very similar power under the bill before the house today. I think that is a reasonable outcome. The opposition is supporting the bill, but as we debate left versus right, it is reasonable for the opposition to ask questions, given the questions put by others before.

The member for Armadale raised a couple of other concerns. He said —

One must query whether the minister should seek an amendment to provide a prescribed list of events so that everyone will be clear on what are associated events. The member for Cannington was very astute to point that out. It may be a drafting oversight. I am sure that there was no intention. It is a very important matter ...

Again, the Labor Party was happy to seek details about the sorts of restrictions that might apply to people under those circumstances, and I think it is reasonable for the current opposition to do that. In fact, the member for Girrawheen went on to use a very good line —

It is not unreasonable that we seek some level of clarity on when these powers are used.

There is a history of questioning whether the enhancement of powers to maintain public and personal safety impinge upon the rights and freedoms of individuals. As I said earlier, I take a very right-wing position—that is, you do not have individual rights without individual responsibilities. Therefore, I can comfortably support the bill before the house because I think it is an opportunity for us to demonstrate that we can hold people responsible for their actions, and that is a step in the right direction for the government. I thank the government for that. It is the case that both sides of politics want to make sure the outcomes are reasonable.

There is much more we can talk about, and I am sure that we will when we get to Committee of the Whole. I am a little concerned about the impact of this legislation on the Western Australia Police Force and whether it will require additional resources or resource requirements. I note that the Western Australia Police Force has, at the very least, struggled to maintain numbers. I would say that the morale in Western Australia Police is not at a high point at the moment, and this is another exercise they will be required to undertake. I am sure that my good friend Hon Peter Collier will have much more to say on how the police might manage this aspect of the legislation. It might help if the government manages to increase police numbers somewhere along the lines of its election commitment. Governments come along and say they will put on so many more police, but they do not count the ones that drift off because it is a difficult job. It is a very tough job. It can be a very lonely job. The survivability—that is properly not the right word to use. The longevity of people in that job on average is not great.

We need to do things so that police feel much more positive about their occupation. Part of that is simply backing them when they need to use legislation like this. On occasions, we need to be on the side of the police. This is not said very often, probably not often enough: when we ask police to step up and provide safety for us, it is important that we support them in that process. In my role on the Joint Standing Committee on the Corruption and Crime Commission, I frequently hear questions about the police. It is very easy to isolate and separate police. In fact, various past committees have asked the CCC to focus more and more of its attention on police because there is this distrust. I actually think the first thing that Parliament and the community can do is show greater trust in police. I suspect that will be required in the enforcement of this legislation.

I understand, and the minister can probably confirm, that, ultimately, the legislation will be challengeable in the Supreme Court. A person on whom an order has been made will be able to immediately challenge it, depending on the level, up to the director of Liquor Licensing. If a person's right to a local appeal under the act has been removed —

Hon Stephen Dawson: You cannot go to the Supreme Court if you think there is an error of the law. The law is the law, but if you think that a decision has been made that does not line up with the law, you can go to the Supreme Court.

Hon Dr STEVE THOMAS: It will not be appealable except for an appeal based on the inappropriate use of the law. I suspect it will get challenged at some point. Ultimately, any law of the land gets challenged up to the High Court if necessary. There is a process people can go through. That challenge process will probably be useful.

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I just want to finish on the point that the legislation will probably be as effective as the level of support police get to enforce it and the level of support they get from the community. If the community wants that safety from police, the community will have to back them not only on this piece of legislation, but also lots of other pieces of legislation. It is generally the police who see the worst aspects of the violence that I think is rampant in the community. It is the police who deal with domestic violence, for example. It is the police who pick up the pieces. Ambulance officers are there, but it is the police who generally put their lives on the line as a part of that process. It is difficult to over appreciate the work that Western Australian police do in the positions in which they find themselves; I think we under appreciate it most of the time. I think we could do a lot more to support their role in opposing violence and support the role police play in picking up the pieces. That includes the bill before the house today, which the opposition will be supporting.

HON DR BRAD PETTITT (South Metropolitan) [3.08 pm]: I rise today to speak in opposition to the Liquor Control Amendment (Protected Entertainment Precincts) Bill 2022 and express my astonishment at this government's overreach in this bill, with the powers that will be granted to the Western Australia Police Force.

Before I launch into the numerous issues I have with this bill, I want to start by acknowledging the family of Giuseppe "Pep" Raco and offer my condolences for their loss. I have seen the good work that Giuseppe's wife, Enza, has done—her tireless campaign to improve the safety of Western Australia's entertainment precincts. I applaud her efforts to do so. Unfortunately, this bill is not the answer to her good efforts. I think we need a bill that is actually much more effective in addressing what she is campaigning for. Unfortunately, there is very little evidence that it is going to have the desired effect that Giuseppe's family have campaigned for.

I received a letter from Peter Collins, the director of legal services at the Aboriginal Legal Service of Western Australia. Last month he wrote —

The new laws will shamelessly give the families of victims of violent crime in PEPs false hope. Violent crime in PEPs invariably involves a drunken, spur of the moment, spontaneous outburst. The new laws will have little or no capacity to deal incidents of this nature.

At ALSWA's briefing with the relevant Minister, Dr Tony Buti, it was revealed that there is no empirical, evidence based research which establishes that PEPs will achieve the government's desired outcomes.

Dr Nicholas Taylor has looked into similar laws, including the ones enforced in Queensland that allow police to ban people from a similar entertainment precinct for 10 days. I know that in WA we are going much further than that—six months. I will come back to that. His research at Deakin University states —

The number of police-issued patron bans did not significantly predict changes in serious assault, common assault or good order offence trends the weekend following the ban ...

In September 2022, Dr Taylor told the ABC —

“In terms of reducing overall violence in a nightlife precinct, there's very little evidence out there currently, but none of it shows that ... banning of individuals from nightlife areas reduces the overall level of violence within them ...

Following the briefing with government, last month the Law Society of Western Australia released a media statement raising its concerns over this bill. President Rebeca Lee stated —

As a matter of principle, there is no increase in public safety if power is unchecked.

“The new laws are untested anywhere in the world and no assurance has been provided that the principles of administrative and procedural fairness will be available under the new powers.”

In my former role as the Mayor of Fremantle, I actually spent a lot of time working on ways that we could make entertainment precincts and activity centres safer. It is actually an issue that I am really passionate about. Look, it is hard to do it. Interestingly, I think there are ways of having some kinds of prohibitive-behaviour legislation with the right checks and balances, that look very different from the legislation that is in front of us now, that can do this. This bill does not do this. In fact, I feel in many ways that this is the worst bill. It is a bill that over-promises and under-delivers around the key bit of making things safer. Unfortunately, it actually has a whole bunch of other consequences, which I will come to in a minute. I think we should be really concerned about them in terms of our entertainment precincts, which are also activity centres and play places that people use in many different ways.

Sadly, this bill will not be the solution that the government is making it out to be. Instead, this bill hands police unprecedented and unchecked powers. I guess this is at the heart of one of the concerns: it could have detrimental and disproportionate consequences for the most vulnerable and disadvantaged members of our community. What we are talking about here is the legislation. I will come back to it in a second. I know that police are putting together guidelines and the like that will do their best, in many ways, to ameliorate bad legislation. Our job here is actually

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to make good legislation that does not require regulation or other guidance notes to make poor overreaching legislation better. That is the heart of it.

I want to start by acknowledging something that the Law Society stated —

... such orders may be liberally employed by Police and may unduly affect the homeless, people with mental illness, vulnerable or marginalised groups.

I received a letter this week signed by Social Reinvestment WA, the Western Australian Council of Social Service, Community Legal Western Australia, the Western Australian Network of Alcohol & other Drug Agencies, the Youth Affairs Council of Western Australia, the Western Australian Association for Mental Health, the WA Justice Association, the Justice Reform Initiative and ConnectGroups. They shared their concerns, stating —

Disproportionate impact on disadvantaged West Australians

We consider that the PEP regime may have significant unintended consequences, including disproportionate impact upon disadvantaged West Australians.

Based on the details of the regime which are publicly available, we consider that the proposed short-term exclusion orders issued by the Commissioner of Police would likely be similar in their effect and application to ‘move on orders’ issued pursuant to section 27 of the *Criminal Investigation Act 2006* (WA) (**Criminal Investigation Act**).

Move on orders already disproportionately impact vulnerable members of our communities, especially people who are experiencing homelessness, those living with mental illness and Aboriginal and Torres Strait Islander people, who are most likely to occupy all three intersections.

There is a wealth of evidence proving that Aboriginal West Australians are disproportionately affected by move on orders, and we consider that the proposed PEP regime will have a similarly disproportionate impact. In 2011 alone, approximately 10,000 move on orders were issued to people of Aboriginal descent even though Western Australia has an Aboriginal population of only 80,000. Western Australia also has the highest rate of Aboriginal incarceration in the entire nation and we are highly concerned that the proposed PEP regime will only serve to exacerbate, rather than address, this issue.

In a letter I have previously mentioned, which I received last month from Peter Collins from ALSWA, he stated —

It is unarguable that these laws will disproportionately impact Aboriginal people; there will be more Aboriginal people having adverse interactions with WA Police, breaches of orders are inevitable, Aboriginal people will become further enmeshed in the court system and this will have a flow on negative impact in relation to Aboriginal rates of imprisonment.

The new laws will also disproportionately impact the most vulnerable Aboriginal people in the community, including those suffering from physical and mental ill health, substance abuse and homelessness. As you would be aware, this cohort of Aboriginal people frequently live rough within the proposed Protected Entertainment Precincts (PEPs). Further, many of the community services on which this cohort rely on a daily basis are located within the PEPs. It is fanciful to think that ‘carve out’ provisions designed to enable access to community services within PEPs will operate in a way which will ensure that PEPs are not breached.

The Aboriginal Legal Service WA and the Law Society of WA both expressed concern that this bill has the potential to undermine the state government’s commitment to the Closing the Gap target to reduce overrepresentation of Aboriginal people in the adult and youth justice systems. Professor Dennis Eggington, CEO of ALSWA, told ABC online news that the nature of this legislation “followed a disappointing pattern”, comparing this bill with the Perth Prohibited Area enforced between 1927 and 1954 in WA. He stated —

“It smacks of the old days when Aboriginal people weren’t allowed in town after 6pm, and it actually smacks of a continued colonisation of our country,” ...

“Unfortunately, most of our people, by the time they’re a certain age, have come into trouble with the law.”

Social Reinvestment WA and the other eight stakeholders who wrote to me also drew parallels between the PEP bill before us today and previous policies that imposed discriminatory restrictions on the movement of First Nations people throughout the Perth region. They stated —

... the proposed PEP regime will have a disproportionate impact on Aboriginal West Australians and will therefore likely affect their ability to move freely throughout the Perth CBD. The effect of the regime will, therefore, be reminiscent of the prohibitions imposed on the movement of Aboriginal and Torres

Strait Islander people throughout the Perth region between 1927 to 1954 pursuant to the Aborigines Act 1905 (WA).

This legislation, which we can all identify as racist and discriminatory, eventually proved to be ineffective and incredibly resource intensive. While the proposed PEP regime will not specifically target the Aboriginal community, its outcomes may be reminiscent of oppressive policies from a very dark time in WA's history. This must be taken into consideration in order to ensure that future policies work towards rectifying our past and not reliving it.

I also heard from stakeholders in homelessness and the community services sector that have expressed their concerns that people experiencing homelessness are going to be disproportionately affected by the orders and police powers. People experiencing homelessness are going to be prevented from accessing services and resources within the boundaries of the precincts. Protected entertainment precincts will be determined by regulations and new precincts will be able to be added at any time at the discretion of the minister. The borders of the precincts will also be determined by regulations. In correspondence the Aboriginal Legal Service WA said —

- (m) It will be only a matter of time before PEPs are extended to entertainment precincts in regional areas; eg the Chinatown area in Broome, further excluding vulnerable Aboriginal people from public space on their own country. It is also a very short step from PEPs to the introduction of laws to declare retail areas like shopping centre protected precincts.

One of the primary concerns regarding this bill is the unprecedented powers it will place in police hands. In the 18 or so months that I have served in this place we have again and again watched as the WA Parliament has granted more and more powers to a very small number of people with no judicial oversight. There are no appropriate checks and balances in place. The discretionary powers being granted to the Commissioner of Police—in fact, the entire police force—are concerning. These types of discretionary powers should be subject to parliamentary oversight or judicial review and, at the very minimum, more consultation with relevant stakeholders, which, based on the feedback I received from numerous stakeholders, I do not believe has adequately occurred.

In a letter to me ALSWA wrote —

- (e) The power of WA Police to issue exclusion orders for up to six (6) months, without judicial oversight, will inevitably lead to abuses of police powers against vulnerable Aboriginal people. This is especially so, given it appears that the threshold for the exercise of police discretion to issue an exclusion order will only involve a belief by police that an individual has behaved in a disorderly manner and could cause public disorder. This will mean that the act of drunken swearing at police may warrant the issue of an exclusion order.

The WA Justice Association also sent me a letter, which states —

The Law Society of Western Australia has expressed similar concerns, commenting that the exercise of the powers under the PEP Bill “... *should always be subject to judicial consideration particularly to ensure procedural fairness is afforded to a person affected. The Liquor Licensing Commission is not resourced appropriately to be making decisions of this nature.*”

The WA Justice Association outlined its deep concern that —

... the extraordinary and untested powers created by the PEP Bill are not subject to any form of judicial oversight. Such powers must have stringent checks and balances in place to ensure that they are exercised appropriately and that affected persons are afforded administrative and procedural fairness.

Yesterday I had a briefing with Minister Buti's advisers and the Western Australia Police Force. The idea that the crossbench gets allocated a 30-minute briefing the day before debate is a concern. I put that on the record. A very short briefing to four members is not how to deal with legislation appropriately. Certainly, if we are serious about giving legislation proper scrutiny, I do not think that is appropriate. Putting that aside, during yesterday's briefing with Minister Buti's advisers and WA police, attempts were made to reassure me that police will not overuse exclusion orders or use the full powers afforded to them in the bill because they will be guided by strict guidelines drafted by the Minister for Police. In an effort to tackle public criticism of this bill, the Minister for Police, Paul Papalia, has told the media —

“They're not going to be giving them out like confetti ...

Commissioner Blanch has said the orders —

... police choose to apply will be done very carefully, under very strict guidelines, and make sure we keep the ones [who] cause the most harm to our community out of those entertainment precincts,”

Unfortunately, none of these assurances have done anything to give me confidence that this bill, which will hand significant power to the police, will not ever be misused. Today we are debating this bill, not guidelines that the

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police may or may not write and certainly will not make public going forward. The contents of the police guidelines are not the outlined in the bill and will not be prescribed in regulations. This bill simply requires the police to issue guidelines in relation to the exercise of power to issue short-term exclusion orders, including the types of behaviour that justify a person being issued an exclusion order and the circumstances and manner in which the exclusion orders will be issued by the WA police.

I was told in yesterday's briefing that the guidelines are an internal police document and will not be made public. Therefore, none of us will have visibility of the guidelines. As was also stated by Minister Buti in the other place last week, the guidelines —

... will not be available for general public access or subject to application under freedom of information legislation, because they will be in an operational document.

All we will have is this legislation and some guidelines that will not be visible to us. That deeply concerns me and I think it should deeply concern many of us. These types of discretionary powers should be subject to parliamentary oversight or, at a very minimum, public scrutiny, and I am certainly not alone in these concerns. Professor of criminal law at the University of Western Australia Meredith Blake stated —

“Providing police with guidance is not a guarantee that that guidance would be followed, nor is it a guarantee that the police officers are educated in the way that they exercise these sorts of powers,”

President of the Law Society of WA, Rebecca Lee, expressed concern stating that —

The police should not be able to make guidelines for their own purpose. The making of guidelines should be used in limited circumstances and be subject to Parliamentary oversight.

The ALSWA wrote —

- (f) It provides no comfort to ALSWA that government and police have asserted that exclusion orders will be subject to stringent police guidelines and used sparingly. ALSWA's experience with vulnerable clients charged with breaching police issued move on orders is that the homeless, the mentally ill and those with substance abuse issues are disproportionately over represented when it comes to issuing move on orders and in breaches of them. As well, ALSWA frequently acts for homeless clients charged with minor offences such as disorderly behaviour where police imposed bail conditions prevent them from entering Northbridge and the Perth CBD. The exquisite irony and injustice involved in the imposition of bail conditions of this type is that an arrest for the breach of these bail conditions will usually involve a refusal of police bail and an overnight remand in custody in relation to an offence which does not have imprisonment as a penalty.
- (g) It is the function of the legislature to enshrine in legislation the factors which determine whether an exclusion order be issued. To leave this crucially important issue in the hands of police is to run a serious risk that exclusion orders will be issued indiscriminately, used as a mechanism of social control and lead to a form of de facto apartheid where significant numbers of Aboriginal are excluded from public space.

I reiterate that the WA Justice Association added its voice to these concerns, stating —

We are deeply concerned that the extraordinary and untested powers created by the PEP Bill are not subject to any form of judicial oversight. Such powers must have stringent checks and balances in place to ensure that they are exercised appropriately and that affected persons are afforded administrative and procedural fairness.

I think members can see there is a strong and consistent set of views there that I think this Parliament should be taking very seriously.

I will move on to another issue which is also of great concern—that is, the inclusion of antisocial behaviour as grounds for police to issue an exclusionary order. Interestingly, “antisocial behaviour” is not defined in this bill and nor will it be defined in regulations. Instead it will be left to police guidelines to define and advise of its use. Professor of criminal law Meredith Blake at the University of Western Australia has pointed out that although similar powers exist in Queensland—probably a bit more moderately used, but similar—the WA laws will contain one extra word; that is, “antisocial”. She said —

“The problem with terms like anti-social is that they capture a whole spectrum of behaviours from really very minimal to quite serious ...

“And because police exercise their powers on a discretionary basis, that leaves a very wide scope for decisions to be made with a lack of transparency as to the reasons for executing that power.”

Service providers have shared their worries with me that the police do not have the appropriate training required to manage the kinds of complex social issues expected to arise. For example, our police can be trained to identify

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when an individual is experiencing a mental health crisis to avoid criminalising mental ill health. It is not clear to the stakeholders that I have spoken with what benefit this bill will provide that is not already provided in pre-existing legislation, particularly with move-on notices, violence restraining orders and prohibition orders. The Aboriginal Legal Service WA said —

There is a plethora of powers currently available to police and courts to restrict the movement and activities of individuals. Current move on orders provide police with sufficient powers to exclude individuals behaving in an anti-social manner from PEPs.

Social Reinvestment WA and other organisations made written requests not only to my office, but also to the Premier, Minister Papalia and Minister Buti on 11 October 2022. They received no response from the government. Social Reinvestment WA said —

We would like to see further evidence of the prevalence of incidents of violent crimes in PEPs where move on orders or prohibition orders either would not have applied or would not have been effective at preventing the incident from occurring but one of the proposed exclusion orders would have applied and would have been effective.

Absent such evidence, we query whether the proposed PEP regime will provide a significant benefit to the community through a reduction in violent crime such as to outweigh the significant potential for unintended adverse consequences ...

I also received an email from the director of Liberation Cooperative, which states —

Our concern is that animal rights activists have been charged under the Liquor Control Act 1988 with disorderly conduct for protesting whilst others have been issued barring notices. We believe this is a misuse of the Liquor Control Act; however, upon appeal of the barring notices, the liquor commission upheld their validity. The Magistrate's Court also upheld the disorderly conduct charge; this is now escalating to the Supreme Court. There is a lack of clarity around what constitutes disorderly conduct. It is not a huge stretch to envision that the new entertainment precinct bans could be used against peaceful (but disruptive) protesters.

It goes on —

As one of the few progressive voices in West Australian parliament, I hope you will raise concern for the vulnerable people who could be directly affected and for activists who speak up —

Hon Stephen Dawson: Who was that quote from?

Hon Dr BRAD PETTITT: That was from the director of Liberation Cooperative.

I think an excellent point is raised, and it is one that I also raised during my briefing on this bill: there is nothing stopping a wide interpretation of the term “antisocial” from including vulnerable people, activists or protesters exercising the right to protest. I note that Commissioner Blanch has publicly rejected the idea that the orders will be used in place of move-on notices that ban people from particular areas for 24 hours. However, nothing in this bill will actually prevent the police from using protected entertainment precincts to target vulnerable and disadvantaged members of our community, or threaten protesters and activists with exclusion orders instead of move-on notices.

This leads me to a further point around the separation of powers between judiciary and the legislature around mandatory sentencing. In addition to the orders under proposed section 152NZJ, a person convicted of a serious offence in a protected entertainment precinct will be subject to a mandatory exclusion period of up to five years that will prohibit them from all protected entertainment precincts. This bill imposes an additional punishment on offenders who have served their sentence and then become subject to these orders post-sentence. I believe this proposed section of the bill will create a dangerous grey area that does not adequately respect the separation of powers between the legislature and the judiciary. The use of mandatory sentencing, regardless of the circumstances or the rehabilitation of the individual, exposes the community to unfair punishment. Noongar law academic and human rights expert Hannah McGlade recently said —

“Any law that retrospectively punishes someone after they have finished their custodial sentence goes against the ethos of rehabilitative justice,” ...

“Money should be spent on Indigenous welfare and social justice groups to help Noongar people. Laws like these are so disappointing.”

It is an indictment on the justice system that we continue to punish those who are supposed to have been rehabilitated by the state and who have served their time. Further, does this government not trust the judiciary to hand out appropriate penalties for crimes committed? It does not appear so, as the government is happy to impose additional penalties on these individuals. In their letter, Social Reinvestment WA and others wrote —

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The proposed measure to impose mandatory exclusions orders on individuals convicted of committing a serious offence in a public place in a PEP will preclude the exercise of judicial discretion and will amount to another form of mandatory sentencing. Mandatory sentencing laws have a disproportionate effect upon Aboriginal Australians and are opposed by both the Law Council of Australia and the Law Society of Western Australia. Further, there is no evidence to suggest that mandatory sentencing deters criminal offending.

ALSWA also points out —

... bail and parole conditions, Post Sentence Supervision Orders and High Risk Serious Offender supervision orders provide ample scope to restrict the movement of individuals charged with, and/or convicted of, violent offences.

That makes it pretty clear. I would be interested to know what this extra part does in addition to those, other than perhaps, I think, putting in further mandatory sentencing and undermining that clear distinction between judiciary and legislature.

I acknowledge the government's attempt to create a review provision for individuals impacted by exclusion orders to seek a variation or revocation, but as I have already stated, the lack of judicial oversight is concerning.

On behalf of ALSWA, Peter Collins reportedly stated to the media —

“The appeals process will be non-existent. It's a complete furphy, it won't happen,” ...

“Because these people don't have the resources or the wherewithal to be able to undertake the process.

“And legal services like the ALS are so under the pump when it comes to workloads, we are not going to be able to accommodate the needs of these people to undertake an appeals process.”

This bill specifies that any application for a review of a short-term exclusion order must be made within one month of the order being issued, and the application must be in a form approved by the commission and accompanied by a prescribed fee. In yesterday's briefing, I was informed that this fee is already prescribed, but no-one could tell me the cost; someone said it is approximately \$250. Various service providers and stakeholders have raised concerns with me about the application for review process generally, and specifically that the prescribed fees could prohibit vulnerable people in our community from submitting an application.

Furthermore, ALSWA has said —

It is inherently unlikely that Aboriginal people will have the resources ... to be in a position to seek an exception to exclusion orders for work, residential, education, health and other approved purposes. The first time that organisations like ALSWA will be aware that an exclusion order has been issued against an individual will be when the individual appears in court charged with a breach.

Along with various stakeholders and service providers, I am concerned that what has been framed in public discussion of this bill by the Labor government as exemptions to these orders are, in fact, offences in breach of the orders. This effectively means that exemptions can be raised as a defence only once a criminal charge has been brought. It is also a deviation from the original Liquor Control Act 1988, which states that work is a valid exemption, while this PEP bill lists work as only a valid defence. Defences when entering an entertainment precinct place an unnecessary burden on the criminal justice system and reverse the burden of proof in a way that may be extremely onerous to people experiencing homelessness or accessing homelessness services. Would it not be wiser to seek exemptions for specific purposes as a prescribed category? This could be attached to an order instead.

I plan to raise other concerns as debate on the Liquor Control Amendment (Protected Entertainment Precincts) Bill 2022 continues, but I would like to conclude my contribution to the second reading debate with suggestions shared with me by Aboriginal Legal Service of Western Australia that I believe have been previously shared with the minister's office in writing, but not implemented. I will quote from its correspondence at length —

ALSWA calls for the laws to be abandoned but failing that, urge the following amendments and suggestions be considered:

- the inclusion of an Aboriginal impact clause in the new laws which enables the monitoring of the impacts of the new laws on Aboriginal people and the recording of relevant data in this regard;
- increase the funding for, and the capacity of, the Nyungar Patrol to assist Aboriginal people in PEPs to enable them, when needed, to exit a PEP to a safe place;
- employ social workers in PEPs at night to provide practical assistance and address underlying issues;
- make it mandatory for all clubs and bars etc to employ Aboriginal security officers;
- amend the exclusion time to between 7pm and 7am only;
- exclusion orders to be issued only by a court, rather than police;

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- the relevant factors to be taken into account by a court in issuing an exclusion order be included in the new laws; and
- reduce the size of proposed exclusion areas to minimise the impact of the new laws on the most vulnerable and disadvantaged.

There are some good suggestions there. I will certainly be raising some of them when we go into Committee of the Whole.

Before I conclude my second reading contribution, I seek leave to table three letters that I have referred to on numerous occasions during this speech. One each from the Aboriginal Legal Service WA, the WA Justice Association and Social Reinvestment WA, which was signed by the Western Australian Council of Social Service, Community Legal Western Australia, the Western Australian Network of Alcohol and other Drug Agencies, the Youth Affairs Council of Western Australia, the Western Australian Association for Mental Health, the WA Justice Association, the Justice Reform Initiative and ConnectGroups.

[Leave granted. See paper [1879](#).]

Discharge of Order and Referral to Standing Committee on Legislation— Motion

HON DR BRAD PETTITT (South Metropolitan) [3.42 pm] — without notice: I move —

That the Liquor Control Amendment (Protected Entertainment Precincts) Bill 2022 be discharged and referred to the Standing Committee on Legislation for consideration and report by 14 March 2023.

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services) [3.43 pm]: Acting President, we may well seek to pause for a moment until we get a copy of the motion before the house.

The government is not in a position to support this referral. Drafting of this legislation has taken almost 12 months. I am advised that over 10 drafts required complex provisions that have been well thought out. It is important that this legislation is in place before the busy summer season, which traditionally sees a significant increase in the number of people visiting and enjoying our entertainment precincts. During drafting of the legislation, consultation was undertaken with a range of agencies—the Western Australia Police Force; the Departments of Justice; Premier and Cabinet, Aboriginal engagement and community policy units; the State Solicitor's Office; and the Parliamentary Service Commissioner. The exclusion order regime builds on existing powers to issue barring notices and prohibition orders. This is not a completely new concept. Protected entertainment precincts are a new concept but considered necessary to capture behaviour that occurs outside licensed premises—for example, in public places. This legislation has come about because of a tragic death. We certainly support it and we do not support its referral to a committee.

HON DR STEVE THOMAS (South West — Leader of the Opposition) [3.45 pm]: I was seriously contemplating supporting the motion proposed by Hon Dr Brad Pettitt to refer the Liquor Control Amendment (Protected Entertainment Precincts) Bill 2022 to a committee. I listened carefully to the debate when I was in the chamber and on monitors when I was outside. In my view, the questions raised by Hon Dr Brad Pettitt and the position that he has put will not be helped by the referral of the bill to a committee because the member is, as I understand it, implacably opposed to the intent of the bill. I know that he would perhaps prefer that research be carried out to find alternatives to the bill, and there is some merit in that, but that would simply defer the implementation of the bill while those things that are, in large degree, completely extraneous to the bill before the house are looked at. Although I was initially inclined to support the bill, the member's argument to defer the bill does not necessarily assist because the member is pretty much implacably opposed to the bill. As much as I would like to give the hardworking members of the Standing Committee on Legislation some work to do, unfortunately, based on the arguments put, this is not the bill with which to do that. The opposition will not be supporting the motion to refer the bill to the Standing Committee on Legislation.

HON DR BRIAN WALKER (East Metropolitan) [3.47 pm]: I heard the words of the Leader of the Opposition and I understand where he is coming from, but I disagree. We have very clearly heard that the intent of the mover of the motion is to support the intent of the bill, but that the method of it being carried out is open to abuse and the legislation will cause an injustice, which is, in my view, unacceptable. Therefore, a review by the Standing Committee on Legislation is appropriate. I take it on board that the Leader of the Opposition intends to oppose this motion, but I make it clear that I and the Legalise Cannabis WA Party will support the motion.

HON WILSON TUCKER (Mining and Pastoral) [3.48 pm]: I rise to support the motion moved by the honourable member. I support the intent of the Liquor Control Amendment (Protected Entertainment Precincts) Bill 2022. We heard that it took around 12 months and multiple drafts to put this legislation together. It is a serious piece of legislation that will have serious consequences such as providing more power to the police. Whenever we talk about providing more power to the police, we need to broach that topic with the level of scrutiny and seriousness that it deserves. The hardworking members of the Standing Committee on Legislation would probably appreciate a bit of

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work. Even though considerable effort has gone into this bill, I think it could be bolstered by reviewing this legislation and certainly looking at any monitoring and oversight and how it will operate on the ground. I think that is deserving of a level of scrutiny and the committee would do a good job of informing this house on some of those aspects. I support the amendment.

HON SOPHIA MOERMOND (South West) [3.50 pm]: I support the motion moved by Hon Dr Brad Pettitt. I think the points he brought forward are incredibly valid. If there is any risk of unwanted consequences leading to further disenfranchisement, further racism or further inequality, that needs to be prevented and we have the opportunity to do so. Although the intent of the bill is very good and I acknowledge the amount of work that went into it, I think the points brought forward certainly require further consideration.

The ACTING PRESIDENT (Hon Dr Sally Talbot): I notice Hon Dr Brad Pettitt is seeking the call. I just remind the honourable member that, as the mover of the motion, he is deemed to have already spoken on the motion and because it is a procedural motion, the mover does not have the right of reply. There are, of course, other reasons he might be seeking the call.

Hon Dr Brad Pettitt: Sorry, I was not given the call to speak. That is why.

The ACTING PRESIDENT: Honourable member, it is classified as a procedural motion and you moved the motion. That is deemed to be your opportunity to speak on the motion.

Hon Dr Brad Pettitt: I will seek some clarification behind the chair; thank you.

The ACTING PRESIDENT: You may like to have some conversations behind the chair to clarify that situation.

Division

Question put and a division taken, the Acting President (Hon Dr Sally Talbot) casting her vote with the noes, with the following result —

Ayes (4)

Hon Sophia Moermond	Hon Dr Brad Pettitt	Hon Dr Brian Walker	Hon Wilson Tucker (<i>Teller</i>)
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Noes (27)

Hon Martin Aldridge	Hon Sue Ellery	Hon Steve Martin	Hon Matthew Swinbourn
Hon Dan Caddy	Hon Donna Faragher	Hon Shelley Payne	Hon Dr Sally Talbot
Hon Sandra Carr	Hon Peter Foster	Hon Stephen Pratt	Hon Dr Steve Thomas
Hon Peter Collier	Hon Lorna Harper	Hon Martin Pritchard	Hon Neil Thomson
Hon Stephen Dawson	Hon Jackie Jarvis	Hon Samantha Rowe	Hon Darren West
Hon Colin de Grussa	Hon Alannah MacTiernan	Hon Rosie Sahanna	Hon Pierre Yang (<i>Teller</i>)
Hon Kate Doust	Hon Ayor Makur Chuot	Hon Tjorn Sibma	

Question thus negatived.

Second Reading Resumed

HON PETER COLLIER (North Metropolitan) [3.57 pm]: I stand to support the Liquor Control Amendment (Protected Entertainment Precincts) Bill 2022. In doing so, I commence my contribution by offering my heartfelt sympathy to the family of Giuseppe “Pep” Raco and, in particular, his wife, Enza, and the work she and her family have done to get to this stage of the bill. Mr Raco suffered a fate that is not worthy of any individual. He was buying a kebab in Northbridge. He was hit from behind and lost his life. Unfortunately, that pretty much represents a lot of situations at our entertainment precincts throughout metropolitan Perth and in the regions at the moment. Anything we can do to prevent that from occurring again is to be applauded. Having said that, I have some issues with the bill. I will go through those issues, but the intent of the legislation has my support. Anything we can do to remove that scourge of violence from our entertainment precincts needs to be supported. Mr Raco’s family sought action following his passing. First of all, they created a petition titled “Coward’s Collar” that sought specific legislation to deal with one-punch attacks and to call for mandatory minimum sentences of 10 years’ imprisonment and five-plus years of prohibition from all licensed premises and entertainment precincts. They wanted something to ensure there was a deterrent for such actions that took Pep’s life. Danny Green ran a very similar campaign for a number of years, which has been very effective—the Stop the Coward’s Punch campaign. It is to try to get through to people that these actions, usually done on the spur of the moment and usually fuelled by alcohol, have consequences, not just for the perpetrator of those actions, but, most significantly, the victims. In this instance, Mr Raco lost his life. I understand the logic behind this legislation and I like to think that it will provide for a positive outcome in making our entertainment precincts safer.

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I will comment on some elements of the bill and then I would like to quite extensively go through the issues I have with its implementation as I think that the Western Australia Police Force is going to have massive issues implementing this legislation. It is all well and good for me, a humble opposition backbencher, to stand up and say how wonderful it is going to be and that it might lead to a reduction in crime, particularly in our entertainment precincts, but I seriously have some doubts. Ideally, I would like to think that those doubts can be placated, although the only real way we will be able to find that out is that the proof will be in the pudding in a year or so.

Hon Dr Brad Pettitt is not here at the moment, but we were given quite a comprehensive briefing and I was very grateful for it. I would like to thank Jennifer Shelton and Donna Kennedy from the Department of Local Government, Sport and Cultural Industries; Laurie Panaia and Wayne Hendry from WAPOL; and Adelaide Kidson and Russell McFarlane from Minister Buti's office. They gave us all the information that we wanted and answered as many questions as they possibly could. It is important when we debate a piece of legislation such as this that we are empowered with knowledge. Knowledge is power. In our instance, it is very important that when we scrutinise this legislation, we have as much information as possible.

Having said that, the exclusion orders that will be implemented will be done by regulation. Five initial precincts have been nominated: Hillarys, Scarborough, Fremantle, Mandurah and Perth. I get that as far as the metropolitan area is concerned—no-one would disagree that several other areas could be included, but at least it is a start. I am very cognisant of the fact that each of those five precinct areas is worthy of consideration with regard to exclusion orders.

The first question I would ask is: given the current extent of crime in some of our regions, particularly the Kimberley and the goldfields, why was consideration not given to nominating a precinct in the regions? That would have been eminently sensible. I cannot think of one reason why that did not occur. I would like to think that that will be considered in the near future. Members hear on a daily basis, and I certainly hear, about the crime wave in Broome and Kalgoorlie. I know that Hon Neil Thomson hears similar complaints. We would like to get some explanation about why the regions were not considered. Burswood is an interesting omission. I read from the debate in the other place that because Burswood has its own security, that is not needed. I have to say that did not jell with me. I hope there is a better explanation than that. Burswood is a cesspool of violence early on some mornings. Burswood is a great entertainment precinct, but it should also have been worthy of consideration.

The consultation on this bill is a big one for me, minister. I will go through a couple of the areas that Hon Dr Brad Pettitt went through, particularly on consultation with the Aboriginal community. I mentioned in the briefing that as a former Minister for Aboriginal Affairs, I still have very close links with Aboriginal people. They are very, very concerned about this piece of legislation. The minister has a job of work to get Aboriginal people onside. I am also concerned about the lack of consultation with local government. I understand that the City of Perth was not consulted on this bill. I hope I am wrong about that. I would have thought that local governments of all persuasions desperately needed to be consulted on this bill.

I turn now to exclusion orders. An exclusion order can be sought when a person behaves in an unlawful, antisocial, disorderly, offensive, indecent or threatening way in an entertainment precinct, and the person being in the precinct could cause violence or public disorder or impact the safety of others. That is eminently sensible. A short-term exclusion order may be issued by the Commissioner of Police to exclude a person for up to six months, with the approval of an inspector. The police can also apply to the director of Liquor Licensing for an order excluding a person for up to five years. The maximum term of exclusion for juveniles will be two years. The penalty will be imprisonment for up to two years and a fine of \$12 000. In anyone's language, that would be a deterrent.

I turn now to mandatory exclusion orders. It will be an offence for a person convicted of any of the following offences—if committed in a prescribed entertainment precinct—to enter such a precinct for a period of five years. The offences are murder, manslaughter, unlawful assault causing death, grievous bodily harm, wounding, sexual penetration without consent, aggravated sexual penetration without consent, and drink spiking. The five-year exclusion period will pause during the time the person is in prison and will recommence upon their release. The penalty will be imprisonment for up to five years and a fine of \$12 000. It would take a brave person to suggest that any of those conditions are not worthy. People who indulge in that sort of behaviour should, quite frankly, be excluded.

The defence provisions are interesting. A person who says that they need to be in a particular precinct for a certain reason will be considered sympathetically. The following will be defences for entering a prescribed entertainment precinct: attending a person's own residence; attending another person's residence to provide care; work or educational purposes; receiving a health or welfare service; receiving legal advice; being in lawful custody; complying with a written law or attending court; attending a religious ceremony; an Aboriginal person fulfilling a cultural practice or obligation; and undertaking permitted travel. The final and interesting reason is undertaking an authorised union activity. The minister probably knew that this would be coming. I would like to know why attending an authorised union activity has been included as a discrete defence. I am concerned that some of these defences are quite subjective and might be difficult to police. A person could, quite frankly, go into one of these precincts and say that they are a casual worker

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or that they have gone there for training or a host of other things. I am not being a cynic. I am being a realist. We dealt with the same issues when we were debating the tattoo legislation for bikies. There is a lot of subjectivity with regard to these defences. I guess we could flesh that out in more detail in Committee of the Whole House. I would like the minister to provide an explanation so that we can make sure that there is no subjectivity. This is from the notes provided to me by the advisers, and also by going through the bill. These defences cannot be subjective. There must be a clear-cut understanding of why a person has been excluded and whether an exception should be granted.

I turn now to the review provisions. A person who has been issued with a short-term exclusion order can seek a variation or revocation by the Commissioner of Police. If an order has a term of more than one month, it can also be appealed to the Liquor Commission. A person who has been issued with an extended exclusion order can seek a variation or revocation of the order by the director of Liquor Licensing or they can apply to the Liquor Commission for a review.

Oversight and scrutiny of these reforms will be undertaken by the parliamentary commissioner, the Ombudsman, and a report will be required after three years of operation of the new provisions to identify any impact on any particular group in the community. That will provide a window of opportunity for some people, and that is good.

Overall, it is as simple as that. In the briefing, we were provided with maps of the proposed precincts. That was good. I have to say that those maps are not public at this stage.

Hon Stephen Dawson: They are not final, member; they are indicative.

Hon PETER COLLIER: That is right; that is what we were told. I will not go into too much detail, suffice to say that the maps looked eminently sensible to me. One thing I did notice is that those maps contain a number of residential streets, not only in Northbridge but also in Hillarys and Scarborough—everywhere. Will this legislation capture a person who has committed one of these crimes in their own home?

Hon Stephen Dawson: No.

Hon PETER COLLIER: It will not? That is good. Otherwise, I was going to say that it will be a very slippery slope in terms of subjectivity.

I would now like to go through a couple of issues with the implementation of this legislation. I discussed some of these with the advisers when we had our briefing the other day. I am very supportive of the intent of the legislation, which is to prevent violence in our entertainment precincts, using “Pep” Raco as a very vivid and powerful example. However, I have serious reservations about whether the government will be able to implement it practically. I draw upon the words of a former Commissioner of Police, Karl O’Callaghan, in a recent opinion piece. I am sure the minister has seen it. I read in part what he states, because it pretty much captures my reservations and how I feel —

If the PEP legislation is meant to be a deterrent, it fails on most levels, given that these types of crimes are largely opportunistic and, except for drink spiking, are rarely pre-meditated. These crimes are largely driven by excessive alcohol and/or drug consumption and are committed when rational thinking and reason are seriously impaired.

The legislation also fails at the level of making ... continuous police presence, a condition under threat by the seemingly unstoppable exodus from our police.

Observers have cast doubt on the ability of police to properly enforce the PEP bans, raising questions about how offenders will be identified and tracked. Police Commissioner Col Blanch poured cold water on those questions ...

While it is commendable to see the Police Commissioner reassuring us about how well trained his officers are, his claim is unconvincing. Are we expected to believe that of the thousands of people in a PEP at night that a newly graduated officer will know who is banned and who is not? That, of course, is in addition to knowing who is on the Sex Offenders Register, who has received a move-on notice and (maybe in the future) who is on the Banned Drinkers Register.

That pretty much captures my reservations. When I read that article, I found myself nodding because it is true. I cannot for the life of me ascertain how police will be able to remember or know who is excluded. We were informed in the briefing that they would be quite small in number, but there are a couple of issues here. The Western Australia Police Force has serious issues with police numbers, and I will go through that in a moment. I will talk also about Operation Heat Shield and a few other matters that have increased police presence in some of these precincts, but this legislation has a real practical problem. The tenure of police officers is four years in one location. That tenure will continue; it will be churned. What happens if a new officer comes into the area and is not familiar with who is on the exclusion list or who the people are? This stems from comments from the Commissioner of Police. I have great respect for the commissioner and WAPOL. I have tremendous respect for WAPOL; it is doing an extraordinary job under very challenging circumstances. However, when the police commissioner said that

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police officers “know their patch”, I thought that was good. In many instances, they do, particularly in the regions, but in Northbridge or Hillarys on a Friday or Saturday night. How on earth can we expect our police officers to know—as Karl O’Callaghan said, as with the sex offenders register and a raft of other exclusion registers—that someone is on that exclusion list? What tools does the government have at its disposal to prevent someone who is excluded from one precinct hopping off to another precinct—going off to Scarborough or Hillarys if they have been excluded from Northbridge or even taking a trek down to Mandurah? That is what I would like to know. It is a reasonable thing to ask. I do not know how we are going to implement that, if someone has been excluded. I had another point to make about that—I will remember it in a moment—about whether police have the capacity to identify and recognise those in an exclusion zone, because that in itself is problematic.

There has been a lot of talk, particularly in the past 18 months, about increased police numbers. This brings me back to whether police have the capacity at the moment to deal with this. I asked the specific question in the briefing whether there would be additional resources for police and the precincts to deal with this new legislation, and the answer was no. There will be no additional police in these precincts, yet they will be asked to do their standard work plus the additional work with the other exclusion categories as well, plus now another exclusion category. Bikies, sex offenders and a raft of other groups have been excluded, plus those that come under this legislation. No additional resources will be provided. In addition, the police force is under serious pressure. Operation Heat Shield, which was introduced several years ago to manage antisocial behaviour in the CBD and in regions of Western Australia, is one avenue, but there will not be anything above and beyond that. Operation Heat Shield provides an increased presence, but that is to deal with problems that already exist. I take, for example, a media statement by the Premier and the then police minister in 2020 headed “Operation Heat Shield to deliver a major policing boost this summer.” It states —

- Operation Heat Shield funded again, off the back of its success in 2019–20
- Police to target crime and antisocial behaviour during summer months
- More police on the beat in the CBD, suburbs and regional WA
- Major boost to policing hours to increase police patrols and targeted operations to tackle burglary, theft and family violence
- Previous Operation Heat Shield resulted in 2,500 arrests

A media release from the new police minister on Tuesday, 14 December 2021 basically said the same thing —

- New measures announced to tackle antisocial behaviour in CBD and Northbridge
- Measures include investment in Aboriginal liaison and security service RooForce
- Increased police presence with a mobile command post in Yagan Square

This goes to the essence of the problem in the police force at the moment. Police are being asked to do more and more on a daily basis in an increasingly complex society and as we are coming out of COVID, more and more people are getting out into the entertainment precincts, and now police are going to be given another responsibility. I cannot see how they will be able to do it practically. I would like the minister to confirm that no additional officers will be devoted to implementing this legislation; that this will be in addition to the current responsibilities of police officers in the precincts and no additional resources will be provided. I have been told by people in the know who have been around policing for a number of years that one of the groups that would potentially also value-add to this legislation is the regional operations group. I have asked some questions over the past week about the role of ROG and it appears that it falls into that category. The role of the regional operations group is to assist the districts and regional investigations unit with the apprehension of high-harm offenders and other priority offenders, the provision of support capability for critical incident or emergency management incidents and the provision of a public order response capability. It appears that its role will fall into the category of enforcing this legislation. I request feedback from the minister on that because I will ask some questions on this during the committee stage. The regional operations group currently has 120 dedicated officers. Its operational base is at Neerabup, ROG north; Warwick, ROG central; and Rockingham, ROG south. As at 17 November 2022, the ROG is allocated to the Joondalup, Mirrabooka and Mandurah districts, so it does cover areas under this legislation, but, again, are we asking more of a particular group within the police force that is in addition to their already established resources?

We do not need a PhD to work out that an industrial dispute between police and the government has been going on for months now. One of the biggest issues to come out of it is that police feel that more and more is being expected of them. They desperately want to have a switch-off category within their conditions so that when they go home, they can switch off. They desperately want to be recognised for the job of work they are doing. I want to make sure that we are not getting to the point at which we keep adding to their responsibilities every time we introduce a new piece of legislation, because that appears to be the case. For example, there has been no increase in the number

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of officers in the regional operations group in the last three years. Will responsibility for this matter be added to their role? If it will be, that will be just another thing that police will have to do.

I turn now to the number of police officers. The government has been very public and very glowing about the fact that it is going to have 950 additional officers over the next four years. Taking away the attrition, I am talking about the number of additional officers, which means there should be about 7 500 officers. We are nowhere near that and that concerns me. As we add more and more responsibility to our police officers, the well-vaunted increase of 950 officers appears forlorn. This was reinforced about 12 months ago. I am going back 12 months for a reason, minister. On 30 November 2021, I asked —

What is the total number of police officer vacancies in Western Australia at the moment?

That is when the trend of resignation from the force started, which is a tragedy. Police officers are committed individuals, so there is evidently something wrong. If we are asking more of them on a consistent basis, I cannot see the tide turning. This was 12 months ago.

The Minister for Emergency Services answered the question. He said —

I thank the honourable member for some notice of this question. The following information has been provided to me by the Minister for Police.

The McGowan government is delivering 950 extra police officers over four years, the single largest increase in police officer numbers.

Hon Sue Ellery interjected by saying, “That’s great. How many?” Hon Stephen Dawson said —

There are 950 extra. Over 400 new officers will have graduated this year.

He then went into a blurb about what the government was doing. That was 12 months ago, minister.

Hon Stephen Dawson: Honourable member, as you are aware, I am a minister representing in this place.

Hon PETER COLLIER: I know; I am not having a go at the minister.

Hon Stephen Dawson: I am just making the point.

Hon PETER COLLIER: That is all right. I promise the minister that I am not having a go at him. All I am doing is reading the answer that he provided. I take on board that he is acting in a representative capacity.

Based on those figures—this is for the benefit of members—that would have meant 350 additional officers in 2021, 200 additional officers in 2022, 200 additional officers in 2023, and 200 additional officers in 2024. That is 950 additional officers. On 30 June 2020, there were 6 637 officers so that means that by 30 June 2024, there should be 7 587 officers, or an increase of 950. The government is really going to have to do something. The numbers are nowhere near that. After one year, there was an increase of 290 officers, but the increase should have been 350. After two years, there has been an increase of 370 officers, but the increase should have been 550. Although recruits are graduating, of more alarming concern is the number of officers who are resigning. For example, in the entirety of 2017, 143 officers resigned. To the end of September this year—ideally, today I will get some figures for October—371 had resigned, and I still have three months of figures to get, yet in the entirety of 2017, the figure was 143.

The number of new recruits is an interesting figure. In 2017, there were 2 945 applicants and 199 graduates. In 2021, there were 2 548 applicants—that is 400 fewer than four years before—but 446 graduates. There are twice as many graduates. A number of issues have come through in answers to questions I have asked about the physical standards and the graduating standards for the police force. That is an issue for another day; I do not want to harp on that today.

My point in raising these issues is to say that we are now dealing with a situation in which the number of Western Australia Police Force officers is on the decline. There has been a decline in the number of officers over the last 12 months. I will repeat that: there has been a decline over the last 12 months. From June 2021 to September 2022, there has been a decrease of 16 officers. Members might say that it is only 16, but, guys, let us remember that there should have been an increase of over 200. That is a massive turnaround.

As I have said, I support the intent of the legislation. That is not the issue. But if we are going to be asking our police officers to enforce this legislation when we are also giving them much more responsibility, I think we are going to have some issues. Ideally, I would like to think that in two or three years, crime rates in Northbridge, Scarborough, Mandurah and Hillarys will start to decline and we will not have the situation that we had with “Pep” Raco in which he lost his life; we will have sufficient police officers to enforce this piece of legislation. This is the third piece of legislation that I have contributed to in less than 12 months in my capacity of being responsible for policing issues. We are asking more and more of them, yet we are seeing a decline in the number of police officers.

The next issue I turn to is response times in those areas. Again, we need to consider this in determining whether we can implement this legislation. For the benefit of everyone, the response time is the time that police take to respond

Extract from *Hansard*

[COUNCIL — Wednesday, 23 November 2022]

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to particular crimes. The response times are put into grades of service and priorities. A priority 1 incident means that there is an imminent threat to life and a serious offence incident is in progress and urgent attendance is required. A priority 2 incident means that there is a serious offence incident in progress and immediate attendance is required. Unfortunately, the figures are not impressive. In 2016–17 in the entire metropolitan area, the response time for a priority 1 incident was 6.2 minutes. In 2021–22, it was 7.8 minutes, so it has increased. In Armadale, which is one of the other precincts, the response time for a priority 1 incident was 4.1 minutes. That has gone to 7.7 minutes. In Fremantle, the time is pretty much the same; it has gone from 7.8 minutes to 7.7 minutes. In Mandurah, the response time for a priority 1 incident has gone from 5.6 minutes to 9.4 minutes. In the Perth district—that includes Northbridge—the response time for a priority 1 incident has gone from 2.9 minutes to five minutes.

How are we going there, President? Do you want me to come up for breath?

The PRESIDENT: You may.

Hon PETER COLLIER: Thank you.

Debate interrupted, pursuant to standing orders.

[Continued on page 5751.]