JUVENILE CRIME — PARENTAL RESPONSIBILITY ORDERS

Matter of Public Interest

THE SPEAKER (Mr G.A. Woodhams): Today I received within the prescribed time a letter from the Leader of the Opposition in the following terms —

> I wish to raise the following as a matter of public interest today.
>
> "That the House —
>
> Expresses deep concern at the level of crime in Western Australia and urges the Government to now support the Police Commissioner's plan to combat juvenile crime with coordinated government action including making full and robust use of Parental Responsibility Orders."

If sufficient members agree to this motion, I will allow it.

[At least five members rose in their places.]

The SPEAKER: The matter can proceed.

MR E.S. RIPPER (Belmont — Leader of the Opposition) [3.06 pm]: I move —

> That the house expresses deep concern at the level of crime in Western Australia and urges the government to now support the police commissioner's plan to combat juvenile crime with coordinated government action including making full and robust use of parental responsibility orders.

I was staggered to hear the Premier say at question time that he did not understand Labor's view on the Commissioner of Police's plan. The motion that I have just moved makes absolutely clear that we support the police commissioner. The Premier had that motion available for two hours before today's sitting, as the standing orders of this place require. How can we trust a Premier who makes that sort of statement when he has had the motion in his hand, or available to him, for two hours? The Premier also said at question time that the latest crime statistics show reductions in crime. I have crime statistics which compare figures for August 2010 with August 2011. We see the number of homicides rising from six to nine; domestic assaults rising from 672 to 737; robbery of businesses rising from 15 to 20; robbery of non-businesses rising from 129 to 145; burglary of dwellings rising from 1 807 to 2 198; burglary of non-dwellings rising from 669 to 679; motor vehicle theft rising from 501 to 657; theft rising from 5 142 to 6 272; and property damage rising from 2 902 to 3 128.

On top of that, we have had appalling despicable assaults on elderly people. We have had apparently uncontrollable growth in clandestine laboratories. Do members know that so far this year 156 clan labs have been discovered? This was a problem virtually unknown before this government came to power. How many clan labs do members think are out there if 156 have been discovered? We have home invasions, appalling assaults on elderly people, and a juvenile crime wave in the south east metropolitan area that clearly has the Commissioner of Police very, very concerned. In the face of what the minister glibly dismisses as a temporary spike in crime, who is showing leadership? Is the Premier showing leadership? Is the Minister for Police showing leadership? No, no, and not at all. The only person showing leadership on this issue is the Commissioner of Police. We support the Commissioner of Police and his plan. The question is: does the government support the Commissioner of Police? We know that for this plan to work, there really needs to be a coordinated government response. The Department of Education has to be involved, the Department for Child Protection has to be involved, and Corrective Services, with its responsibility for juvenile crime prevention, has to be involved.

What has happened inside the government? It would appear to me that the Minister for Police learnt of this plan on Friday and had some of his staff members talk to staff members in other ministers' offices. Those staff members, at least in the case of the Premier, did not even see fit to advise the Premier. That is an example of the appalling lack of coordination in this government. The plan's chances of success will be severely compromised without the active and resourced participation of those other government agencies. Apparently, there was no direct discussion between relevant ministers prior to the announcement by the Commissioner of Police. A couple of informal discussions between a couple of staff members is the extent of government coordination on this issue. What is the use of a Minister for Police who does not at least do the basic job of coordinating the police responses with the response of other government agencies? What exactly does the Minister for Police do if he does not talk to the Minister for Child Protection about the involvement of her agency in a critical new police initiative?

Mr R.F. Johnson: It's not a new police initiative; it's been going for years.

Mr E.S. RIPPER: If it is not a new police initiative, why has the police commissioner made so much of it? Why was it front-page news in *The West Australian* on Monday?

Ms R. Saffioti: Why is the Minister for Child Protection so angry?

Mr E.S. RIPPER: Why is the Minister for Child Protection so angry, spending scarce time on radio criticising the police commissioner for not having consulted?

Basically, the Minister for Police has once again been missing in action. He is missing in action on this juvenile crime wave. The only person showing leadership is the Minister for Police —

Mr R.F. Johnson: I agree.

Mr E.S. RIPPER: The Commissioner of Police—the only person showing leadership has been the Commissioner of Police. The minister has been in hiding and the ministers in this government have simply not been talking to each other. There are things that the minister could do. The government has in place a law that allows for parental responsibility orders. That law allows the government to seek a court order compelling a parent to take all reasonable steps to have their child at school; compelling a parent to attend a parenting course; compelling a parent to take all reasonable steps to keep their child away from other specified people, presumably offenders; and compelling a parent to take all reasonable steps to keep their child away from known locations, presumably places where that child could commit an offence. The government has that law available to it and it has not sought to take out one single parental responsibility order. It has had that law in place since March 2009. The government resisted it when Labor put it forward but eventually the government carried the law. It has been there since March 2009 and the government has done nothing about it. It has not used it. It has not even used the voluntary parental agreements outside the metropolitan area.

I think everyone in our community would be saying, "Where are the parents? Aren't the parents responsible? Why are the police and the taxpayers going to fund the care of these children?" A small minority of parents out there are recalcitrant and not doing the right thing. Legal mechanisms are available to the government to compel it to act but the government has sat on its hands and not used those mechanisms. We need a much more coordinated government approach.

There is another issue that I think the Minister for Corrective Services should answer. In 2004 Labor established an intensive supervision program for the toughest juvenile offenders. It was a $20 million program. It was a multiagency coordinated intervention program to deal with the toughest juvenile offenders. It was so good, it won a national award for crime prevention in 2007. But this government cut that program. We no longer have that intensive supervision program for the very juveniles that the police commissioner is so concerned about. This was a good program. It tackled the situation by dealing with the entire family unit because, quite frankly, there is a weakness in what the police commissioner proposes. If we take the child off the street one day and the child goes back into the same dysfunctional situation in their family home, naturally they are likely to be back on the street the next day. We have to tackle the whole circumstance of that young person. Parental responsibility orders and the intensive supervision program give the government the capacity to do that. The government canned the intensive supervision program and has refused to use the law of the land for parental responsibility orders. I think the government should explain why it has refused to use this legal mechanism approved by the Parliament.

It is all very well to talk tough on crime. That has been the government's stock in trade. The minister's crime strategy is one press conference at a time. But I think our community demands more. Our community demands that we be smart and effective on crime. Quite frankly, if we are going to be smart and effective on crime, we need leadership, coordination and competence in government. The sad thing is that we have none of those three things in this government when it comes to responses to juvenile crime. Let the government support this motion and get on with at least using parental responsibility orders to support the police commissioner.

MRS M.H. ROBERTS (Midland) [3.16 pm]: I endorse the comments made by the Leader of the Opposition. I certainly endorse his moving the matter of public interest motion today. The fact is that when the government was in opposition three long years ago, it promised a lot in the area of law and order. I have gone through its various policy documents, including one called "Liberal Plan for Police". If we had looked at the "Liberal Plan for Police", we might have expected some good outcomes. We might have expected to see an end to graffiti, but we have not. We might have expected to see more police stations, as promised. The Liberals said that they were going to reopen stations, yet we have seen them close stations. We would have expected to see a reduction in crime, something that we also have not seen. We would not expect to see paedophiles living near schools, yet we know that there is a recent example of that too.

We have seen concerning increases in crime. What is even more concerning is the increase in the level of violent crime and the nature of those crimes. The Leader of the Opposition has already referred to the police statistics. The statistics that will concern people greatly are the statistics on burglary. In the recent report in *The West Australian* about the police annual report we saw that burglary rates have gone up significantly. If we track the

more up-to-date figure, the number of burglaries of dwellings was 1 844 in July 2010. By July 2011, it was 2 062. Similarly for August 2010, it was 1 807. By August 2011, it was 2 198. That is a significant increase just for one month alone. As Minister for Police for a long time, I know that we cannot compare different periods of the year because there can be variations in crime because of weather, seasonal factors, holidays and assorted things. However, we can compare July to July and August to August figures, to see a disturbing trend. And the trends for car theft, other forms of robbery and assorted other crimes are similarly disturbing.

I want briefly to focus on the nature of the crimes we are currently experiencing, and all that I will refer to are from very recent days indeed. I was appalled when just a few days ago I heard about the 89-year-old Dianella man resident in a nursing home. To quote an article from *The Sunday Times* —

> A GENTLE grandfather who spent his days playing violin in his retirement village home is WA's latest elderly bashing victim—clinging to life … after a frenzied attack.
>
> Dianella man Sidney Brady, 89, a retired hospital orderly, suffered serious head injuries when he was repeatedly beaten over the head with a weapon believed to be dumbbell during a home invasion early yesterday.

That comes after a number of other disturbing crimes committed against the elderly. I will draw the house's attention to a few more examples: Bee Chan Mong, 68, and her husband, Kah Lok Hor, 73—bashed by three men in their Maylands home. In March, Mario Pesce, 74, and his 70-year-old wife, Tina, were brutally bashed in their Wanneroo Road home. The Pesce's were held at knifepoint and beaten by two armed intruders. In May this year, disabled pensioner, Kelvin McCagh, feared for his life after being assaulted and robbed during his morning walk in Armadale. Also in May, a 73-year-old pensioner was bashed and robbed of his weekly living money outside a Bassendean bank. In August 2009, great-great grandma, Grace Dingle, 92—92 years of age!—was bashed and robbed in her Burswood home. They are just a handful—recently highlighted in the media—of the aged victims who have been senselessly and violently attacked. An editorial in *The Sunday Times* was headed "Senseless attacks must stop". Of course they must stop. But I ask: what are this minister and this government doing to stop those attacks?

Let us look at some younger people. What about a 51-year-old woman in a wheelchair? From an article in *The West Australian* dated Tuesday, 18 October —

> A 51-year-old woman in a wheelchair who has a brittle bone disorder was robbed by four men yesterday when she stopped to have a pie for lunch in a Yokine park.
>
> Debbie Patten said the four men were initially friendly, but a simple exchange with one quickly escalated into a terrifying attack and robbery at Reader Reserve, on Hector Street near Flinders Street, shortly before 1.30pm.

At 1.30 in the afternoon in the suburbs, a 51-year-old woman in a wheelchair was attacked! Perhaps the government might look at Debbie, sitting in her wheelchair, and tell us what it is doing to protect women like her.

Last night, I heard on the news that a young girl, a 15-year-old girl, was raped in Mt Claremont on Sunday night. Again, highlighted on page 7 of *The West Australian* —

> Police are investigating reports a sex predator attacked a teenage girl in Mt Claremont on Sunday night.
>
> The 15-year-old was jogging on a bush track near Stephenson Avenue just before 6pm —

That is six o'clock on a Sunday night—not after midnight in Northbridge, but 6.00 pm in Mt Claremont on a Sunday night —

> when a man reportedly jumped out from bushes and grabbed her. She told police the attacker dragged her into bushes and raped her.

I also want to highlight another case, Mr Speaker, because when in opposition the now police minister would say that he would be tough on paedophiles. On 5 October, I was appalled to read a story by Gabrielle Knowles in *The West Australian* headed "Paedophile to face closer … scrutiny", and to learn from the article that —

> Police will review the living arrangements of convicted child molester Gilbert John Hardwick amid concerns about paedophiles living near schools.
>
> Hardwick's case has made headlines in recent weeks after it was revealed the 62-year-old was running an investigative website and living near two schools and a childcare centre.

> He was jailed for 16 months in 2006 for molesting an eight-year-old boy and possessing child pornography, which he claimed he had gathered as part of his research.

And there is a comment from the Commissioner of Police. And in the three years of this government, what has happened to all the tough talk? What is the government's response? According to the article —

> Mr Johnson said he hoped to introduce legislation before the end of the year.

While in opposition, members opposite said that they would bring in tough paedophile laws and that paedophiles would not be able to live near schools, and three years later, we hear this minister say, "Well, I hope you might see some legislation before the end of the year." If any children, living nearby in fear, are attacked by that paedophile or another paedophile who this minister is allowing to live near schools and is not doing anything about, the minister may perhaps have a little on his conscience.

Mr C.J. Barnett interjected.

Mrs M.H. ROBERTS: The minister may have his hypocrisy on his conscience. He said for years sitting in opposition that he would be tough on paedophiles, but in reality he has done nothing. As the Leader of the Opposition has already said, we have seen no leadership from this minister. We have, however, seen, nearly every week, several clan labs explode, and paedophiles living near schools, the elderly bashed, and instances of rape and vicious assaults on a whole range of people in the community. The minister simply does not have what it takes to draw together the whole law and order debate to present a comprehensive response on behalf of government.

MR F.M. LOGAN (Cockburn) [3.26 pm]: I also rise to contribute to this debate and to support the motion before the house today. I will continue from where my colleagues have left off about the response from the Minister for Police to this crisis of young people facing Western Australia.

When interviewed on radio the other day, the Commissioner of Police referred to the types of offences primarily committed by young people—particularly in the southern and south eastern suburbs—as burglary, theft from the person and theft from homes, and property damage. The member for Midland referred to a comparison of figures for the months of July and August this year and July and August last year. Those very offences the police commissioner referred to have increased in number. In July 2010, 1 844 dwellings were burgled and this year 2 062 were burgled. In July 2010, 5 041 thefts—including theft against a person—were committed, compared with 6 129 in July 2011. In July 2010, 2 850 properties were damaged and 3 051 in July 2011. Similarly, in August 2010, 1 807 burglaries were committed and 2 198 in August 2011; theft, 5 142 last August and 6 272 this August; and property damage—2 902 last August and 3 128 this August.

The minister says, "It is just a spike!" That spike is starting to become pretty consistent, minister, which is the point the police commissioner was making. These were the very offences that he referred to as those primarily committed by young people. Since making those comments, there has obviously been significant debate in the media—not in this house, obviously, because we have not been sitting. However, the debate in the media has been about the response to those offences and the behaviour of young people. As the minister knows, he has come under extensive criticism about his failure so far to respond to the spike in those types of offences and offences—

Mr R.F. Johnson: Criticisms by you; not by anybody else!

Mr F.M. LOGAN: No, across the board. Obviously everyone is wrong bar the minister. Everyone who rings up talkback radio, all the commentators out there, and everyone in society is wrong, bar the minister. That is where the criticism has been coming from, minister. In terms of responding to that criticism, what can we do? One of the issues that has been raised by the Leader of the Opposition, and that has been raised on numerous occasions in the media, is the government's unwillingness to use the provisions of the Parental Support and Responsibility Act 2008.

Mr C.J. Barnett: Did you use it in government?

Mr E.S. Ripper: You refused to pass it! You didn't pass it until 2009!

Mr C.J. Barnett: What rubbish! It has never been used!

The SPEAKER: Members! Premier!

Mr E.S. Ripper: You and the Greens opposed it!

The SPEAKER: Members!

Mrs M.H. Roberts interjected.

The SPEAKER: Member for Midland! There is only one person who has the call. The member for Midland has had her say. I am going to give the call back to the member for Cockburn.

Mr F.M. LOGAN: If the Leader of the Opposition stops interjecting, maybe I can get on with it! Thank you, Mr Speaker. I might have to take that job up there!

One of the biggest objectors to that legislation was the Minister for Police. The minister was one of the people who opposed that bill when it was brought into the house and spoke against it vehemently. The Premier said that those orders have not been used. When that bill was passed, we did not even have enough time to use those orders. This government has been in office for three years. It has had plenty of opportunity to use these orders, and it has failed to do so. What do these orders require the government to do? One of the objects of that act is to support and reinforce the role and responsibility of parents to exercise appropriate control over the behaviour of their children. Minister McSweeney is quoted on WAtoday as saying the government "could always do better". But she also blamed parents. She said —

> "Parents need to be responsible. Governments can help but they can't do it all, the parents need to know how to parent," …

The Parental Support and Responsibility Act 2008—which the government has failed to use—sets out clearly how we can help the very parents that the police commissioner is referring to, and the very parents that Hon Robyn McSweeney is blaming. It is all set out in the act. One of the criticisms in the media about not only the minister's personal incapacity to act, but also the government's incapacity to act, is the fact that the departments cannot work together. It is set out in the act—it is required by law—that the departments must work together. Therefore, all of the powers that the government has, all of the powers that the Minister for Police has, and all of the powers that Minister McSweeney has, are available to be used. However, they are not being used. That is the reason we have put this motion before the house today—to criticise this government for failing to use legislation that can actually resolve these problems.

MR R.F. JOHNSON (Hillarys — Minister for Police) [3.34 pm]: Is it not marvellous! We had seven and a half years of a dreadful Labor government that did nothing to reduce crime! We had some of the most horrific crimes occur under that government. Dante Arthurs is a classic case that occurred under the Labor government. We had an increase in crime. I will quote some of the statistics —

Ms M.M. Quirk interjected.

Mr R.F. JOHNSON: The member for Girrawheen was not here at question time, so she would not appreciate these statistics. For the period 1 July to 31 May, between 2001–02 and 2007–08—that is, during the years of the Labor government—the average number of reported offences was 195 012. For the same period, in 2009–10, under this government, the average number of reported offences was 163 613, and in 2010–11, the average number of reported offences was 168 994. That is an average of about 30 000 —

Several members interjected.

Mr R.F. JOHNSON: The member for Midland does not like the truth! She hates the truth! That is a fact. We won government in 1993 because of what the former Labor government had failed to do. The member for Midland was not a part of that government; she was a newcomer. But the Leader of the Opposition was a part of that government. He was the Minister for Community Development at that time, so he will remember the forum that Howard Sattler held outside this Parliament, to which about 20 000 or 30 000 people turned up because they were appalled by the lack of action by that previous Labor government. When I say "previous Labor government", I mean by the Leader of the Opposition's colleagues who have now gone.

Mr E.S. Ripper: You're going back 20 years!

Mr R.F. JOHNSON: The Leader of the Opposition knows, because he was a part of that government; he was a minister in that government.

Ms M.M. Quirk: What have you done in your three years, minister?

Mr R.F. JOHNSON: What did the member for Girrawheen do in her term? Do not let me come back to her!

The SPEAKER: Member for Girrawheen, it is good to see you here. It is good to hear your voice. Members, we are in the middle of a matter of public interest. I would like to hear from all members, not in total silence, but in relative silence.

Mr R.F. JOHNSON: Thank you, Mr Speaker. The trouble is that the opposition does not like statistics when they show the true fact that crime has decreased under this government compared to when members opposite

were in government. Members opposite were in government for seven and a half years, and they really did not do anything. That was the trouble. Members opposite can work out the statistics for themselves.

Mr E.S. Ripper: Is that all offences or reported offences?

Mr R.F. JOHNSON: It is reported offences; okay? I said that it is reported offences.

Ms J.M. Freeman interjected.

Mr R.F. JOHNSON: Oh, keep quiet, please! I am not going to stand here and take interjections from each and every one of you! I kept pretty quiet when the member for Cockburn was on his feet because I was really interested in what he had to say.

Mr P. Papalia interjected.

The SPEAKER: Member for Warnbro!

Mr R.F. JOHNSON: For goodness sake! It is the wonder boy here! He will never make it into a ministry, I can tell you—ever!

Let me give members some more statistics. The reported rate of crime actually decreased by 12.7 per cent in 2009–10 compared with the previous year. That is the sort of decrease that we saw. We have seen a spike in this last year from the previous year. The previous year was a very low year. That was because the prolific and priority offenders —

Ms M.M. Quirk: Which we introduced!

Mr R.F. JOHNSON: No, you did not! You did nothing! Under that program, a lot of offenders, particularly young offenders, who were apprehended spent some time inside, and while they were inside, the crime rate dropped. That is what happened in 2009–10. The crime rate dropped dramatically. That was very important. Unfortunately, these young criminals, when they come out of jail, if they are hardened young criminals, will simply revert to a life of crime and to doing burglaries and to breaking into and stealing motor vehicles. That is what has happened.

Mr E.S. Ripper: So what is the answer?

Mr R.F. JOHNSON: The programs that we have put in place are addressing some of it. Let me just share something with members —

Mr P. Papalia: Which ones? Name them!

Mr R.F. JOHNSON: Oh, ask him to keep quiet!

The SPEAKER: Member for Warnbro!

Mr R.F. JOHNSON: Just for the member's information, I will give him some hot news. I actually established the Crime Prevention Council a few months ago now.

Several members interjected.

Mr R.F. JOHNSON: I did that because, quite frankly, the council needed to fill the void left by the demise of the Human Services Directors General Group in 2006. Do members opposite remember that? That was under the former Labor government. What also happened is that before Labor came into government in 2002, we had the SaferWA committee and structure. That actually did reduce crime. But anything that worked well under the Liberals and the Nationals, members opposite abolished, because they could not take it. They abolished the SaferWA committee in 2002. They also brought about the demise of the Human Services Directors General Group.

Mr E.S. Ripper: Do you support the motion?

Mr R.F. JOHNSON: Why would I support the Leader of the Opposition's stupid motion?

Mr E.S. Ripper: Because it supports the police commissioner.

Mr R.F. JOHNSON: The Office of Crime Prevention was doing some good, but it was not doing as good as I thought it should be doing. I therefore moved it under WA Police and I established the Crime Prevention Council, which is made up —

Several members interjected.

Mr R.F. JOHNSON: Listen; members will love this.

Mr P. Papalia: All over it.

Mr R.F. JOHNSON: Absolutely, more than the member for Warnbro will ever be. The Crime Prevention Council is made up of—apart from me as chair—directors general of all those relevant agencies.

Mr P. Papalia: Which ones?

Mr R.F. JOHNSON: Which ones? I will tell —

Mr P. Papalia: Without looking at the paper; name them.

Mr R.F. JOHNSON: There is Police, Health, Indigenous Affairs, Corrective Services, liquor licensing, Education and the Department of the Attorney General.

Mr P. Papalia interjected.

Mr R.F. JOHNSON: The member for Warnbro is upset because I remembered them, okay! He is really upset, is he not?

Mr E.S. Ripper: Any meetings other than the Christmas party?

Mr R.F. JOHNSON: No, no, not at all. They have met about four times so far. It has only been set up —

Several members interjected.

The SPEAKER: Member for Victoria Park! Leader of the Opposition, I presumed that you moved this MPI with some seriousness, and I am still presuming that. I hope that all members in this place, if they rise to their feet, have an opportunity to make their points. Some members have already done that. I am expecting that the Minister for Police will have some contributions to make to this particular MPI. But the way that some members continue to interject is not enabling this particular MPI to be conducted in the way I think the Leader of the Opposition would have liked. Members, I am going to ask for far less interjecting and give the call back to the Minister for Police.

Mr R.F. JOHNSON: Thank you, Mr Speaker. The trouble with the opposition is that they treat this whole thing as a joke and they should not. Let me just tell members what the council is looking at. I am giving them some advance information about an announcement we were going to make anyway. The five key priority areas have been designed to guide crime prevention initiatives by all those government agencies—all of them. They will all have input—local government, not just state government; non-government organisations; and indeed, of course, the community. They will include early intervention initiatives to improve the wellbeing of children and families; youth justice and reducing reoffending, something we want to take very seriously; preventing and responding to antisocial behaviour; addressing and reducing drug and alcohol–related crime; and targeting priority offences. The whole purpose of the council is to put those initiatives in place. We can see quite clearly that there has been a little spike in the number of offences, particularly those involving juveniles. We have recently seen some nasty, vicious and violent attacks by children against adults. We have seen sexual assaults by children against adult women—things we would never have dreamed in the past that we would see. Those are things we have seen recently, so we need to address them. We need to not only address catching these people, in this case the juveniles who are committing these crimes, but also do the best we can to try to divert them away from that sort of life of crime.

The Parental Support and Responsibility Act was introduced by the Labor government, although it did not actually proclaim it, but it has never been used. Quite frankly, I think the problem that some people had at the time —

Mr M. McGowan: When did it get assent?

Mr R.F. JOHNSON: We did it.

Mr M. McGowan: We brought it in and it has never been used.

Mr R.F. JOHNSON: No, no; your government brought it in. It was left to us to proclaim, as far as I understand it.

Mr M. McGowan: Okay, so there might have been some regulations or whatever to be drafted, but you still proclaimed it. It is a furphy of an argument.

Mr R.F. JOHNSON: The point is it was your legislation.

Mr M. McGowan: You stopped it from going into the upper house.

Mr R.F. JOHNSON: No, no, we did not. Do not be stupid.

Mrs M.H. Roberts: You delayed it for years.

Mr R.F. JOHNSON: No, we did not.

Mr C.J. Barnett: It was introduced in 2005 and has never been used.

Mr R.F. JOHNSON: Exactly. That is when it was first introduced.

Mr C.J. Barnett: It's never been used; no commitment.

Mr R.F. JOHNSON: The problem we have though is that —

Mrs M.H. Roberts interjected.

The SPEAKER: Members!

Mr R.F. JOHNSON: I listened to some of the talkback this morning and I heard comments by some of the parents. There is no question that there are difficulties. How can we make responsible a parent or parents who are drugged or drunk with alcohol to the extent they cannot control, let alone care for, their children? We cannot. They cannot be responsible for themselves, let alone for their children. That is where we have this enormous problem and where, in my view, we need specific facilities. I am probably creeping into someone else's area here, which I should not do.

We need that particular area for people to be able to move into so that the situation of those children who cannot find safety and care at home can be addressed in other ways.

MR C.C. PORTER (Bateman — Attorney General) [3.44 pm]: The shadow Attorney General was sitting on my notes!

I missed the member for Warnbro's speech in this debate. A quote he has used on a number of occasions, which I think is a very interesting one to start with, reads —

> There is a public perception that crime is like a tidal wave sweeping over our community which is not being adequately addressed by our courts, who respond insipidly, giving offenders a hug and a kiss, and a pat on the head and sending them on their way. Neither of those things are true.

I think the member for Warnbro has used that quote from the Chief Justice before. The point he is trying to make is that there is a bit of a gulf here between public perception and reality. I think there are reasons for the existence of that gulf. I also agree to the extent that that gulf in perception exists. One of the points that a lot of criminologists make is that modern governments of both political stripes, from about mid to late 1970s on, have had some considerable success in decreasing rates of overall reported crime. In answer to the member for Girrawheen's question, the data that we generally use here, which the Leader of the Opposition used today and which we use often, is not each and every single offence category. The police have an agreed upon measure that washes out some offence categories that are so volatile that they tell us very little about overall rates of crime. Now, for instance, with commercial frauds, there might be 400 000 transactions that are listed as individual offences. They are washed out of that data. The point is that the same data which the Leader of the Opposition used and which we use compares apples with apples, and it takes into account the major crime categories and looks at reports of crime rather than charged crime. Charged crime is another measure that can be used.

Mr E.S. Ripper: When you compare the Labor record with the Liberal record, do you wash out the commercial frauds from the Labor stuff as well?

Mr C.C. PORTER: Yes. We are comparing apples with apples. The graph I tabled in Parliament just a couple of weeks ago shows that the Labor government actually had some success in decreasing crime. But members opposite will also notice that the measuring of crime growth is very, very lumpy and, indeed, crime changes from season to season. Global financial crises change crime rates. I have shown these graphs to friends who are stockbrokers—I do not have many, thankfully, but I have a few—and they say that this demonstrates the same sorts of movements that stock market graphs demonstrate; that is, changes are very lumpy but they show overall trend rates. The Labor government's overall trend rate was quite good. I think the point the Minister for Police made is that our overall trend rate is somewhat better. However, both sides of government have had considerable success in decreasing overall rates of reported crime, which is a pretty good measure, although not completely perfect.

Mr P. Papalia: You claimed victory last year.

Mr C.C. PORTER: We did have a very significant victory last year. The reason the Leader of the Opposition is able to cite year-on-year increases is that, as far as we can gather, the single biggest ever dip in crime on this measure that we can find in this state occurred, in effect, in the first year of this government. The increase from 2010 to 2011 is coming off the lowest base ever. But, as things presently stand, whether we measure it on an average basis for a set period, as the Premier did this morning, or whether we measure it according to where things finished when the Labor Party was in government or where they are right now when we are in

government, the rate of crime is still going down, and it has been going down under this government faster than it has gone down under previous governments.

Mr E.S. Ripper: What about the nature of crimes that are being committed?

Mr C.C. PORTER: I will get to that in a moment. I think the Chief Justice makes a statement like that because very few people, I gather from my committee forums and going out, would accept what is a statistical fact; that is, on the best measure available of total overall reported crime, the Labor government brought it down and our government has been bringing it down. But, if we like, based on that fairly effective measure, things are progressively getting better in terms of overall reported crime, coming from a peak that in most western democracies occurred in the late 1970s or early 1980s. Therefore, things are getting better. Generally speaking, I think many people find that difficult to conceive, certainly if we listen to callers to talkback radio. However, I think the reason, and maybe the member for Warnbro agrees with me, that the Chief Justice makes statements like the one he made is that it is unhelpful in having a sensible debate to try to tell people that things are much, much worse than they were three or five or 10 years ago, because as a matter of statistical fact that is not true. The member for Warnbro has said —

> For generations, politicians in Western Australia from both ends of the political spectrum have engaged in a juvenile debate about who is toughest. Invariably it involves paunchy greying late-middle-aged men jumping in front of the media, beating their chests and telling us all how tough they are.

All we have now is another one joining the fray, if I might be respectful to the Leader of the Opposition! The problem here is —

Mr E.S. Ripper: That's not what I called for. I called for coordinated government action to support the Commissioner of Police's plan; that's what we've called for.

Mr C.C. PORTER: But the Leader of the Opposition is doing that in the context of this political device. He is going out there to try to convince the general public that we are in a state of crisis and that things are terrible. When the member for Midland gets up and reads off examples of heinous individual experiences, it is an unhelpful way in which to frame the debate —

Mrs M.H. Roberts: Sorry about that!

Mr C.C. PORTER: The member can look over all my public statements and see that one thing I have not done is to try to pretend that things are worse than they actually are. I have given the former Labor government credit for decreasing crime rates. I am quite happy to advertise that our decrease has been somewhat steeper than that of the former government; nevertheless, both governments have had some success. It is true to say that inside that overall total reported crime measure there have been certain categories of offending that have been very difficult to move downwards: they have been assaults, and particularly violent offences and robbery. Even under the successes that the previous government had in getting the overall crime rate down, crimes of assault was the one sticky area of crime that was very, very difficult to get down. That includes simple assaults, assaults of violence and robberies involving violence. Offences against a person have largely been the category of crime that has been hardest to shift downwards. The former Labor government had some success; we have had slightly better success in that area. I think the reasons people have something of a perception that things are getting worse is that, first of all, they are looking at a period of comparison that is not 10 or 15 or 20 years; they are comparing things to rather more distant memories than that. The second reason is that the types of offence categories that both sides of politics have not been able to decrease as fast as they would like are precisely the types of offence categories that have the most immediate impact on people and their physical safety. Therefore, the types of categories inside overall decreases over the last 15 or 20 years have been the types of offences that frighten people the most. Assaults and robberies with violence have been a very difficult area to get down. But the fact is that there has been significant decrease in crime, measured on this one measure, from 2001 to the present date. I do not dispute the measures that the Leader of the Opposition was using today, but they compare the lowest ever base of total overall reported crime, which occurred in 2009, to a spike that has occurred after that. However, the trend is still significantly downwards. The fact is that with the overall trend, we have had some very significant success in this area.

Mr E.S. Ripper: You'd hope the trend would continue downwards, because that spike might mean a reversal of the trend.

Mr C.C. PORTER: That is not impossible and this is a very difficult area, because Western Australia, compared to all the other jurisdictions in Australia, is experiencing probably the greatest population growth by some significant amount, and there are a range of pressures in this jurisdiction that accord with fly in, fly out status and the type of labour force we have, which mean that this jurisdiction is probably more prone to offending, and to a growth in offending, than any other jurisdiction in Australia. In fact, on that basis, we might

think that it would actually be something of a solid achievement if crime rates were just sustained as the population grew. But governments of both sides have managed some significant success in reducing crime. Much more can be done, and tackling that area of assaults against the person and personal violence is clearly a big area of change.

Mr F.M. Logan: But tell me, how do you explain, though, why there hasn't been the use of those parental responsibility orders?

Mr C.C. PORTER: I will come onto that. I was not around for the history of that legislation. I got information from the Commissioner of Police about what he was intending to do. I would say that it is nothing new; it is an extension of the prolific and priority offender program that was largely borrowed from the United Kingdom by the Labor government and by this government. It was extended very significantly by this government and this is a further extension of that program. I have spoken to Hon Robyn McSweeney. In 2010–11, 835 families received a parent support service and 109 families engaged in restorative parenting agreements. It is correct to say that there have been no applications for parenting orders. The way that the system works under the Parental Support and Responsibility Act is that there is engaging with the family; there is an agreement by which service is delivered to the family; and, if that fails, there will be orders. I listened to what the Leader of the Opposition had to say; he went to some lengths to list the things that could be done with a parenting order—X, Y and Z. I do not dispute any of those things.

Mr E.S. RIPPER: I've read the act!

Mr C.C. PORTER: In this act, though, to go through the process of getting a parenting order, the bar is set very, very high indeed. I gather, from speaking with Hon Robyn McSweeney, that a view has emerged inside the agencies that these orders are extremely difficult, if not impossible, to get. Section 19 of the act states —

> (1) The Court must not make a responsible parenting order unless … —
>
> (a) making the order is in the best interests of the child;
>
> (b) the parent has refused to enter into a responsible parenting agreement in respect of the child or the parent has not made a reasonable attempt to comply with a responsible parenting agreement in respect of the child;

Therefore, a person must have already failed at the level of agreement before the agencies can even apply for one of these orders —

> (c) no protection order under the *Children and Community Services Act 2004* is in force …
>
> (d) no … proceedings under the *Children and Community Services Act 2004* are pending …

The parent must understand all the effects of the order —

> (f) making the order is desirable in the interests of —
>
> (i) preventing the child repeating the behaviour that gave rise to the application for the order;
>
> (ii) preventing the child committing an offence; or
>
> (iii) ensuring the child attends school.
>
> (2) In deciding whether to make a responsible parenting order and the content of it, the Court must take into account —
>
> …
>
> (b) if relevant — the income of the child's family, the extent to which that income is derived from income support and any restrictions on the use, or reduction or suspension, of that income under a law of the State or the Commonwealth;
>
> (c) … mental, medical or psychological condition of the child or of a parent of the child;
>
> (d) the extent to which the parent has made efforts to manage the behaviour of the child;
>
> (e) whether or not the parent has unreasonably refused to enter into a responsible parenting agreement …

Therefore, it is not even that these orders are likely to flow if a parent has refused a responsible parenting agreement; they must have unreasonably refused such an agreement.

Mr E.S. Ripper: Attorney General, I think some officers in relevant government agencies just don't like this legislation and don't want to use it, and need government leadership to apply it.

Mr C.C. PORTER: I do not necessarily disagree that there may be inside the department some reticence to the legislation, because in the history of this matter there was the Standing Committee on Legislation—which was a bipartisan committee—report on this matter, "Parental Support and Responsibility Bill 2005". That committee report determined —

> … in the majority of cases this support did not extend to responsible parenting orders.

That report was discussing not merely agencies, but all the stakeholder groups that we would rely on to get one of these orders up. I put to the Leader of the Opposition that I think he fairly identified a problem and that Hon Robyn McSweeney knows what the problem is. The problem is twofold: there is a lack of enthusiasm to take this extra step to force parents to do things that we think otherwise they should be doing, on the part of both the agencies, to an extent, and, certainly, all the stakeholders in the industry we have seen, based on this report. And, the legislation itself, if I might respectfully say, is very cumbersome and overly cautious. The point, I think, that Hon Robyn McSweeney is trying to make with parenting and the state's diving into parenting—which this government agrees must occur, and this government, to be fair, has used a considerable amount of royalties for regions money in this area, including $27.9 million that is targeted specifically at the areas where parenting is worst—is that we can go so far with assistance and so far with agreement, but a point is obviously going to be reached at which, if a parent or parents are not taking responsibility for the child, the state has to somehow subsume that responsibility. In my assessment of this debate today and the member's comments, having spoken with Hon Robyn McSweeney, and not being an expert, I say on this act that the cautious high hurdle that we have set here for parenting orders in the context of a lack of enthusiasm of stakeholders —

Mr C.J. Barnett interjected.

Mr C.C. PORTER: Yes, that is right. As the Premier points out, in a very loyal fashion, the child has to actually have been guilty of an offence —

Mr F.M. Logan interjected.

Mr C.C. PORTER: I think it is both on my reading of the legislation. Section 18 states —

> The Court must not make a responsible parenting order unless satisfied that —
>
> (a) the child has been found guilty of an offence;

And it has to be a certain type of offence—that is, one likely to cause harassment, intimidation, alarm or fear.

Mr F.M. Logan: If the government wanted to amend this legislation, you might find a receptive approach from the opposition.

Mr C.C. PORTER: That is the point I would like to reach here. Having spoken to Hon Robyn McSweeney about this legislation, I know that she is frustrated with it. It appears that there are difficulties in applying it.

Mr F.M. Logan interjected.

Mr C.C. PORTER: I know that that is the case, although I do not know whether or not one has ever been contemplated. It seems to me, in viewing this legislation, that there is some degree of view that a parenting order should be somewhat easier to get. Just consider it in the context of what the Commissioner of Police is trying to do. He is going out on the street and scooping up children—so he has the ability to do that—who have not yet committed an offence but who have some recorded criminal history, I presume, and are putting themselves in harm's way. He is taking them to a state-run facility to get them out of the danger zone in which their offending occurs. Unless the commissioner is actually catching someone in the act of committing an offence, these children who he is trying to reach or protect—or protect the public from in the circumstances that he has identified—will not be able to be the subject of these orders in any event, because they are not actually committing an offence.

Mr F.M. Logan: If the Attorney reads the interim orders, he will find that that is the case.

Mr C.C. PORTER: I will study it in as much detail as I can. The point is this: our government and the former government have spent a lot of money, and our government is spending a lot of money, on parenting services. In respect of that intensive supervision program that the member for Midland mentioned, the one thing that we could not do with that $20 million worth of expenditure was actually get parents involved to the extent that it was making any difference. That was to be done on a voluntary basis, and we simply could not do that. I have probably spoken for too long. That is something that the Minister for Corrective Services may raise.

MR D.T. REDMAN (Blackwood–Stirling — Minister for Corrective Services) [4.02 pm]: I do not have a lot of time to make comments, so I probably will not go over some of the material I would have liked to have gone

over, but I will get to the sharp point of some issues. For the information of the house and the community, as of yesterday we had 179 juveniles in both Rangeview Remand Centre and Banksia Hill Detention Centre. On the community side, we had 826 on community-based orders. That just gives members an idea of the level of engagement from the Department of Corrective Services in this space. One of the best injections of influence from government is around prevention and diversionary strategies for our youth. The issues are certainly complex. I have gone around the state and spoken to all the officers who are engaged on this front in prevention and diversionary strategies, and the issues that sit behind that are huge.

I will make a couple of comments. The first is around the recent rollout of regional youth justice services in the Kimberley and the Pilbara. We all are very well aware that a high proportion of people in juvenile detention and on community-based orders for juveniles are Indigenous. The focus needs to be on the culturally sensitive nature of that. The regional youth justice program has $44 million rolling out in the Kimberley and the Pilbara on the back of very successful programs in the Mid West and Goldfields. In the East Kimberley component, there is a one-to-two intervention—that is, one community corrections officer for every two juveniles who have been supported to try to divert them away from the justice system. It is a huge effort.

I am going to have to leave it there.

Amendment to Motion

Mr D.T. REDMAN: I move —

> To delete all words after "house" and insert —
>
> supports the government's policies to combat crime in Western Australia.

MS R. SAFFIOTI (West Swan) [4.04 pm]: The key question is: what are the policies to combat crime in Western Australia and who is driving them? Today we heard from the Minister for Police who said that he is not responsible for fighting crime; he is just responsible for talking about fighting crime. We saw this in respect of bushfire management. The minister is not actually responsible for bushfire management; he is responsible for talking about it. Again, today we have seen no clear strategy from this government. As a result, the police commissioner has gone out and introduced his own initiative to combat crime.

I want to talk about a couple of things today. We heard the Premier and the Minister for Police speak about parental responsibility orders. Both said that we had not introduced any. The Premier and the Minister for Police did not recognise that the orders only came into effect in March 2009. This government has had the opportunity to do that. If the legislation is not up to scratch, the government has had two and a half years to move those amendments. It is a key bit of legislation. The Minister for Child Protection said the act is a part of the government's commitment to ensuring that Western Australian children and young people have the opportunity to reach their full potential. The government endorsed this legislation, and now it is saying it is not good enough. The Attorney General spoke about why it is not good enough. The government has had two and a half years to make those amendments.

I want to talk about the intensive supervision program. This was a program about targeting juveniles who had the capacity to become serious and repeat offenders. It was introduced in 2004 and it was successful. In 2007 it won a national crime award. What happened last year? The then Minister for Corrective Services abolished it. Let us talk about this program. This program was about looking at the hard-core offenders and making sure the government worked as a team to address the issues. It was not about picking up offenders one day, dropping them somewhere and then picking them up a few days later when they reoffended. It was a successful program. This government abolished it. They did it on the basis that the minister at the time said he actually could not find enough people to spend it on. He believed that there were not enough people out there to support this program.

The minister said the program was not successful, but a 2009 review said it was successful. The 2009 review, which the member for Warnbro obtained through FOI, said —

> There is general agreement among those consulted in the course of this evaluation that ISP fills an important need in terms of family/systemic intervention in cases where the young person is at high risk of a criminal career — i.e. those who have already offended seriously or those who are just beginning to offend but there is good reason to believe that without intensive intervention they will go on to become serious and repeat offenders.

This was an independent review that recommended that this program continue, and last year the government abolished it.

Now the Commissioner of Police is trying to reinvent what I think is an intensive supervision program but solely through his agency. What is needed is a whole-of-government approach, and what needs to be tackled is not only the offender but the family life from which they are coming, because we know that if all the issues are not

tackled, they will be reoffending. This is a government that cut that program and is now absolutely rudderless when it comes to tackling juvenile crime.

Mr C.C. Porter interjected.

Ms R. SAFFIOTI: The Attorney General completely misled this place and the public regarding the success of the program. The independent review report contradicts what he said.

Amendment (deletion of words) put and a division taken with the following result —

Ayes (29)

Mr P. Abetz	Mr V.A. Catania	Mr R.F. Johnson	Mr D.T. Redman
Mr F.A. Alban	Dr E. Constable	Mr A. Krsticevic	Mr M.W. Sutherland
Mr C.J. Barnett	Mr M.J. Cowper	Mr J.E. McGrath	Mr T.K. Waldron
Mr I.C. Blayney	Mr J.H.D. Day	Mr W.R. Marmion	Dr J.M. Woollard
Mr J.J.M. Bowler	Mr J.M. Francis	Mr P.T. Miles	Mr A.J. Simpson *(Teller)*
Mr T.R. Buswell	Mr B.J. Grylls	Ms A.R. Mitchell	
Ms A.S. Carles	Dr K.D. Hames	Dr M.D. Nahan	
Mr G.M. Castrilli	Dr G.G. Jacobs	Mr C.C. Porter	

Noes (23)

Ms L.L. Baker	Mr J.C. Kobelke	Ms M.M. Quirk	Mr P.C. Tinley
Dr A.D. Buti	Mr F.M. Logan	Mr E.S. Ripper	Mr P.B. Watson
Mr R.H. Cook	Mr M. McGowan	Mrs M.H. Roberts	Mr M.P. Whitely
Ms J.M. Freeman	Mr A.P. O'Gorman	Ms R. Saffioti	Mr B.S. Wyatt
Mr J.N. Hyde	Mr P. Papalia	Mr T.G. Stephens	Mr D.A. Templeman *(Teller)*
Mr W.J. Johnston	Mr J.R. Quigley	Mr C.J. Tallentire	

Pairs

Mrs L.M. Harvey	Mr M.P. Murray
Mr A.P. Jacob	Mr A.J. Waddell
Mr I.M. Britza	Mrs C.A. Martin

Amendment thus passed.

Amendment (insertion of words) put and a division taken with the following result —

Ayes (29)

Mr P. Abetz	Mr V.A. Catania	Mr R.F. Johnson	Mr D.T. Redman
Mr F.A. Alban	Dr E. Constable	Mr A. Krsticevic	Mr M.W. Sutherland
Mr C.J. Barnett	Mr M.J. Cowper	Mr J.E. McGrath	Mr T.K. Waldron
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Mr W.J. Johnston	Mr J.R. Quigley	Mr C.J. Tallentire	

Pairs

Mrs L.M. Harvey	Mr M.P. Murray
Mr A.P. Jacob	Mr A.J. Waddell
Mr I.M. Britza	Mrs C.A. Martin

Amendment thus passed.

Motion, as Amended

Question put and a division taken with the following result —

Ayes (29)

Mr P. Abetz	Mr V.A. Catania	Mr R.F. Johnson	Mr D.T. Redman
Mr F.A. Alban	Dr E. Constable	Mr A. Krsticevic	Mr M.W. Sutherland
Mr C.J. Barnett	Mr M.J. Cowper	Mr J.E. McGrath	Mr T.K. Waldron
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Mr W.J. Johnston	Mr J.R. Quigley	Mr C.J. Tallentire	

Pairs

Mrs L.M. Harvey	Mr M.P. Murray
Mr A.P. Jacob	Mr A.J. Waddell
Mr I.M. Britza	Mrs C.A. Martin

Question thus passed.